



Power Sharing 4.1 – General Statements

	CPA Protocol	Interim National Constitution	Blue Nile Interim Constitution	Southern Kordofan Interim Constitution
ol	Part C: Structures of Government	24. Levels of Government	1. Nature of	1. Nature of the State
toc	3.1.1 The National Constitution of the Sudan shall be the Supreme Law of the land. This	The Sudan is a decentralized State, with	the State	1. Southern Kordofan State is a
r 0]	constitution shall regulate the relations and allocate the powers and functions between	the following levels of government: -	Blue Nile	state of the Republic of Sudan in
S P	the different levels of government as well as prescribe the wealth sharing arrangements	(a) The national level of government,	State is a	which self-rule is practiced in the
ko	between the same	which shall exercise authority with a view	state of the	framework of decentralized
Machakos Protocol	RESOLVED to usher in an era of responsible, just, transparent, people-led and integrity based	to protecting the national sovereignty and	Republic of	government as stipulated in the
Iac	governance;	territorial integrity of the Sudan and	Sudan in	Interim Constitution of 2005 of
	CONVINCED that decentralization and empowerment of all levels of government are cardinal	promoting the welfare of its people,	which self-	the Republic of Sudan and this
	principles of effective and fair administration of the country;	(b) Southern Sudan level of government,	rule is	Constitution.
	COGNIZANT of the fact that the smooth and successful implementation of this agreement	which shall exercise authority in respect	practiced in	
	shall, to a large measure, hinge on rallying the majority of the Sudanese people behind it; and	of the people and states in Southern	the	3. Levels of Governance in the
	CONVINCED that the successful implementation of this agreement shall provide a model for	Sudan,	framework of	State
	good governance in Sudan that shall help to create a solid basis to make unity of the country	(c) The state level of government, which	decentralized	C : 41 G4 4 1 111
	attractive and preserve peace.	shall exercise authority at the state level	government	Governance in the State shall be
		throughout the Sudan and render public	as stipulated in the Interim	based on the State and local level
		services through the level closest to the	Constitution	as stipulated by this Constitution and the law.
		people, (d) Local level of government, which	of 2005 of	and the law.
		shall be throughout the Sudan.	the Republic	17. Observance of the Guiding
		shari be unoughout the budan.	of Sudan.	Principles
		25. Devolution of Powers	or Suduri.	Timespies
		The following principles shall guide the	3. Levels of	Unless stipulated otherwise by the
		devolution and distribution of powers	Governance	Interim National Constitution for
		between all levels of government:-	in the State	2005, or the Protocol on the
		(a) recognition of the autonomy of the	Governance	Resolution of the Conflict in the
		Government of Southern Sudan and the	in the State	
		states,	shall be	Southern Kordofan/Nuba
		(b) affirmation of the need for norms and	based on the	Mountains and Blue Nile States,
		standards of governance and management	State and	or this Constitution this





Power Sharing 4.1 – General Statements

		CPA Protocol	Interim National Constitution	Blue Nile Interim Constitution	Southern Kordofan Interim Constitution
		ral Principles:			
		arties agree that the following principles shall guide the distribution of powers and the ishment of structures:			
	1.3 In	accordance with the Machakos Protocol, the structures of governments in the Sudan shall follows			
		1.3.1 The National Level of Government which shall exercise authority so as to protect and promote the national sovereignty of Sudan and the welfare of its people;			
		1.3.3 The States throughout Sudan which shall exercise authority at the state level and render public services through the level of government close to the people; and			
	1 1	1.3.4 The level of local government throughout Sudan			
loo	1.4	The Parties agree that the following principles shall guide the distribution of powers and the establishment of structures:-			
3N Protocol		1.4.1 Recognition of both the sovereignty of the nation as vested in its people as well as the need for autonomy of the Government of Southern Sudan and States throughout the Sudan;			
SK/BN		1.4.2 Affirmation of the need for both national as well as state and Southern Sudan norms and standards so as to reflect the unity of the country and the diversity of the Sudanese people;			
	1.5 Pr	inciples of Administration and Inter-Governmental Linkages			
	1.5.1				
		1 There shall be a decentralized system of government with significant devolution of			
		rs, having regard to the National, Southern Sudan, State, and Local levels of government;			
		2 The Interim National Constitution, being the legal and constitutional framework text ed as contemplated in paragraph 2.12.6 herein, shall be the Supreme Law of the land and			
	the So	outhern Sudan Constitution, state constitutions, and the laws of all levels of government comply with it.			





Power Sharing 4.3 – Intergovernmental Relations

	Tower Sharing 4.5 – Intergover inhental Relations					
	CPA Protocol	Interim National Constitution	Blue Nile Interim Constitution	Southern Kordofan Interim Constitution		
P	RESOLVED to usher in an era of responsible, just, transparent, people-led	26. Inter-Governmental Linkages	3. Levels of Governance in the	3. Levels of Governance in the State		
0	and integrity based governance;	(1) In the administration of the	State	Governance in the State shall be based		
w	CONVINCED that decentralization and empowerment of all levels of	decentralized system of the country,	Governance in the State shall be	on the State and local level as stipulated		
e	government are cardinal principles of effective and fair administration of the	the following principles of inter-	based on the State and local	by this Constitution and the law.		
r	country;	governmental linkages shall be	level as stipulated by this			
	COGNIZANT of the fact that the smooth and successful implementation of	respected:-	Constitution and the law.	4. Interrelations		
S	this agreement shall, to a large measure, hinge on rallying the majority of the	(a) the linkage between the		In discharging the functions of		
h	Sudanese people behind it; and	national government and the	4. Interrelations	government, the State shall respect the		
a	CONVINCED that the successful implementation of this agreement shall	states in Southern Sudan shall be	In discharging the functions of	various levels of government and shall		
r	provide a model for good governance in Sudan that shall help to create a	through the government	government, the State shall	perform its functions and exercise its		
i	solid basis to make unity of the country attractive and preserve peace.	of Southern Sudan,	respect the various levels of	authorities so as to avoid encroaching on		
n	General Principles:	(b) in their relationships with each	government and shall perform its	the authorities and functions of those		
g	The Parties agree that the following principles shall guide the distribution of	other or with other	functions and exercise its	levels and so as to achieve and		
	powers and the establishment of structures:	government organs, all levels of	authorities so as to achieve and	strengthen cooperation, assistance, and		
A	1.3 In accordance with the Machakos Protocol, the structures of governments	government and particularly	strengthen cooperation,	support and to promote communication		
g	in the Sudan shall be as follows	national, Southern Sudan and state	assistance, and support and to	among all levels of government.		
r	1.3.1 The National Level of Government which shall exercise	governments shall	promote communication among			
e	authority so as to protect and promote the national	observe the following:-	all levels of government without	43. Powers of the State Executive		
e	sovereignty of Sudan and the welfare of its people;	(i) respect each others'	encroaching on the authorities	Authority		
m	1.3.3 The States throughout Sudan which shall exercise authority at	autonomy,	and functions of those levels.	1. The State executive authority shall		
e	the state level and render public services through the level of	(ii) collaborate in the task of		exercise the powers stated in Schedules		
n	government close to the people; and	governing and assist each other	5. Governance and	A, B, and C of this Constitution and the		
t	1.3.4 The level of local government throughout Sudan	in fulfilling their respective	Administrative Arrangements	Protocol on the Resolution of the		
	1.4 The Parties agree that the following principles shall guide the	constitutional obligations.	in the State	Conflict in the Southern Kordofan/Nuba		
	distribution of powers and the establishment of structures:-	(c) government organs at all levels	The State shall act to observe	Mountains and Blue Nile States.		
	1.4.1 Recognition of both the sovereignty of the nation as vested in	shall perform their functions	governance and administrative			
	its people as well as the need for autonomy of the	and exercise their powers so as:-	arrangements that reflect the	2. The State executive authority may not		
	Government of Southern Sudan and States throughout the	(i) not to encroach on the powers	unity of the homeland, affirm the	infringe on the exclusive national powers		
	Sudan;	or functions of	diversity of its people, and	contained in Schedule A attached to the		
	1.4.2 Affirmation of the need for both national as well as state and	other levels,	provide a framework for rightly	Interim National Constitution [of 2005].		
	Southern Sudan norms and standards so as to reflect the unity	(ii) not to assume powers or	rational State government,			
	of the country and the diversity of the Sudanese people;	functions conferred upon any	accountability, transparency, and	51. Challenging the Acts of the		
	1.5 Principles of Administration and Inter-Governmental Linkages	other level except as provided	the rule of law.	Governor		





	Power Sharing 4.3 – Intergovernmental Relations				
	CPA Protocol	Interim National Constitution	Blue Nile Interim Constitution	Southern Kordofan Interim Constitution	
	 1.5.1 In the administration of the Government of National Unity, the following provisions shall be respected:- 1.5.1.1 There shall be a decentralized system of government with significant devolution of powers, having regard to the National, Southern Sudan, State, and Local levels of government; 1.5.1.2 The Interim National Constitution, being the legal and constitutional framework text adopted as contemplated in paragraph 2.12.6 herein, shall be the Supreme Law of 	for by this Constitution, (iii) to promote co-operation between all levels of government, (iv) to promote open communication between all levels of government, (v) to render assistance and support to other levels of	28. Contestation of the Acts of the Governor, Council of Ministers, or a Minister The actions of the Governor, Council of Ministers, or any minister may be contested before: a. The Constitutional Court if	The actions of the Governor may be contested before: a. The Constitutional Court if the contestation concerns a violation of the Interim National Constitution, the Bill of Rights, the decentralized system of government, or this Constitution. b. Before other courts in the State if the contestation concerns a violation of the	
	SCHEDULE F: Resolution of Conflicts in Respect of Concurrent Powers: If there is a contradiction between the provisions of Southern Sudan law and/or a State law and/or a National law, on the matters referred in Schedule D, the law of the level of government which shall prevail shall be that which most effectively deals with the subject matter of the law, having regard to: 1. The need to recognize the sovereignty of the Nation while accommodating the autonomy of Southern Sudan or of the States; 2. Whether there is a need for National or Southern Sudan norms and	government, (vi) to advance good co- ordination of governmental functions, (vii) to adhere to procedures of inter-governmental interaction, (viii) to promote amicable settlement of disputes before attempting litigation, (ix) to respect the status and	the contestation concerns a violation of the Interim National Constitution of 2005, the Bill of Rights, the decentralized system of government, or this Constitution. b. Before other courts in the State if the contestation	law. 101. Jurisdiction of the State Courts 1. The State courts shall have civil and criminal jurisdiction in the purview of State and national laws. The national courts shall have jurisdiction in appeals or challenges in matters regulated by national laws.	
SK/BN	standards; 3. The principle of subsidiarity; 4. The need to promote the welfare of the people and to protect each person's human rights and fundamental freedoms. the land and the Southern Sudan Constitution, state constitutions, and the laws of all levels of government must comply with it; 3.6. Should any of the legislatures of the two States, after reviewing the Agreement, decide to rectify, within the framework of the Agreement, any shortcomings in the constitutional, political and administrative arrangements of the Agreement, then such legislature shall engage in negotiations with the National Government with the view of rectifying these shortcomings.	institutions of other levels of government. (d) the harmonious and collaborative interaction of the different levels of government shall be within the context of national unity and for the achievement of a better quality of life for all, (2) Any two or more states may agree on mechanisms of arrangements to enhance interstate co-ordination and cooperation.	79. Relationship of the State Judicial Authority to the National Judicial Authority The State Judicial System shall be subject to the rules formulated by the National Judicial Service Commission to regulate relations between the State Judicial System and the National Judicial Authority.	118. Cooperation Among the Localities One or more localities may, based on terms that they deem appropriate, cooperate in areas of culture and development, particularly in identifying traditional lands, building internal, local roads or road grids between them, promoting local languages, education, and the various professions, and in treating any problems as they deem fit.	





Power Sharing 4.3 – Intergovernmental Relations





Power Sharing 4.4 – Oversight Bodies

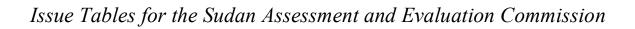
2.11.3.2. The Constitutional Court 2.11.3.2. The Constitutional Court 3.11.3.2. The Constitutional Court 4.11.3.2. The Constitutional Court 5.11.3.2. The Constitutional Court 5.11.3.2. The Constitutional Court 6.11. The President of the Republic shall, after consultation within the Presidency, appoint the National Council of Ministers 6.11. The Fosemon Shall be representative: 6.11. The President of the Republic shall, after consultation within the Presidency, appoint the National Interim Constitution and the constitution of Northern States constitutions of Northern States at the instance of individuals, juridical entities or of government, (ii) Ya Adjudicate on the constitutions of Insw that do not comply with the National, Southern Sudan, state the state soft of the Republic after consultation within the Presidency with the National Council of Ministers Sudan, state the instance of individuals, juridical entities or of government, (iii) Ya Adjudicate on the constitutions of Southern Sudan and the constitution of Southern Sudan and the constitution of Southern Sudan and the constitution of Southern Sudan and the constitutions of Southern Sudan and the constitution of Southern Sudan and the constitutions of Southern Sudan and the constitutions of Southern Sudan and the constitution of Southern Sudan and the constitutions of Southern Sudan and the constitution of Southern Sudan and the constitutions of Southern Sudan and the constitutions of Southern Sudan and the constitutions of Southern Sudan and the constitution of Southern Sudan and the constitution of Southern Sudan and the constitution of Southern Sudan and the constit	CPA Protocol – Power Sharing	Interim National Constitution	Blue Nile	South Kordofan
2.11.3.2. The Constitutional Coursil of Ministers (ii) Uphold the Interim National, Southern Studan, and State Constitutions and its composition shall be representative; (iii) Have original jurisdiction to decide disputes that arise under the National Interim Constitution and the constitutions and the constitutions of Northern States at the instance of individuals, juridical entities or of government; (iv) Adjudicate on the constitution and the constitution and the saide or strike down laws or provisions of laws that do not comply with the National Jountiern of the Republic, after consultation within the Presidency, they shall assist the national ministers appointed by the constitutions of few Students (9) President of the Republic, after consultation within the Presidency, appoint the National Council of Ministers (2) The President of the Republic and the two Vice President of the Republic and the two Vice President of the Presidency, appoint the National Council of Ministers (2) The President of the Republic and the two Vice Presidents of the Council of Ministers shall form a state Council of Ministers when the Presidency under this Constitutions of Northern States at the instance of individuals, provisions of Northern Studan and the constitutions of Southern Studan supreme Court on the Constitution of Southern Studan sate events against the decisions of Southern Studan and the constitutions of Southern Studan and the constitutions of Southern Studan states; (vi) Adjudicate on constitutional and the constitutions of Southern Studan states; (vi) Adjudicate on constitutional council of Ministers shall be excepted through the Gouncil of Ministers when the National Elections Law and regulations set forth by the National Flexible of the President of the Council of States shall be embersor of the Council of Ministers whall be members of the National Council of Ministers shall be members of the Council of Ministers shall be constitutional and the constitution of Southern Studan support over a corotal council of Mi	Agreement	70 C '' 1 C 4 C4 N 4' 1 C '1 C	Constitution	Constitution
shall: (ii) Uphold the Interim National, Southern Sudan, and State Constitutions and its composition shall be representative; (iii) Have original jurisdiction to decide displate shall are under the National Interim Constitution and the constitutions of Northern States at the instance of individuals, jurisdical entities or of government; (iv) Adjudicate on the econstitutions of laws that do not comply with the National, Southern Sudan, and spates between organs and levels of Southern Sudan and the constitutions of Souther				
(ii) Uphold the Interim National, Southern Sudan, and State Council of Ministers. (2) The President of the Republic and the two Vice Presidents shall be members of the National Interim Constitutions and its composition shall be representative; (iii) Have or griginal jurisdiction to decide disputes that arise under the National Interim Constitution and the constitutions of Northern States at the instance of individuals, juridical entities or of government; (iv) Adjudicate on the constitutions of Northern States aside or strike down laws or provisions of laws that do not comply with the National, Southern Sudan, or the relevant State constitution on appeals against the decisions of Southern Sudan and the constitutions of Southern Sudan states; (v)) Adjudicate on constitutions of Southern Sudan states; (vi) Complex the Author to the Council of States shall be composed of two representatives from each state, elected by the state legislature in accordance with the Nationa				
Southern Sudan, and State Constitutions and its composition shall be representative; (iii) Have original jurisdiction to dicide disputes that arise under the National Interim Constitutions of Northern States at the instance of individuals, juridical entities or of government; (iv) Adjudicate on the constitutions of the Republic, after consultation within the Presidency with the National Southern Sudan, or the relevant State constitutions; (v) Have appellate jurisdiction on appeals against the decisions of Southern Sudan and the constitutions of Southern Sudan sand the constitutions of Southern Sudan and the constitutions of Southern Sudan states; (vi) Adjudicate on constitutions of Southern Sudan and the constitutions of Southern Sudan states; (vi) Adjudicate on constitutions of Southern Sudan and the constitutions of Southern Sudan states; (vi) Adjudicate on constitutions of Southern Sudan and the constitutions of Southern Sudan and the constitutions of Southern Sudan states; (vi) Adjudicate on constitutions of Southern Sudan and the constitutions of Southern Sudan states; (vi) Adjudicate on constitutions of Southern Sudan states; (vi) Adjudicate on constitutional dependence of the National State ministers and the law; its decisions shall be members of the National Council of Ministers shall be members of the Council of Ministers under his chairmanship. (2) The President of the Republic and the Presidency under this Constitution, decisions of the Council of Ministers shall be adopted by consensus or by simple majority. (3) Without prejudice to the powers vested in the President of the Council of Ministers. (4) The President of the Republic and the Presidency under this Constitution and the law its beadopted by consensus or by a simple majority. (5) The President of the Republic and the two Vice Presidents on the President of the Council of Ministers. (iii) Have original jurisdicition ton				
Constitutions and its composition shall be representative; (ii) Have original jurisdiction to decide disputes that arise under the National Interim Constitution and the constitutions of Northern States at the instance of individuals, juridical entities or of government; (iv) Adjudicate on the constitutional type of laws and set aside or strike down laws or provisions of laws that do not comply with the National Council of Ministers appointed by the President of the Republic, after consultation within the Presidency; they shall assist the national ministers and may act in their absence. (b) Have appellate jurisdiction on appeals against the decisions of Southern Sudan, or the relevant State constitutions of Southern Sudan and the constitutions of Southern Sudan Suprementations of Southern Su	· / 1		15 5 5 15	
shall be representative; (iii) Have original jurisdiction to decide disputes that arise under the National Interim Constitution and the constitution and the constitution and the constitution and the constitutions of Northern States at the instance of individuals, juridical entities or of government; (iv) Adjudicate on the constitutions of Stark and not comply with the National Council of Ministers shall be the national saide or strike down laws or provisions of laws that do not comply with the National Council of Ministers shall have the following functions; (v) Have appellate jurisdiction on appeals against the decisions of Southern Sudan and the constitutions of Southern Sudan states; (vi) Adjudicate on constitutional disputes between organs and levels of government, with respect to areas of exclusive or concurrent of concurrent or competencies; (iii) Have original jurisdiction and the Presidency under this Constitution, decisions of the Council of Ministers shall be the national council of Ministers shall be adopted by consensus or by simple majority. (5) There shall be national State ministers appointed by the Presidency; they shall assist the national ministers and may act in their absence. 72. Functions of the National Council of Ministers. The National Council of Ministers shall be observers in the Council of Ministers. The National Council of Ministers shall be deapted by consensus or by simple majority. (5) There shall be national state ministers appointed by the Presidency; they shall assist the national ministers and may act in their absence. 72. The advisors and commissioners shall be observers in the Council of Ministers. 3. The Council of Ministers shall have supreme executive authority in the State according to the provisions of the Constitution and the law. It shall pass it to exercise such power. In ca		1 \ /		
(iii) Have original jurisdiction to decide disputes that arise under the National Interim Constitution and the constitutions of Northern States at the instance of individuals, juridical entities or of government; (iv) Adjudicate on the constitutionality of laws and set aside or strike down laws or provisions of laws that do not comply with the National, Southern Sudan, or the relevant State constitutions; (v) Have appellate jurisdiction on appeals against the decisions of Southern Sudan superme Court on the Constitution of Southern Sudan and the constitutions of Southern Sudan states; (vi) Adjudicate on constitutional disputes between organs and levels of government, with respect to areas of exclusive or concurrent competencies; (iii) Have original jurisdiction to decide disputes that arise under the National Council of Ministers shall be the national executive decisions. (4) The National Council of Ministers shall be the national executive decisions. (4) The National Council of Ministers shall be accordance with the national executive decisions. (4) The National Council of Ministers shall be accordance with the national executive decisions. (4) The National Council of Ministers shall be accordance with the national executive authority in the State in accordance with the national executive and the Presidency with the National Blections Constitution, decisions of the Council of Ministers shall be conserves or by simple majority. (5) There shall be the national executive authority in the State in accordance with the national executive at the instance of individuals, purvisions of the National President of the Republic, after consultation within the Presidency the Republic, after consultat				
decide disputes that arise under the National Interim Constitution and the constitution and the constitution and the constitutions of Northern States at the instance of individuals, juridical entities or of government; (iv) Adjudicate on the constitutional live of the Republic, after consultation within the Presidency; they shall assist the national State ministers appointed by the President of the Republic, after consultation within the Presidency; they shall assist the national Council of Ministers and may act in their absence. 72. Functions of the National Council of Ministers and may act in their absence. 73. The Council of Ministers shall have supreme executive authority in the State constitutions; (e) receiving reports on executive performance of states for purposes of information and coordination, provided that in case of the states of Southern Sudan, and the constitutional Supreme Court on the Constitution of Southern Sudan and the constitutional disputes between organs and levels of government, with respect to areas of exclusive or concurrent congencement of exclusive or concurrent of exclusive or concurrent or competencies; Adjudicate on the constitution and the law; its decisions shall be adopted by consensus or by simple majority. Council (2) The advisors and commissioners shall be observers in the Council of Ministers. Council (3) The advisors and commissioners shall be observers in the Council of Ministers. Council (3) The advisors and commissioners shall be observers in the Council of Ministers. Council (3) The advisors and commissioners shall be observers in the Council of Ministers. Council (5) The advisors and commissioners shall be observers in the Council of Ministers. Council of Ministers. Council of Ministers. Council of Ministers. Council of Ministers. Council of Ministers. Council of Ministers shall have supreme executive authority in the State according to the provisions of the Council of the Provisions of the Council of the Provisions of the Council of	1 /			•
National Interim Constitution and the constitution and the constitutions of Northern States at the instance of individuals, juridical entities or of government; (iv) Adjudicate on the constitutionality of laws and set aside or strike down laws or provisions of laws that do not comply with the National, Southern Sudan, or the relevant State constitutions; (v) Have appellate jurisdiction on appeals against the decisions of Southern Sudan and the constitutional of Southern Sudan supreme Court on the Constitution of Southern Sudan and the constitutional disputes between organs and levels of government, with respect to areas of exclusive or concurrent competencies; (4) The National Council of Ministers shall be the national executive authority in the State is decisions shall be adopted by consensus or by simple majority. (5) There shall be national State ministers appointed by the constitution and the law; its decisions shall be adopted by consensus or by simple majority. (5) The responsibility of Constitution and the law; its decisions shall be adopted by consensus or by simple majority. (6) There shall be national State ministers appointed by the constitution and the law; its decisions shall be adopted by consensus or by simple majority. (6) There shall be national State ministers appointed by the constitution within the Presidency; they shall assist the national ministers and may act in their absence. 72. Functions of the National Council of Ministers. The National Council of Ministers. (5) The remail be national State ministers appointed by the Council of Ministers. The National Council of Ministers shall have supreme executive authority in the State according to the provisions of the Constitution and the law. It shall pass its resolutions by a consensus of views or by a simple majority in the date of the Council of Ministers. (6) The National Council of Ministers shall have supreme executive authority in the State according to the provisions of the Council of States shall be composed of two representatives	\ / U			-
cecutive authority in the State in accordance with the provisions of this Constitution and the law; its decisions shall be adopted by consensus or by simple majority. (iv) Adjudicate on the constitutionality of laws and set aside or strike down laws or provisions of laws that do not comply with the National, Southern Sudan, or the relevant State constitutions; (v) Have appellate jurisdiction on appeals against the decisions of Southern Sudan sund the constitution of Southern Sudan and the constitution of Southern Sudan and the constitution of Southern Sudan states; (vi) Adjudicate on one of the National Council of Ministers shall be national State ministers appointed by the President of the Republic, after consultation within the Presidency, they shall assist the national ministers and may act in their absence. 72. Functions of the National Council of Ministers shall have supreme executive authority in the State according to the provisions of the Council of Ministers shall have supreme executive authority in the State according to the provisions of the Constitution and the law. It shall notify the other levels of government of its intention to exercise such power. In case any other level of government of its intention to exercise such power. In case any other level of government of its intention to exercise such power in accordance with Schedules E and F herein. If it so decides, it shall notify the other levels of government of its intention to exercise such power. In case any other level of government of its intention to exercise such power. In case any other level of government of its intention to exercise such power. In case any other level of government of its intention to exercise such power in accordance with the National Elections Law and regulations set forth by the absence of a consensus. 2. The advisors and commissioners shall be observers in the Council of Ministers shall be observers in the Council of Ministers shall have supreme executive authority in the State according to the provisions of	*	1	chairmanship.	Council.
at the instance of individuals, juridical entities or of government; (iv) Adjudicate on the constitutionality of laws and set aside or strike down laws or provisions of laws that do not comply with the National, Southern Sudan, or the relevant State constitutions; (V) Have appellate jurisdiction on appeals against the decisions of Southern Sudan Supteme Court on the Constitution of Southern Sudan Supteme Court on the Constitution of Southern Sudan and the constitutions of Southern Sudan states; (V) Adjudicate on constitutional disputes between organs and levels of government, with respect to areas of exclusive or concurrent competencies; (V) Presidency; they shall assist the national ministers appointed by the Presidency; they shall assist the national ministers and may act in their absence. 72. Functions of the National Council of Ministers Shall have the following functions: (e) receiving reports on executive performance of states for purposes of information and coordination, provided that in case of the states of Southern Sudan, (f) receiving reports on matters that are concurrent or residual and decides whether it is competent to exercise such power. In case any other levels of government of its intention to exercise such power. In case any other levels of government of provisions of the Council of States (1) The Council of States (1) The Council of States (1) The Council of States shall be adopted by consensus or by simple majority. 5. The Council of Ministers. 5. The Council of Ministers shall be observers in the Council of Ministers. 5. The Council of Ministers shall have supreme executive authority in the State according to the Constitution and the law; it scompetent to exercise such power. In case any other level of government of its intention to exercise such power. In case any other level of government of its intention to exercise such power. In case any other level of government of its intention to exercise such power. In case any other levels of government of its intention to exercise such powe				
simple majority. (5) There shall be national State ministers appointed by the President of the Republic, after consultation within the Presidency; they shall assist the national ministers and may act in their absence. 72. Functions of the National Council of Ministers The National Council of Ministers shall have the following functions:- (e) receiving reports on executive performance of states for purposes of information and coordination, provided that in case of the states of Southern Sudan, or the relevant State constitutions; (b) there shall be national State ministers appointed by the Presidency; they shall assist the national ministers and may act in their absence. 72. Functions of the National Council of Ministers 3. The Council of Ministers shall have supreme executive authority in the State according to the provisions of the Constitution and decides whether it is competent to exercise such power in accordance with Schedules E and F herein. If it so decides, it shall notify the other levels of government of its intention to exercise such power. In case any other level of government of powermment of powermment of the Council of States of exclusive or concurrent competencies; 85. Composition of the Council of States shall be composed of two representatives from each state, elected by the state legislature in accordance with the National Elections Law and regulations set forth by the constitutions performence of states for purposes of information and coordination, provided that in case of the states of Southern Sudan, reports shall be received through the Government of Southern Sudan, or the relevant State purposes of information and coordination, provided that in case of the states of Southern Sudan, to exercise such power. In case any other level of government of simple provisions of the Council of States of exclusive or constitutions and the law. It shall pas	the constitutions of Northern States	executive authority in the State in accordance with the	2. The advisors and	
(iv) Adjudicate on the constitutionality of laws and set aside or strike down laws or provisions of laws that do not comply with the National, Southern Sudan, or the relevant State constitutions; (v) Have appellate jurisdiction on appeals against the decisions of the Constitutions of Southern Sudan and the constitutions of Southern Sudan and the constitutions of Southern Sudan states; (vi) Adjudicate on constitutional disputes between organs and levels of government, with respect to areas of exclusive or concurrent competencies; (iv) Adjudicate on constitutional disputes between organs and levels of government of scuthern Sudal Subjective of Competencies; (iv) Adjudicate on constitutional disputes between organs and levels of government of scuthern Sudan of Southern Sudan disputes between organs and levels of government of scuthern Sudan of Southern Sudan disputes between organs and levels of government of the Republic, after consultation within the President of the Republic, after consultation within the Presidency they shall assist the national ministers and may act in their absence. 72. Functions of the National Council of Ministers. Ministers shall have supreme executive authority in the State according to the provisions of the Constitution and coordination, provided that in case of the states of Southern Sudan, reports shall be received through the Government of Southern Sudan, to exercise such power in accordance with Schedules E and F herein. If it so decides, it shall notify the other levels of government of its intention to exercise such power. In case any other level of government of with the National Elections Commission. 85. Composition of the Council of St	at the instance of individuals,	provisions of this Constitution and the law; its decisions shall be adopted by consensus or by	commissioners shall	commissioners shall be
constitutionality of laws and set aside or strike down laws or provisions of laws that do not comply with the National, Southern Sudan, or the relevant State constitutions; (v) Have appellate jurisdiction on appeals against the decisions of Southern Sudan Supreme Court on the Constitution of Southern Sudan states; (vi) Adjudicate on constitutional disputes between organs and levels of government, with respect to areas of sexclusive or concurrent competencies; President of the Republic, after consultation within the Presidency; they shall assist the national ministers and may act in their absence. 72. Functions of the National Council of Ministers shall have supreme executive authority in the State according to the provisions of the Constitution and the law. The bylaws regulating the Council's proceedings shall specify the method for adopting resolutions in the Council. 85. Composition of the Council of States of Southern Sudan, and the constitutional disputes between organs and levels of government, with respect to areas of the states of Southern Sudan, the provisions of the Council of States of the states of Southern Sudan, the constitution of Southern Sudan states; (vi) Adjudicate on constitutional disputes between organs and levels of government, with respect to areas of the states of Southern Sudan, the constitution of Southern Sudan states; (vi) Adjudicate on constitutional disputes between organs and levels of government, with respect to areas of the states of Southern Sudan, the constitution of Southern S	juridical entities or of government;	simple majority.	be observers in the	observers in the Council of
aside or strike down laws or provisions of laws that do not comply with the National, Southern Sudan, or the relevant State constitutions; (v) Have appellate jurisdiction on appeals against the decisions of the Council of Horisters shall be received through the Government of Southern Sudan states; (vi) Adjudicate on constitutional disputes between organs and levels of government, with respect to areas of exclusive or concurrent completencies; Presidency; they shall assist the national ministers and may act in their absence. 72. Functions of the National Council of Ministers shall have the following functions: (e) receiving reports on executive performance of states for purposes of information and coordination, provided that in case of the states of Southern Sudan, reports shall be received through the Government of Southern Sudan, or the relevant State constitution on appeals against the decisions of the Council of Ministers shall have supreme executive authority in the State according to the provisions of the Constitution and the Constitution and the law. It shall pass its resolutions by a consensus of views or by a simple majority in the absence of a consensus of views or by a simple majority in the absence of a consensus. 85. Composition of the Council of States shall be composed of two representatives from each state, elected by the National Elections Commission. Presidency; they shall assist the national ministers and may act in their absence. Ministers shall have supreme executive authority in the State according to the provisions of the Constitution and the Constitution and the law. It shall pass its resolutions by a consensus of views or by a simple wathority in the State according to the provisions of the Council of States of Southern Sudan, (f) receiving reports on matters that are concurrent or residual and decides whether it is competent to exercise such power In accordance with Schedules E and F herein. If it so decides, it shall notify government of southern Sudan states; (vi) Adjudicate on c	(iv) Adjudicate on the	(5) There shall be national State ministers appointed by the	Council of Ministers.	Ministers.
provisions of laws that do not comply with the National, Southern Sudan, or the relevant State constitutions; (v) Have appellate jurisdiction on appeals against the decisions of the Constitution of Southern Sudan and the constitutions of Southern Sudan states; (vi) Adjudicate on constitutions of Southern Sudan disputes between organs and levels of government, with respect to areas of exclusive or concurrent competencies; 72. Functions of the National Council of Ministers The National Council of Ministers shall have the following functions: (e) receiving reports on executive performance of states for purposes of information and coordination, provided that in case of the states of Southern Sudan, or the relevant State constitution and coordination, provided that in case of the states of Southern Sudan, or the relevant State constitution and coordination, provided that in case of the states of Southern Sudan, or the relevant State constitution and coordination, provided that in case of the states of Southern Sudan, or the relevant State constitution and coordination, provided that in case of the states of Southern Sudan, or the relevant State constitution and coordination, provided that in case of the states of Southern Sudan, or the relevant State constitution and decides whether it is competent to exercise such power in accordance with Schedules E and F herein. If it so decides, it shall notify the other levels of government objects thereto, a committee shall be set up by the levels concerned to amicably resolutions of the Council of States (1) The Council of States shall be composed of two representatives from each state, elected by the state legislature in accordance with the National Elections Law and regulations set forth by the decisions of the Council of Ministers shall have supreme executive authority in the State according to the Constitution and the Constitution and the Constitution and the law. It shall pass its resolutions by a consensus of views or by a simple majority in the State according to	constitutionality of laws and set	President of the Republic, after consultation within the		
comply with the National, Southern Sudan, or the relevant State constitutions; (e) receiving reports on executive performance of states for purposes of information and coordination, provided that in case of the states of Southern Sudan, (f) Have appellate jurisdiction on appeals against the decisions of Southern Sudan Supreme Court on the Constitution of Southern Sudan and the constitutions of Southern Sudan states; (vi) Adjudicate on constitutional disputes between organs and levels of government, with respect to areas of exclusive or concurrent competencies; The National Council of Ministers shall have the following functions: (e) receiving reports on executive performance of states for purposes of information and coordination, provided that in case of the states of Southern Sudan, (f) receiving reports on executive performance of states for purposes of information and coordination, provided that in case of the states of Southern Sudan, (f) receiving reports on executive performance of states for purposes of information and coordination, provided that in case of the states of Southern Sudan, (f) receiving reports on executive performance of states for purposes of information and coordination, provided that in case of the states of Southern Sudan, (f) receiving reports on matters that are concurrent or residual and decides whether it is competent to exercise such power in case any other level of government objects thereto, a committee shall be set up by the levels concerned to amicably resolutions by a consensus of views or by a simple majority in the absence of a constitution and the law. It shall pass its resolutions by a consensus of views or by a simple majority in the absence of a constitution and the law. It shall pass its resolutions by a consensus of views or by a simple majority in the absence of a constitution and the law. It shall pass its resolutions by a consensus of views or by a simple majority in the absence of a constitution and the law. It shall pass its and the constitution of the Council	aside or strike down laws or	Presidency; they shall assist the national ministers and may act in their absence.	3. The Council of	3. The Council of
Sudan, or the relevant State constitutions; (v) Have appellate jurisdiction on appeals against the decisions of Southern Sudan Supreme Court on the Constitution of Southern Sudan and the constitutions of Southern Sudan states; Sudan states; Sudan Supreme Court on the Constitution of Southern Sudan and the constitutions of Southern Sudan states; Sudan	provisions of laws that do not	72. Functions of the National Council of Ministers	Ministers shall have	Ministers shall have
constitutions; (v) Have appellate jurisdiction on appeals against the decisions of Southern Sudan Supreme Court on the Constitution of Southern Sudan and the constitutions of Southern Sudan states; (vi) Adjudicate on constitutional disputes between organs and levels of government, with respect to areas of exclusive or concurrent or competencies; purposes of information and coordination, provided that in case of the states of Southern Sudan, (f) receiving reports on matters that are concurrent or residual and decides whether it is competent to exercise such power in accordance with Schedules E and F herein. If it so decides, it shall notify the other levels of government of its intention to exercise such power. In case any other level of government objects thereto, a committee shall be set up by the levels concerned to amicably resolve the matter before resorting to the Council of States 85. Composition of the Council of States shall be composed of two representatives from each state, elected by the state legislature in accordance with the National Elections Law and regulations set forth by the competencies; purposes of information and coordination, provided that in case of the states of Southern Sudan, (f) receiving reports on matters that are concurrent or residual and decides whether it is competent to exercise such power. In case any other level of government do amicably resolutions by a consensus of views or by a simple majority in the absence of a consensus. 85. Composition of the Council of States (1) The Council of States shall be composed of two representatives from each state, elected by the decisions of the Council of Ministers shall prevail over	comply with the National, Southern	The National Council of Ministers shall have the following functions:-	supreme executive	supreme executive
reports shall be received through the Government of Southern Sudan, appeals against the decisions of Southern Sudan Supreme Court on the Constitution of Southern Sudan and the constitutions of Southern Sudan states; (vi) Adjudicate on constitutional disputes between organs and levels of government, with respect to areas of exclusive or concurrent competencies; reports shall be received through the Government of Southern Sudan, (f) receiving reports on matters that are concurrent or residual and decides whether it is competent to exercise such power in accordance with Schedules E and F herein. If it so decides, it shall notify the other levels of government of its intention to exercise such power. In case any other level of government objects thereto, a committee shall be set up by the levels concerned to amicably resolutions of the Constitution and the law. It shall pass its resolutions by a consensus of views or by a simple majority in the absence of a consensus. 4. Without prejudice to the Governor's authorities, the decisions of the Constitution and the law. It shall pass its resolutions by a consensus or views or by a simple majority in the absence of a consensus. 4. Without prejudice Ministers shall prevail over	Sudan, or the relevant State	(e) receiving reports on executive performance of states for	authority in the State	authority in the State
appeals against the decisions of Southern Sudan Supreme Court on the Constitution of Southern Sudan states; (vi) Adjudicate on constitutional disputes between organs and levels of exclusive or concurrent or government, with respect to areas of exclusive or concurrent competencies; (f) receiving reports on matters that are concurrent or residual and decides whether it is competent to exercise such power. In case any other level of government of its intention to exercise such power. In case any other level of government objects thereto, a committee shall be set up by the levels concerned to amicably resolutions by a consensus of views or by a simple majority in the absence of a consensus. 85. Composition of the Council of States (1) The Council of States shall be composed of two representatives from each state, elected by the state legislature in accordance with the National Elections Law and regulations set forth by the consensus. (A) Without prejudice of the Council of Ministers shall prevail over of southern Sudan Supreme Court on the constitution and the law. It shall pass its resolutions by a consensus of views or by a simple majority in the absence of a consensus.	constitutions;	purposes of information and coordination, provided that in case of the states of Southern Sudan,	according to the	according to the provisions
Southern Sudan Supreme Court on the Constitution of Southern Sudan and the constitutions of Southern Sudan states; (vi) Adjudicate on constitutional disputes between organs and levels of government, with respect to areas of exclusive or concurrent competencies; Southern Sudan Supreme Court on the Council of States such power in accordance with Schedules E and F herein. If it so decides, it shall notify the other levels of government of its intention to exercise such power. In case any other level of government to bjects thereto, a committee shall be set up by the levels concerned to amicably resolutions by a consensus of views or by a simple majority in the absence of a consensus. 85. Composition of the Council of States of exclusive or concurrent state legislature in accordance with Schedules E and F herein. If it so decides, it shall notify the other level of government of its intention to exercise such power. In case any other level of consensus of views or by a simple majority in the absence of a consensus. 85. Composition of the Council of States shall be composed of two representatives from each state, elected by the state legislature in accordance with the National Elections Law and regulations set forth by the composition of the Council of Ministers shall prevail over	(v) Have appellate jurisdiction on	reports shall be received through the Government of Southern Sudan,	provisions of the	of the Constitution and the
the Constitution of Southern Sudan and the constitutions of Southern Sudan states; Sudan states; (vi) Adjudicate on constitutional disputes between organs and levels of government, with respect to areas of exclusive or concurrent competencies; the other levels of government of its intention to exercise such power. In case any other level of government objects thereto, a committee shall be set up by the levels concerned to amicably resolutions by a consensus of views or by a simple majority in the absence of a consensus. 85. Composition of the Council of States (1) The Council of States shall be composed of two representatives from each state, elected by the state legislature in accordance with the National Elections Law and regulations set forth by the competencies; A. Without prejudice to the decisions of the Council of Ministers shall prevail over	appeals against the decisions of	(f) receiving reports on matters that are concurrent or residual and decides whether it is competent	Constitution and the	law. The bylaws
the Constitution of Southern Sudan and the constitutions of Southern Sudan states; Sudan states; (vi) Adjudicate on constitutional disputes between organs and levels of government, with respect to areas of exclusive or concurrent competencies; the other levels of government of its intention to exercise such power. In case any other level of government objects thereto, a committee shall be set up by the levels concerned to amicably resolutions by a consensus of views or by a simple majority in the absence of a consensus. 85. Composition of the Council of States (1) The Council of States shall be composed of two representatives from each state, elected by the state legislature in accordance with the National Elections Law and regulations set forth by the competencies; A. Without prejudice to the decisions of the Council of Ministers shall prevail over			law. It shall pass its	•
and the constitutions of Southern Sudan states; (vi) Adjudicate on constitutional disputes between organs and levels of government, with respect to areas of exclusive or concurrent competencies; government objects thereto, a committee shall be set up by the levels concerned to amicably resolve the matter before resorting to the Constitutional Court, (vi) Adjudicate on constitutional disputes between organs and levels of government, with respect to areas of exclusive or concurrent of exclusive or concurrent consensus of views or by a simple majority in the absence of a (1) The Council of States shall be composed of two representatives from each state, elected by the state legislature in accordance with the National Elections Law and regulations set forth by the competencies; 4. Without prejudice Ministers shall prevail over		the other levels of government of its intention to exercise such power. In case any other level of	resolutions by a	proceedings shall specify
Sudan states; (vi) Adjudicate on constitutional disputes between organs and levels of government, with respect to areas of exclusive or concurrent competencies; resolve the matter before resorting to the Constitutional Court, resolve the matter before resorting to the Constitutional Court, resolve the matter before resorting to the Council. 85. Composition of the Council of States absence of a consensus. Governor's authorities, the decisions of the Council of States shall prevail over National Elections Commission.	and the constitutions of Southern		1	
(vi) Adjudicate on constitutional disputes between organs and levels of government, with respect to areas of exclusive or concurrent competencies; (vi) Adjudicate on constitutional majority in the absence of a (1) The Council of States (1) The Council of States shall be composed of two representatives from each state, elected by the state legislature in accordance with the National Elections Law and regulations set forth by the National Elections Commission. (vi) Adjudicate on constitutional majority in the absence of a consensus. (1) The Council of States shall be composed of two representatives from each state, elected by the state legislature in accordance with the National Elections Law and regulations set forth by the National Elections Commission. (vi) Adjudicate on constitutional majority in the absence of a consensus. (1) The Council of States shall be composed of two representatives from each state, elected by the state legislature in accordance with the National Elections Law and regulations set forth by the decisions of the Council of Ministers shall prevail over	Sudan states;		or by a simple	1 0
disputes between organs and levels of government, with respect to areas of exclusive or concurrent competencies; 85. Composition of the Council of States (1) The Council of States shall be composed of two representatives from each state, elected by the state legislature in accordance with the National Elections Law and regulations set forth by the National Elections Commission. 85. Composition of the Council of States (1) The Council of States shall be composed of two representatives from each state, elected by the state legislature in accordance with the National Elections Law and regulations set forth by the National Elections Commission. 4. Without prejudice to the decisions of the Council of Ministers shall prevail over	<i>,</i>	· · · · · · · · · · · · · · · · · · ·	1	
of government, with respect to areas of exclusive or concurrent competencies; (1) The Council of States shall be composed of two representatives from each state, elected by the state legislature in accordance with the National Elections Law and regulations set forth by the National Elections Commission. (2) The Council of States shall be composed of two representatives from each state, elected by the decisions of the Council of National Elections Commission. (3) The Council of States shall be composed of two representatives from each state, elected by the state legislature in accordance with the National Elections Law and regulations set forth by the National Elections Commission.	· / 3	85. Composition of the Council of States	3 3	4. Without prejudice to the
of exclusive or concurrent competencies; state legislature in accordance with the National Elections Law and regulations set forth by the National Elections Commission. decisions of the Council of Ministers shall prevail over				2 0
competencies; National Elections Commission. 4. Without prejudice Ministers shall prevail over		1 1		,
r r r r r r r r r r r r r r r r r r r			4. Without prejudice	
2.12.11 Without prejudice to the functions (2) Abyei Area shall have two observers at the Council of States elected by Abyei Area Council to the Governor's any other executive	2.12.11 Without prejudice to the functions	(2) Abyei Area shall have two observers at the Council of States, elected by Abyei Area Council.	to the Governor's	any other executive





Power Sharing 4.4 – Oversight Bodies

CPA Protocol – Power Sharing	Interim National Constitution	Blue Nile Constitution	South Kordofan Constitution
Agreement of the State Legislatures, the National		authorities, the	decisions in the State.
Constitutional Review Commission shall	(4) The Council of States shall be competent to:	decisions of the	decisions in the state.
prepare model Constitutions for the	(a) initiate legislations on the decentralized system of government and other issues of interest to the	Council of Ministers	54. Functions of the
States, subject to compliance with the	states and pass such legislations with two-thirds majority of all representatives,	shall prevail over	Council of Ministers
National Constitution, and, as relevant,	(b) issue resolutions and directives that may guide all levels of government in accordance with the	any other executive	The Council of Ministers
the Constitution of Southern Sudan.	provisions of Articles 24, 25 and 26 of this Constitution,	decisions in the	shall have the following
2.12.12 The National Ministry of Justice	(c) approve by two-thirds majority of all representatives, the appointment of the Justices of the	State.	functions:
shall, with the assistance of concerned	Constitutional Court,	State.	Tunctions.
attorneys, declare the compatibility of the	(d) approve, by a two-thirds majority, national legislation referred to in Article 5 (3) (a) of this	31. Functions of the	e. Receipt of reports on the
constitution of Southern Sudan with the	Constitution or initiate national legislation which will provide for such necessary alternative	Council of	executive performance of
Interim National Constitution, and also	institutions, according to Article 5 (3) (b) of this Constitution, as appropriate,	Ministers	the ministries for purposes
declare the compatibility of the	(e) supervise the National Reconstruction and Development Fund,	The Council of	of monitoring,
constitutions of the States with the Interim	(f) decide on objections by states referred to it by the National Petroleum Commission according to	Ministers shall have	coordination, decision-
National Constitution and, as appropriate,	the provisions of Article 191 (4) (d) of this Constitution,	the following	making, or calling to
with the constitution of Southern Sudan.	(g) request statements from national ministers concerned regarding effective implementation of the	functions:	account for deficiencies.
Upon such declaration, the same	decentralized system and devolution of powers.		
constitutions shall be signed by the head		e. Receipt of reports	f. Receipt of reports on the
of the appropriate level of government.	122. Competence and Jurisdiction of the Constitutional	on the executive	localities for evaluation
	Court	performance of the	and guidance.
2.7.2.5 There shall be established security	(1) The Constitutional Court shall be the custodian of this Constitution, the constitutions of	ministries for	
committees at the Government of	southern Sudan and the	purposes of	
Southern Sudan and State levels, their	states; its decisions shall be final and binding, it shall:-	monitoring,	
composition and functions shall be	(a) interpret constitutional provisions at the instance of the	coordination,	
determined by the	President of the Republic, the National Government,	decision-making, or	
	the Government of Southern Sudan, any state	calling to account.	
2.10 Other Independent and/or	government, the National Assembly, or the Council of		
National Institutions to be Established	States,	f. Receipt of reports	
in Accordance with the Peace	(b) have original jurisdiction to decide disputes that arise	on the localities for	
Agreement:	under this Constitution and the constitutions of Northern	evaluation and	
2.10.1 The National Constitutional	states at the instance of government, juridical entities or	guidance.	
Review Commission, as detailed in	individuals,		
Section	(c) decide on appeals against the decisions of Southern		







Power Sharing 4.4 – Oversight Bodies

CPA Protocol – Power Sharing Agreement	Interim National Constitution	Blue Nile Constitution	South Kordofan Constitution
2.12 herein, shall also detail the mandate	Sudan Supreme Court on the Interim Constitution of		
and provide for the appointment and other	Southern Sudan and the constitutions of Southern		
mechanisms to ensure the independence	Sudan states,		
of the following institutions:-	(d) protect human rights and fundamental freedoms,		
2.10.1.1 An impartial and representative	(e) adjudicate on the constitutionality of laws or provisions		
National Electoral Commission;	in accordance with this Constitution, the Interim		
2.10.1.2 A Human Rights Commission;	Constitution of Southern Sudan or the relevant state		
2.10.1.3 A National Judicial Service	constitutions,		
Commission;	(f) adjudicate on constitutional disputes between levels and organs of government, in respect of		
2.10.1.4 A National Civil Service	areas of exclusive, concurrent or residual competence.		
Commission;			
2.10.1.5 An ad-hoc Commission to	129. The National Judicial Service Commission		
monitor and ensure accuracy, legitimacy,	(1) The President of the Republic, after consultation within the Presidency, shall establish a		
and transparency of the Referendum as	commission to be known as the National Judicial Service Commission to undertake the overall		
mentioned in the Machakos Protocol on	management of the National Judiciary; its composition and functions shall be prescribed by law in		
Self-Determination for the People of	accordance with the provisions of the Comprehensive Peace Agreement.		
South Sudan, which shall also include	(2) The Chief Justice of the Republic of the Sudan, as the head of the National Judiciary, shall chair the National Judicial Service Commission.		
international experts; 2.10.1.6 A Fiscal and Financial Allocation			
	(3) The National Judicial Service Commission shall regulate the relations between judiciaries at the		
and Monitoring Commission; 2.10.1.7 Any other independent	National, Southern Sudan and states level. In the case of Southern Sudan, the regulation shall be made in consultation with the President of the Supreme Court of Southern Sudan.		
commission/institution set forth in the	made in consultation with the President of the Supreme Court of Southern Sudan.		
Peace Agreement or as agreed upon by	140. The National Constitutional Review Commission		
the Parties.	(1) The National Constitutional Review Commission shall		
the rathes.	continue to perform its functions as prescribed by the		
	Comprehensive Peace Agreement.		
	(2) The Presidency may review the composition and functions of the National Constitutional		
	Review Commission.		





CPA Protocol				
Power Sharing Agreement	Southern Kordofan/Blue Nile Protocol	Sudan Interim Constitution	Blue Nile Interim Constitution	Southern Kordofan Interim Constitution
SCHEDULE C: POWERS OF	Schedule (A)	Schedule (C)	Schedule A: Exclusive Executive	Schedule A: The State' Powers
STATES	The Exclusive Executive and	Powers of States	and Legislative Powers of the	The State's exclusive executive and
Exclusive executive and legislative	Legislative Competencies of the	The exclusive executive and	State	legislative powers shall be as
competencies of the individual States	Two States:-	legislative powers of a state of the		follows:
of Sudan shall be as set out	1 Wo Statest	Sudan shall be	1. Formulation, adoption, and	
hereunder:-	1. The drafting, adoption and	as follows:-	amendment of the State	1. [Formulation, adoption, and
	amendment of the Constitution of		Constitution. Any amendment of	amendment of] the State
1. The Constitution of the State,	the state, subject to conformity with	1. The Constitution of the state,	the State Constitution must be	Constitution, provided it is
subject to compliance with the	the Interim National Constitution;	subject to compliance with the	compatible with the Interim National	compatible with the Interim National
National Constitution, and, as	2. State Police;	National	Constitution.	Constitution where appropriate.
relevant, the Constitution of Southern	3. State Prisons;	Constitution, and, as relevant, the	2. State police	2. State police and State prisons.
Sudan;	4. Local Governments;	Constitution of Southern Sudan;	3. State prisons.	3. Local government.
2. State Police, prisons;	5. State information, state	2. State Police, prisons;	4. Local government.	4. State information, State
3. Local Government;	publications and state media;	3. Local Government;	5. State information, State	publications, and State media.
4. State information, state publications	6. Social Welfare, including state	4. State information, state publications	publications, and State media.	5. Social Welfare, including State
and state media;	pensions;	and state media;	6. Social Welfare, including State	pensions.
5. Social Welfare including State	7. The Civil Service at the state	5. Social Welfare including state	pensions.	6. The Civil Service at the State
pensions;	level;	pensions;	7. The Civil Service at the State	level.
6. The Civil Service at the State level;	8. The state judiciary and	6. The Civil Service at the state level;	level.	7. The State judiciary and the
7. The State Judiciary and	administration of justice at the state	7. The State Judiciary and	8. The State judiciary and the	administration of justice at State
administration of justice at State level	level, including maintenance and	administration of justice at state level	administration of justice at State	level, including the maintenance and
including maintenance and	organization of state courts, subject	including maintenance and	level, including the management and	organization of State courts subject
organization of State Courts, and	to national norms and standards of	organization of state Courts, and	organization of State courts subject	to the courts conformity with
subject to national norms and	civil and criminal procedure;	subject to national	to the courts conformity with	national rules and standards and
standards, civil and criminal	9. Cultural matters within the state;	norms and standards, civil and	national rules and standards and	civil and criminal procedures.
procedure;	10. Religious matters, subject to the	criminal procedure;	civil and criminal procedures.	8. State lands and natural resources
8. State Land and State Natural	Interim National Constitution;	8. State Land and state Natural	9. Cultural matters within the State	9. Cultural matters within the State.
Resources;	11. Internal and external borrowing	Resources;	10. Religious matters according to	10. Regulation of religious matters.
9. Cultural matters within the State;	of money on the sole credit of the	9. Cultural matters within the state;	the Interim National Constitution.	11. Internal and external borrowing
10. Regulation of religious matters	state within the national macro-	10. Regulation of religious matters;	11. Internal and external borrowing	of money guaranteed only by the
subject to the National Constitution		11. Internal and external borrowing of	of money guaranteed only by the	State, within the national





CPA Pr	otocol			
Power Sharing Agreement	Southern Kordofan/Blue Nile Protocol	Sudan Interim Constitution	Blue Nile Interim Constitution	Southern Kordofan Interim Constitution
and the Peace Agreement;	economic framework, as set by the	money on the sole credit of the state	State, within the national	macroeconomic framework.
11. Internal and external borrowing of	Ministry of Finance;	within the National macro-economic	macroeconomic framework	12. The appointment and hiring of
money on the sole credit of the State	12. The establishment, tenure,	framework;	specified by the Ministry of Finance.	state employees, establishment of
within the National macro-economic	appointment, and payment of state	12. The establishment, tenure,	12. Establishment of a State Civil	their authorities, and payment of
framework;	civil service officers;	appointment, and payment of state	Service system, and the appointment	their salaries.
12. The establishment, tenure,	13. The management, lease and	officers;	and payment of State employees.	13. The management, lease, and use
appointment, and payment of State	utilization of lands belonging to the	13. The management, lease and	13. The management, lease, and use	of lands belonging to the State.
officers;	state;	utilization of lands belonging to the	of lands belonging to the State.	14. The establishment, maintenance,
13. The management, lease and	14. The establishment, maintenance	state;	14. The establishment, operation,	and management of youth
utilization of lands belonging to the	and management of reformatory	14. The establishment, maintenance	and management of reformatory	reformatory institutions.
State;	institutions;	and management of reformatory	institutions.	15. The establishment, regulation,
14. The establishment, maintenance	15. The establishment, regulation,	institutions;	15. The establishment, operation,	and provision of health care in
and management of reformatory	and provision of health care,	15. The establishment, regulation, and	and regulation of health care	hospitals and other health care
institutions;	including	provision of health care, including	institutions, including hospitals and	institutions.
15. The establishment, regulation, and	hospitals and other health	hospitals and other health institutions;	other health institutions.	16. Regulation of commercial
provision of health care, including	institutions;	16. Regulation of businesses, trade	16. Regulation of commercial	businesses, trade licenses, working
hospitals and other health institutions;	16. Regulation of businesses, trade	licenses, working conditions, hours,	businesses, trade licenses, working	conditions, work hours, and holidays
16. Regulation of businesses, trade	licenses, working conditions, hours,	and holidays within the state;	conditions, work hours, and holidays	in the State.
licenses, working conditions, hours,	and holidays within the state;	17. Local works and undertakings;	in the State.	17. Local works and projects.
and holidays within the State;	17. Local works and undertakings;	18. Registration of marriage, divorce,	17. Local works and contracts.	18. Registration of marriage,
17. Local works and undertakings;	18. Registration of marriage,	inheritance, births, deaths, adoption	18. Registration of marriage,	divorce, inheritance, births, deaths,
18. Registration of marriage, divorce,	divorce, inheritance, births, deaths,	and affiliations;	divorce, inheritance, births, deaths,	adoption, and affiliation.
inheritance, births, deaths, adoption	adoption and affiliations;	19. Enforcement of state laws;	adoption, and affiliation.	19. Enforcement of State laws.
and	19. Enforcement of state laws;	20. Statutes enacted under the penal	19. Enforcement of State laws.	20. Legislation enacted under the
affiliations;	20. Statutes enacted under the penal	law power, save for the penalization	20. Legislation enacted under the	Penal Code, excluding criminal for
19. Enforcement of State laws;	law power, save for the	for the breach of National laws	Penal Code, excluding penalties for	the violation of national laws that
20. Statutes enacted under the Penal	penalization for the breach of	relating to the national competencies;	the violation of national laws that	fall under national jurisdiction.
Law power, save for the penalization	National laws relating to the	21. The development, conservation	fall under national jurisdiction.	21. The development, conservation,
for the breach of National laws	National competencies;	and management of state natural	21. The development, conservation	and management of State natural
relating to the national competencies;	21. The development, conservation	resources and state forestry resources;	and management of State natural	resources and State forestry
21. The development, conservation	and management of state natural	22. Primary and secondary schools	resources and State forestry	resources.





CPA Pr	otocol			Courth own Voudofou Intonius
Power Sharing Agreement	Southern Kordofan/Blue Nile Protocol	Sudan Interim Constitution	Blue Nile Interim Constitution	Southern Kordofan Interim Constitution
and management of State natural	resources and state forestry	and education administration in regard	resources.	22. Primary and secondary schools
resources and State forestry resources;	resources;	thereto;	22. Primary and secondary schools	and the educational administration
22. Primary and secondary schools	22. Primary and secondary school	23. Laws in relation to agriculture	and the educational administration	relating thereto.
and education administration in regard	and education administration in	within the state;	relating thereto.	23. Laws on Agriculture in the State.
thereto;	regard	24. Airstrips other than international	23. Laws on Agriculture in the	24. Airstrips other than international
23. Laws in relation to Agriculture	thereto;	and national airports within civil	State.	and national airports in the
within the State;	23. Laws in relation to agriculture	aviation regulations;	24. Airstrips other than international	framework of civil aviation
24. Airstrips other than international	within the state;	25. Intrastate public transport and	and national airports in the	regulations.
and national airports within civil	24. Airstrips other than	roads;	framework of civil aviation	25. Intrastate public transport and
aviation regulations;	international and national airports	26. Population policy and family	regulations.	roads.
25. Intrastate public transport and	within civil aviation regulations;	planning;	25. Intrastate public transport and	26. Population policy and family
roads;	25. Intrastate public transport and	27. Pollution control;	roads.	planning.
26. Population policy and family	roads;	28. State statistics, and state surveys;	26. Population policy and family	27. Environmental pollution control.
planning;	26. Population policy and family	29. State referenda;	planning.	28. State census and State surveys.
27. Pollution control;	planning;	30. Charities and endowment;	27. Environmental pollution control.	29. Referendum procedures in the
28. State statistics, and State surveys;	27. Pollution control;	31. Quarrying regulations;	28. State census and State surveys.	State.
29. State referenda;	28. State statistics, and state	32. Town and rural planning;	29. State referenda on matters falling	30. Charitable acts and gifts.
30. Charities and endowment;	surveys;	33. State cultural and heritage sites,	within the State's authorities.	31. Regulations on quarries.
31. Quarrying regulations, (subject to	29. State referenda, in matters	state libraries, state museums, and	30. Charitable organizations and	32. Town planning and rural
the Agreement on Wealth Sharing);	within the state's competencies;	other historical sites;	religious endowments.	planning.
32. Town and rural planning;	30. State charities and endowment;	34. Traditional and customary law;	31. Town planning and rural	33. State cultural and heritage sites,
33. State cultural and heritage sites,	31. Town and rural planning;	35. State finances;	planning.	State libraries and museums, and
State libraries, State museums, and	32. State cultural and heritage sites,	36. State irrigation and embankments;	32. State cultural and heritage sites,	other State historical sites.
other historical sites;	state libraries, state museums, and	37. State Budget;	State libraries and museums, and	34. Traditions and customary law.
34. Traditional and customary law;	other	38. State archives, antiquities, and	other historical sites.	35. State finances
35. State finances;	historical sites;	monuments;	33. Traditions and customary law.	36. State irrigation, dams, and
36. State irrigation and embankments;	33. Traditional and customary law;	39. Direct and indirect taxation within	34. Recreation and sports in the	bridges.
37. State Budget;	34. Recreation and sport within the	the state in order to raise revenue for	State.	37. State budget.
38. State archives, antiquities, and	state;	the state;	35. Firearm licenses.	38. State archives, antiquities, and
monuments;	35. Firearms Licenses;	40. State public utilities;	36. State finances.	memorials.
39. Direct and indirect taxation within	36. State finances;	41. Vehicle licensing;	37. State irrigation, dams, and	39. Imposition of direct and indirect







CPA Protocol				Southern Kordofan Interim
Power Sharing Agreement	Southern Kordofan/Blue Nile Protocol	Sudan Interim Constitution	Blue Nile Interim Constitution	Constitution
the State in order to raise revenue for	37. State irrigation and	42. Fire fighting and ambulance	bridges.	taxation within the State to
the State;	embankments;	services;	38. State budget.	strengthen State revenues.
40. State public utilities;	38. State budget;	43. Recreation and sport within the	39. State archives, antiquities, and	40. State public utilities.
41. Vehicle licensing;	39. State archives, antiquities, and	state;	historical landmarks.	41. Vehicle licensing.
42. Fire fighting and ambulance	monuments;	44. Firearms Licenses;	40. Direct and indirect taxation	42. Firefighting and ambulance
services;	40. Direct and indirect taxation	45. Flag and emblem of the state.	within the State to increase State	services.
43. Recreation and sport within the	within the state in order to raise		revenues.	43. Recreation and sports in the
State;	revenue for the state;		41. State public utilities.	State.
44. Firearms Licenses;	41. State public utilities;		42. Vehicle licensing.	44. Licenses to carry firearms.
45. Flag and emblem.	42. Vehicle licensing;		43. Firefighting and ambulance	45. Flag and emblem of the State.
	43. Fire fighting and ambulance		services.	
	services;		44. Flag and emblem	
	44. Flag and Emblem; and		45. Empowerment of society.	
	45. Community empowerment.			





Power Sharing 4.6 – Concurrent Competencies

CPA Pro	otocol			
Power Sharing Agreement	Southern Kordofan/Blue Nile Protocol	Sudan Interim Constitution	Blue Nile Interim Constitution	Southern Kordofan Interim Constitution
SCHEDULE D: CONCURRENT	Schedule (B): Concurrent Powers	Schedule (D)	Schedule B: Concurrent Powers	Schedule B: Concurrent Powers
POWERS	The National and State	Concurrent Powers	The National Government and the	The National Government and the
The National Government, the	Governments shall have concurrent	The National Government, the	State Government shall have	State Government shall have shared
Government of Southern Sudan and	Legislative and	Government of Southern Sudan, and state	shared legislative and executive	legislative and executive powers in
State Governments, shall have	Executive competencies on any of	governments, shall have legislative and	powers in the following matters:	the following matters:
legislative and executive competencies	the matters listed below:-	executive competencies on any of the		
on any of the matters listed below		matters listed below:-	1. Economic and social	1. Economic and social development
during the Interim Period:-	1. Economic and social		development in the State.	in the State.
	development within the state;	1. Economic and Social Development in	2. Legal and other professions	2. Legal and other professions and
1. Economic and Social Development in	2. Legal and other professions and	Southern Sudan;	and professional organizations.	professional organizations.
Southern Sudan;	their associations;	2. Legal and other professions and their	3. Higher education, education	3. Higher education, education
2. Legal and other professions and their	3. Tertiary education, educational	associations;	policy, and scientific research.	policy, and scientific research.
associations;	policy and scientific research;	3. Tertiary education, education policy	4. Health policy.	4. Health policy.
3. Tertiary education, education policy	4. Health policy;	and scientific research;	5. Urban development, planning,	5. Urban development, planning,
and scientific research;	5. Urban development, planning and	4. Health policy;	and housing.	and housing.
4. Health policy;	housing;	5. Urban development, planning and	6. Commerce and industrial	6. Commerce and industrial
5. Urban development, planning and	6. Trade, commerce, industry and	housing;	development.	development.
housing;	industrial development;	6. Trade, commerce, Industry and	7. Provision of public services.	7. Provision of public services.
6. Trade, commerce, Industry and	7. Delivery of public services;	industrial development;	8. Banking and insurance.	8. Banking and insurance.
industrial development;	8. Banking and insurance;	7. Delivery of public services;	9. Bankruptcy and insolvency.	9. Bankruptcy and insolvency.
7. Delivery of public services;	9. Bankruptcy and insolvency;	8. Banking and insurance;	10. Manufacturing licenses.	10. Manufacturing licenses [sani',
8. Banking and insurance;	10. Manufacturing licenses;	9. Bankruptcy and insolvency;	11. Disaster preparedness,	read sina'at al-tahwiliyah].
9. Bankruptcy and insolvency;	11. Disaster preparedness,	10. Manufacturing licenses;	disaster management, relief, and	11. Riverine transportation.
10. Manufacturing licenses;	management and relief and	11. Airports, only with respect to the	epidemics.	12. Disaster preparedness, disaster
11. Airports only with respect to the	epidemics;	Government of Southern Sudan in	12. Traffic regulations.	management, relief, and the
GOSS in accordance with Civil	12. Traffic regulations;	accordance with Civil Aviation standards	13. Electricity generation, water,	countering of epidemics.
Aviation standards and regulations;	13. Electricity generation and water	and regulations;	and waste management.	13. Traffic regulations.
12. River transport;	and waste management;	12. River transport;	14. Broadcasting and landline and	14. Electricity generation, water, and
13. Disaster preparedness, management	14. Broadcasting and	13. Disaster preparedness, management	wireless telecommunications	waste management.
and relief and epidemics control;	telecommunications utilities;	and relief and epidemics control;	utilities.	15. Information, publications, the
14. Traffic regulations;	15. Environmental management,	14. Traffic regulations;	15. Environmental management,	media, broadcasting organizations,





Power Sharing 4.6 – Concurrent Competencies

CPA Protocol				
Power Sharing Agreement	Southern Kordofan/Blue Nile Protocol	Sudan Interim Constitution	Blue Nile Interim Constitution	Southern Kordofan Interim Constitution
15. Electricity generation and water and	conservation and protection;	15. Electricity generation and water and	conservation, and protection.	and landline and wireless
waste management;	16. Relief, repatriation, resettlement,	waste management;	16. Relief, repatriation,	telecommunications.
16. Information, Publications, Media,	rehabilitation and reconstruction;	16. Information, Publications, Media,	resettlement, and reconstruction.	16. Environmental management,
Broadcasting and Telecommunications;	17. The initiation and negotiation of	Broadcasting and Telecommunications;	17. Negotiation of international	conservation, and protection.
17. Environmental management,	international and regional	17. Environmental management,	and regional agreements on	17. Relief, repatriation, resettlement,
conservation and protection;	agreements on culture, trade,	conservation and protection;	culture, trade, investment, credit,	rehabilitation, and reconstruction.
18. Relief, Repatriation, Resettlement,	investment, credit, loans, grants and	18. Relief, Repatriation, Resettlement,	loans, grants, and technical	18. Introduction of, negotiations on,
Rehabilitation and Reconstruction;	technical assistance with foreign	Rehabilitation and Reconstruction;	assistance with foreign	and completion of international and
19. Without prejudice to the National	governments and foreign non-	19. Without prejudice to the National	governments and foreign non-	regional agreements on culture,
Regulation, and in the case of Southern	governmental organizations;	Regulation, and in the case of Southern	governmental organizations	sports, trade, investment, loans,
States, the regulation of Southern Sudan	18. Financial and economic policies	states, the regulation of Government of	18. Financial and economic	grants, and technical assistance with
Government, the initiation, negotiation	and planning;	Southern Sudan, the initiation,	policies and planning.	foreign governments and foreign
and conclusion of International and	19. Gender policy;	negotiation and conclusion of	19. Gender policy.	non-governmental organizations
Regional Agreements on culture, sports,	20. Women's empowerment;	International and Regional Agreements	20. Strengthening of the role of	without prejudice to national
trade, investment, credit, loans, grants	21. Animal and livestock control,	on culture, sports, trade, investment,	women.	regulations.
and technical assistance with foreign	animal diseases, pastures and	credit, loans, grants and technical	21. Animal and livestock disease	19. Financial and economic policies
governments and foreign non-	veterinary services;	assistance with foreign governments and	control, pastureland, and	and planning.
governmental organizations;	22. Consumer safety and protection;	foreign non-governmental	veterinary services.	20. Strengthening of the role of
20. Financial and economic policies and	23. Women welfare and child	organizations;	22. Consumer safety and	women.
planning;	protection and care;	20. Financial and economic policies and	protection.	21. Gender policy.
21. Women's empowerment;	24. State courts responsible for	planning;	23. Well-being of women, and the	22. Pastureland, veterinary services,
22. Gender policy;	enforcing or applying national laws;	21. Women's empowerment;	protection and care of children.	and animal and livestock disease
23. Animal and livestock control,	and	22. Gender policy;	24. State Courts responsible for	control.
animal diseases, pastures and veterinary	25. Rehabilitation and care for	23. Pastures, veterinary services, and	enforcing or applying national	23. Consumer safety and protection.
services;	disabled war veterans, orphans,	animal and livestock diseases control;	laws.	24. The residual authorities under
24. Consumer safety and protection;	widows and their dependants.	24. Consumer safety and protection;	25. Rehabilitation and care for	Schedule E of the Interim National
25. Residual powers, subject to schedule		25. Residual powers, subject to schedule	persons disabled by the war,	Constitution.
E;		E;	orphans, widows, and the families	25. Well-being of women, and the
26. Mother, Child protection and care;		26. Mother, Child protection and care;	of widows.	protection and care of children.
27. Water Resources other than		27. Water Resources other than interstate		26. Water resources, excluding
interstate waters;		waters;		water shared between states.







Power Sharing 4.6 – Concurrent Competencies

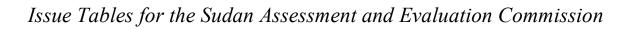
CPA Protocol				Cantham Vandafan Intarin
Power Sharing Agreement	Southern Kordofan/Blue Nile Protocol	Sudan Interim Constitution	Blue Nile Interim Constitution	Southern Kordofan Interim Constitution
28. Notwithstanding Schedules A, B and C, such matters relating to taxation, royalties and economic planning as specified in the Agreement on Wealth Sharing; 29. Southern Sudan and State Courts responsible for enforcing or applying National laws; 30. Such matters relating to taxation, royalties and economic planning as is specified in the Agreement on Wealth Sharing as a matter or matters in regard to which the Government of Southern Sudan is accorded concurrent	Protocol	28. Notwithstanding Schedules A, B and C, such matters relating to taxation, royalties and economic planning; 29. Southern Sudan and state Courts responsible for enforcing or applying National laws; 30. Such matters relating to taxation, royalties and economic planning as a matter or matters in regard to which the Government of Southern Sudan is accorded concurrent authority; 31. Human and animal drug quality control. 32. Regulation of land tenure, usage and		27. Schedules A, B, and C of the Interim National Constitution notwithstanding, any matters relating to the tax system, revenues, and economic planning 28. The State Courts responsible for enforcing or applying national laws. 29. Quality control of human and animal drugs 30. Regulation of the possession and use of land and the exercise of land rights. 31. Rehabilitation and care for persons disabled by the war,
authority; 31. Human and animal drug quality control.		exercise of rights in land.		orphans, widows, and their families.





Power Sharing 4.7 – Residual Powers and Conflicts

	CPA Protocol	Interim National Constitution	Blue Nile Interim Constitution	Southern Kordofan Interim Constitution
Power Sharing Agreement	SCHEDULE E: RESIDUAL POWERS The residual powers shall be dealt with according to its nature (e.g., if the power pertains to a national matter, requires a national standard, or is a matter which cannot be regulated by a single state, it shall be exercised by the National Government. If the power pertains to a matter that is usually exercised by the state or local government, it shall be exercised by the state). SCHEDULE F: Resolution of Conflicts in Respect of Concurrent Powers: If there is a contradiction between the provisions of Southern Sudan law and/or a State law and/or a National law, on the matters referred in Schedule D, the law of the level of government which shall prevail shall be that which most effectively deals with the subject matter of the law, having regard to: 1. The need to recognize the sovereignty of the Nation while accommodating the autonomy of Southern Sudan or of the States; 2. Whether there is a need for National or Southern Sudan norms and standards; 3. The principle of subsidiarity; 4. The need to promote the welfare of the people and to protect each person's human rights and fundamental freedoms.	Schedule (E) Residual Powers The residual powers shall be dealt with according to its nature (e.g., if the power pertains to a national matter, requires a national standard, or is a matter which cannot be regulated by a single state, it shall be exercised by the National Government. If the power pertains to a matter that is usually exercised by the state or local government, it shall be exercised by the state). Schedule (F) Resolution of Conflicts in Respect of Concurrent Powers If there is a contradiction between the provisions of Southern Sudan law and/or a state law and/or a National law, on the matters referred in Schedule D, the law of the level of government which shall prevail shall be that which most effectively deals with the subject matter of the law, having regard to: (1) The need to recognize the sovereignty of the Nation while accommodating the autonomy of Southern Sudan or of the states; (2) Whether there is a need for National or Southern Sudan norms and standards; (3) The principle of subsidiarity; (4) The need to promote the welfare of the people and to protect each person's human rights and fundamental freedoms which cannot be regulated by a single state, it shall be exercised by the National Government. If the power	Schedule C: Residual Powers Residual powers shall be exercised according to the nature thereof. If a power concerns a national matter and requires national standards, or cannot be regulated by a single State, the power shall be exercised by the National Government. If a power concerns a State matter, it shall be exercised by the State.	Residual powers shall be exercised according to the nature thereof. For example, if a power concerns a national matter and requires treatment at the national level, or cannot be regulated by a single State, the power shall be exercised by the National Government. If a power concerns an authority usually exercised by the State or local government, the State shall exercise it. If a matter is regulated by the laws of Southern Sudan with respect to he states of Southern Sudan, the power shall be exercised by the Government of Southern Sudan.







Power Sharing 4.7 – Residual Powers and Conflicts

	CPA Protocol	Interim National Constitution	Blue Nile Interim Constitution	Southern Kordofan Interim Constitution
1		pertains to a matter that is usually exercised by the state or		
looo	Schedule (C): Residual Powers	local government, it shall be exercised by the state).		
rot	The residual powers shall be exercised in accordance with its nature and as to			
P	whether the power pertains to a national matter, requires a national standard			
B	or is a matter that cannot be regulated by a single state, in which case it shall			
SK/	be exercised by the National Government. If the power pertains to a state			
91	matter, it shall be exercised by the state.			





CPA Protocol		Interim National Constitution	Blue Nile Constitution	Southern Kordofan Constitution
P o	following principles shall apply:	70. Composition and Competences of the National Council of Ministers	29. Formation and Authorities of the	52. Formation and Authorities of the Council of Ministers
W	2.2.2.2. Relevant considerations shall be taken into account	(1) The President of the Republic shall, after consultation	Council of Ministers	1. The Governor shall form a state
e	in determining what constitutes equitable representation.	within the Presidency, appoint the National Council of	1. The Governor shall	Council of Ministers under his
r	2.2.3 The National Legislature shall be structured and	Ministers.	form a state Council of	chairmanship. Women must be
C	operate as follows:-	(2) The President of the Republic and the two Vice	Ministers under his	represented in the Council.
S	j	Presidents shall be members of the National Council of	chairmanship.	2. The advisors and commissioners shall
h	accordance with the procedures set forth by an impartial and	Ministers.	2. The advisors and	be observers in the Council of
a	representative	(5) There shall be national State ministers appointed by	commissioners shall be	Ministers.
r	Electoral Commission and in accordance with fair electoral	the President of the Republic, after consultation within the	observers in the Council	CECTION 4 INTEDIM
1	laws;	Presidency; they shall assist the national ministers and	of Ministers.	SECTION 4 – INTERIM
n	2.2.3.2 There shall be a Council of States comprised of two	may act in their absence.	SECTION 3 - INTERIM	PROVISIONS FOR THE NATIONAL LEGISLATURE
g	representatives from each state; 2.2.4 Pending the elections referred to above, the National	79. Objectives of the Government of National Unity	PROVISIONS FOR	NATIONAL LEGISLATURE
A		Prior to the elections and notwithstanding Article 70 (1) of	THE LEGISLATIVE	62. 1. Pending the elections to be held
	Parties to the Agreement, and other forces in the North and	this Constitution, the President of the Republic, in	AUTHORITY	during the interim period under Article
g	South so as to promote inclusiveness and stability, in such	consultation with the First Vice President, shall form a	AUTHORITI	216 of the Interim Constitution of 2005
e	proportions to be determined by the parties prior to the	Government of National Unity, which shall implement the	72. Before elections are	of the Republic of Sudan and the
e	conclusion of the Peace Agreement.	Comprehensive Peace Agreement, reflecting the need for	held during the interim	Protocol on the Resolution of the
m	2.2.5 Prior to the Parliamentary elections, the seats of the	inclusiveness, the promotion of national unity and the	period under Article 216	Conflict in the States of Southern
e	National Assembly shall be allocated as follows:	protection of national sovereignty.	of the Interim National	Kordofan/Nuba Mountains and the Blue
n	() N - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 -	protection of national so vereigney.	Constitution of 2005 and	Nile
t	Fifty Two Per Cent (52%);	80. Allocation of Seats of Government of National	the law:	
	(b) Sudan People's Liberation Movement (SPLM) shall be	Unity		a. The person nominated by the
	represented by Twenty Eight Per Cent (28%);	The seats of the Government of National Unity shall be	a. There shall be 48 seats	Sudan People's Liberation
	(c) Other Northern political forces shall be represented by	allocated according to the seventy percent to thirty percent	in the State Legislative	Movement and appointed by the
	Fourteen Per Cent (14%);	North/South ratio, as follows:-	Assembly.	Office of the President shall be
	(d) Other Southern political forces shall be represented by	(a) the National Congress Party shall be represented by	b. The seats of the State	the Governor of the State for the
	Six Percent (6%);	fifty two percent (forty-nine percent for Northerners and	Legislative Assembly	period of the first rotation.
	2.5. The Government of National Unity:	three percent for Southerners),	shall be allocated as	





- 2.5.1 During the Interim Period, there shall be a Government of National Unity reflecting the need for inclusiveness, the promotion of national unity, and the defense of national sovereignty, and the respect and implementation of Peace Agreement.
- 2.5.3 Cabinet posts and portfolios in all clusters, including the National Sovereignty Ministries, shall be shared equitably and qualitatively by the two Parties. The Parties agree to cluster the National ministries under the implementation modalities.
- 2.5.4 Representation of the SPLM and other political forces from the South in each of the clusters shall be determined by the Parties Signatory to Agreement prior to the conclusion of the Peace Agreement.
- 2.5.5 Prior to elections, the seats of the National Executive shall be allocated
- as follows:-
- (a) The National Congress Party shall be represented by Fifty-Two Percent (52%);
- (b) Sudan People's Liberation Movement (SPLM) shall be represented by Twenty Eight Per Cent (28%);
- (c) Other Northern political forces shall be represented by Fourteen Per Cent (14%);
- (d) Other Southern political forces shall be represented by Six Percent (6%);
- 2.6.1 The Government of National Unity shall also ensure that the National Civil Service, notably at the senior and middle-levels, is representative of the people of Sudan. In so doing, the following principles shall be recognized:-
- 2.6.1.1 Imbalances and disadvantages which exist must be redressed:
- 2.6.1.2 Merit is important and training is necessary;

- (b) the Sudan People's Liberation Movement shall be represented by twenty eight percent (twenty-one percent for Southerners and seven percent for Northerners),
- (c) other Northern Political forces shall be represented by fourteen percent,
- (d) other Southern Political forces shall be represented by six percent.

85. Composition of the Council of States

(1) The Council of States shall be composed of two representatives from each state, elected by the state legislature in accordance with the National Elections Law and regulations set forth by the National Elections Commission.

INTERIM PROVISIONS FOR THE NATIONAL LEGISLATURE

117. Composition of National Legislature Prior to Elections

- (1) Pending elections, the National Assembly shall be composed of four hundred and fifty members who shall be appointed by the President of the Republic in consultation with the First Vice President, according to the seventy percent and thirty percent north/south ratio, as follows:-
- (a) The National Congress Party shall be represented by fifty-two percent (forty nine percent for Northerners and three percent for Southerners),
- (b) Sudan People's Liberation Movement shall be represented by twenty eight percent (twenty one percent for Southerners and seven percent for Northerners),
- (c) Other Northern political forces shall be represented by fourteen percent,

follows:

- i. 55 percent of all seats to members representing the National Congress Party.
- ii. 45 percent of all seats to members representing the Sudan People's Liberation Movement.
- c. State Legislative Assembly members appointed by the Governor according to the aforesaid percentages shall continue to discharge their functions in the State Legislative Assembly until new members are elected at the time and according to the procedures established by the National Electoral Commission. d. The laws currently applied in the State shall remain in force until the

- b. The person nominated by the National Congress Party and appointed by the Office of the President shall be the Governor of the State for the period of the second rotation after the end of the first rotation
- c. The person nominated by the National Congress Party and appointed by the Office of the President shall be the Deputy Governor of the State for the period of the first rotation.
- d. The person nominated by the Sudan People's Liberation Movement and appointed by the Office of the President shall be the Deputy Governor of the State for the period of the second rotation.
- 2. The State Council of Ministers shall comprise 11 members, including the Governor and his deputy, apportioned as follows:
 - a. 55 percent of the members shall be from the National Congress Party.
 - b. 45 percent of the members





- 2.6.1.3 There must be fair competition for jobs in the National Civil Service;
- 2.6.1.4 No level of government shall discriminate against any qualified Sudanese citizen on the basis of religion, ethnicity, region, gender, or political beliefs;
- 2.6.1.5 The National Civil Service will fairly represent all the people of the Sudan and will utilize affirmative action and job training to achieve equitable targets for representation within an agreed time frame;
- 2.6.1.6 Additional educational opportunities shall be created for war=affected people.

2.7.2 National Security Service:

- 2.7.2.1 There shall be one National Security Service. The details of its establishment shall be worked out under the implementation modalities;
- 2.7.2.2 The National Security Service shall be representative of the population and reflect the partnership of the negotiating Parties;

4.4 The State Legislature:

- 4.4.1 There shall be a State Legislature comprised of members elected inaccordance with the electoral provisions herein and as set forth by the National Electoral Commission referred to in sub-paragraph 2.10.1.1herein. 4.4.2 Pending the elections referred to in sub-article 4.4.1 herein, the composition of the state legislatures shall be comprised as follows:-
- 4.4.2.1. The NCP is to hold Seventy Percent (70%) in the Northern states, and the SPLM Seventy Percent (70%) in the

Southern states;

4.4.2.2. The remaining Thirty Percent (30%) in the Northern and the Southern states shall be allocated as follows:-

- (d) Other Southern political forces shall be represented by six percent.
- (2) Until the elections are held, the representatives of states at the Council of States and observers of Abyei Area shall be appointed by the President of the Republic after consultation within the Presidency and, in the case of Southern Sudan, on the recommendation of the President of Government of Southern Sudan after consultation with state institutions

136. Guidelines for Inclusiveness in the National Civil Service

The National Civil Service, notably at the senior and middle levels, shall be representative of the people of the Sudan; to ensure this, the following principles and guidelines shall be recognized and observed:-

- (a) imbalances and disadvantages in recruitment shall be redressed,
- (b) merit is important and training is necessary,
- (c) no level of government shall discriminate against any qualified Sudanese citizen on the basis of religion, ethnicity, region or gender,
- (d) fair competition for jobs,
- (e) application of affirmative action and job training to achieve targets for equitable representation within a specified time frame,
- (f) creation of additional training opportunities for conflict-affected people.

141. National Elections Commission

(1) There shall be established, within one month after the adoption of the National Elections Law, a National Elections Commission composed of nine independent, competent, non-partisan, impartial and representative

State Legislative Assembly promulgates new legislation within the powers of the State.

82. The State Police

- 1. A regular service police force shall be established by law in the State. Its mission shall be to enforce the law, maintain security and order in the State. protect citizens and the safety of persons and property, and protect and secure pubic installations and utilities. All Sudanese may join the force. The members of the force shall perform their duties with impartiality and integrity according to accepted national and international standards and in the framework of the country's overall security policy.
- 6. The State authority shall recruit police, prison, wildlife, and firefighting

- shall be from the Sudan People's Liberation Movement.
- 3. In order to implement the provisions of the above paragraphs, a Council of Ministers comprising seven members from the former Southern Kordofan region and four members from the former Western Kordofan region shall be formed as follows:
 - a. The National Congress Party shall nominate three members from the former region of Southern Kordofan and three members from the former region of Western Kordofan, and the governor shall appoint them with the approval of the State Legislative Council.
 - b. The Sudan People's
 Liberation Movement shall
 nominate four members from the
 former region of Southern
 Kordofan and one member from
 the former region of Western
 Kordofan, and the governor shall
 appoint them with the approval
 of the State Legislative Council.
- 4. The branches of the ministries in al-Fulah shall comply with all policies and





- (i) Ten Percent (10%) in the Southern states to be filled by the NCP;
- (ii) Ten Percent (10%) in the Northern states to be filled by the SPLM; and
- (iii) Twenty Percent (20%) in the Northern and Southern states to be filled by representatives of other Northern and Southern political forces respectively.

4.5 The State Executive:

- 4.5.1 Prior to elections the state executives shall be allocated as follows:-
- 4.5.1.1 The NCP is to hold Seventy Percent (70%) in the Northern states, and the SPLM Seventy Percent (70%) in the Southern states;
- 4.5.1.2 The remaining Thirty Percent (30%) in the Northern and the Southern states shall be allocated as follows:-
- (i) Ten Percent (10%) in the Southern states to be filled by the NCP:
- (ii) Ten Percent (10%) in the Northern states to be filled by the SPLM; and
- (iii) Twenty Percent (20%) in the Northern and Southern states to be filled by representatives of other Northern and Southern political forces, respectively.
- 4.5.3 The States' Council of Ministers shall be appointed by the Governor in accordance with the State Constitution, having regard to the need for inclusiveness.

B 5. The State Executive:

- 5.1. The Governor of the State shall be directly elected by the u registered voters of the State in a public adult suffrage.
- e \$.2. The Governor shall appoint the ministers and the commissioners of the state in accordance with the State
- N Interim Constitution. The State Council of Ministers shall be
- i representative.

personalities to be selected and appointed by the President of the Republic in accordance with Article 58 (2)(c) herein.

142. Human Rights Commission

(1) The President of the Republic shall, after consultation within the Presidency, establish an independent Human Rights Commission consisting of fifteen independent, competent non-partisan and impartial members. Their appointment shall be representative.

148. The Police

(1) The Police is a regular service force whose mission is to maintain law and order; its service shall be open to all Sudanese to reflect the diversity and multiplicity of the Sudanese society; it shall discharge its duties with impartiality and integrity in compliance with the law and the nationally and internationally accepted standards.

150. The National Security Council

- (1) There shall be at the national level a National Security Council, the composition and functions of which shall be determined by a National Security Act.
- (3) There shall be established security committees at the Government of Southern Sudan and state levels; their composition and functions shall be prescribed by the National Security Act.

151. The National Security Service

(2) The National Security Service shall be representative of the people of the Sudan; Southern Sudan shall, in particular, be equitably represented therein.

179. State Executive

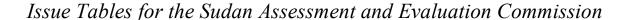
(3) The state council of ministers shall be appointed by the Governor in accordance with the state constitution.

officers according to the national standards. Such officers shall be trained and granted a certificate at the national level and belong to the service in the State.

- 7. Personnel to fill other ranks shall be recruited at the State level for employment according to the national hiring and training rules.
- 8. The State authorities may ask the national police authority to transfer any number of police officers to the State to fill any vacant positions in the State.
- 9. The national authorities may agree with the State authorities to transfer any number of State police officers to the national police force when necessary.
- 10. The State police authorities may, by decision of the State security committee, request support from the

instructions issued by the ministry or concerned agency and shall submit a report to the director general.

- 5. 55 percent of all levels of the executive apparatus shall be apportioned to the National Congress Party and 45 percent shall be apportioned to the Sudan People's Liberation Movement.
- 106. 1. A regular police force shall be established by law in the State. Its mission shall be to enforce the law, maintain security and order in the State, protect citizens and the safety of persons and property, and protect and secure pubic installations and utilities. All Sudanese may join the force.
- 6. The State shall recruit police, prison, wildlife, and firefighting officers according to the national standards. Such officers shall be trained and granted a certificate at the national level and belong to the service in the State.
- 7. Personnel to fill other ranks shall be recruited at the State level for employment according to the national hiring and training rules.
- 8. The State authorities may ask the national police authority to transfer any number of police officers to the State to fill any vacant positions in the State.







- 1 | 5.6 There shall be State Security Committee to be chaired by
- e the Governor of the State. The Committee shall include, among others, the Military
- S Commander of the area, his Deputy, the Director of the State
- o Police and
- u Director of the State National Security Branch.
- t | 5.7 Without prejudice to the provisions of paragraph 5.6
- h above, the Governor of the State may demand the transfer of
- e the Director of the National Security Branch from the State.
- r | 5.8 The State Police Service shall adhere to the National
- n standards and
- regulations as set forth by National Police Service.
- K 5.9 Police, Prisons, Wildlife and Fire Brigade Officers shall
- o be recruited by the State Service according to the National
- r standards, trained and commissioned nationally and returned
- d to the State for service. The other ranks shall be locally
- o recruited to serve within the State. Recruitment and training
- f regulations shall be designed and standardized by the
- a National
- n Police Service.
 - 5.10 Without prejudice to the provisions of paragraph 5.9
- P above, the National Authority may agree with the State
- r | Authority to transfer any number of police officers from the
- o State police to the National Police Service whenever
- t necessary.
- o 5.11 The State Authority may request the National Authority
- c to transfer to the State any number of police officers to fill
- o any vacancies in the State.
- 11.1. As part of pre-election arrangements, the Parties agree on the following:-
 - 11.1.1. The Executive and Legislature in the two states shall be allocated as follows:-

- (2) Without prejudice to the provisions of sub-Article (3) below, seats of the legislatures and executives of the states shall be allocated as follows:-
- (a) The National Congress Party shall have seventy percent of the seats in the Northern states, and the Sudan People's Liberation Movement shall have seventy percent of the seats in the Southern Sudan states,
- (b) The remaining thirty percent of the seats in the Northern and Southern Sudan states shall be allocated as follows:-
- (i) ten percent of the seats in Southern Sudan states to be filled by the National Congress Party,
- (ii) ten percent of the seats in the Northern Sudan states to be filled by the Sudan People's Liberation Movement,
- (iii) twenty percent of the seats in Northern and Southern Sudan states to be filled by representatives of other Northern and Southern Sudan political forces, respectively.
- (3) Seats of the legislatures and executives of Southern Kordofan and Blue Nile states shall be allocated in accordance with the Agreement on the Resolution of Conflict in Southern Kordofan and Blue Nile states.
- (2) The National Petroleum Commission shall be constituted as follows:-
- (a) the President of the Republic and President of Government of Southern Sudan as co-chairs,
- (b) four permanent members representing the National Government,
- (c) four permanent members representing the Government of Southern Sudan,
- (d) not more than three non-permanent members representing oil producing state or states in which

national police force in cases of security disturbances and disasters.

83. State Security Committee

There shall be national security committee in the State chaired by the Governor. The committee shall include the deputy Governor, the military commander of the military zone and his deputy, the State police director, the director of the branch of the National Ministry of Justice in the State, and any other members designated by the National Security Law.

92. Interim Provisions for the Localities

Before elections are held during the interim period under Article 216 of the Interim National Constitution of 2005 and the law:

a The Governor of the

- 9. The State police authorities may request support from the national police force in cases of security disturbances, armed conflicts, disasters, etc.
- 10. The national authorities may agree with the State authorities to transfer any number of State police officers to the national police force when necessary.

107. State Security [Committee]

1. A national security committee shall be established in the State. The committee shall be chaired by the Governor and include the deputy Governor, the military commander of the military zone and his deputy, the State police director, the director of the branch of the National Ministry of Justice in the State, and any other members designated by the National Security Law.

110. Civil Service

- 1. The Civil Service comprises all of State employees. The purpose of these employees is to discharge the functions assigned to them. The law shall regulate the duties of such employees.
- 2. The State shall be fair in its appointments to State public positions.

 Academic competence shall be the basis





- (a) Fifty-five Percent (55%) to the National Congress Party;
- (b) Forty-five Percent (45%) to the SPLM.
- 11.1.2. There shall be rotational governorship in the two states with each Party holding the Office of Governor for half of the preelection period in each of the two states.
- 11.1.3. No one Party is to hold the Governorship in both states at the same time.
- 11.1.4. The office of Deputy Governor is to be allocated to the Party that is not presently occupying the Office of Governor.
- 11.1.5. The Parties are to decide upon the signature of the comprehensive Peace Agreement the time and order in which each party assumes the Governorship in each state.
- 11.2 Pending general elections, and as part of affirmative action, the Parties agree that Southern Kordofan/Nuba Mountains and Blue Nile States shall be adequately represented in National Institutions targeting a percentage not less than the ratio of their population size.

petroleum development is being considered.

- (3) The Fiscal and Financial Allocation and Monitoring Commission shall be composed of representatives from the National Government and the Government of Southern Sudan and the states as follows:-
- (a) three representatives of the national government,
- (b) three representatives of Government of Southern Sudan,
- (c) all finance ministers in all states of the Sudan.

State shall, in consultation with his deputy, appoint, for the localities. commissioners, of whom 55 percent shall be from the National Congress Party and 45 percent shall be from the Sudan People's Liberation Movement. b. The Governor shall appoint, after consulting with his deputy and the concerned commissioner. up to 20 members for each locality's legislative assembly in the same proportions mentioned in (a) above.

for filling [State Civil Service] positions. Discrimination against any qualified Sudanese citizen because of religion, ethnicity, region, sex or political beliefs shall not be permitted.