



Power Sharing 4.1 – General Statements

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



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SK/BN Protocol	<p>General Principles: The Parties agree that the following principles shall guide the distribution of powers and the establishment of structures:</p> <p>1.3 In accordance with the Machakos Protocol, the structures of governments in the Sudan shall be as follows</p> <p>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;</p> <p>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</p> <p>1.3.4 The level of local government throughout Sudan</p> <p>1.4 The Parties agree that the following principles shall guide the distribution of powers and the establishment of structures:-</p> <p>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;</p> <p>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;</p> <p>1.5 Principles of Administration and Inter-Governmental Linkages</p> <p>1.5.1 In the administration of the Government of National Unity, the following provisions shall be respected:-</p> <p>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;</p> <p>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 the land and the Southern Sudan Constitution, state constitutions, and the laws of all levels of government must comply with it.</p>			



Power Sharing 4.3 – Intergovernmental Relations

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



Power Sharing 4.3 – Intergovernmental Relations

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<p>1.5.1 In the administration of the Government of National Unity, the following provisions shall be respected:-</p> <p>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;</p> <p>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</p> <p>SCHEDULE F: Resolution of Conflicts in Respect of Concurrent Powers:</p> <p>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:-</p> <ol style="list-style-type: none"> 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. <p style="text-align: center;">the land and the Southern Sudan Constitution, state constitutions, and the laws of all levels of government must comply with it;</p>	<p>for by this Constitution,</p> <p>(iii) to promote co-operation between all levels of government,</p> <p>(iv) to promote open communication between all levels of government,</p> <p>(v) to render assistance and support to other levels of government,</p> <p>(vi) to advance good co-ordination of governmental functions,</p> <p>(vii) to adhere to procedures of inter-governmental interaction,</p> <p>(viii) to promote amicable settlement of disputes before attempting litigation,</p> <p>(ix) to respect the status and 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,</p> <p>(2) Any two or more states may agree on mechanisms of arrangements to enhance inter-state co-ordination and cooperation.</p>	<p>28. Contestation of the Acts of the Governor, Council of Ministers, or a Minister</p> <p>The actions of the Governor, Council of Ministers, or any minister may be contested before:</p> <ol style="list-style-type: none"> a. The Constitutional Court if 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 concerns a violation of the law. <p>79. Relationship of the State Judicial Authority to the National Judicial Authority</p> <p>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.</p>	<p>The actions of the Governor may be contested before:</p> <ol style="list-style-type: none"> 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 law. <p>101. Jurisdiction of the State Courts</p> <p>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.</p> <p>118. Cooperation Among the Localities</p> <p>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.</p>
<p>SK/BN Protocol</p> <p>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.</p>			



Power Sharing 4.3 – Intergovernmental Relations



Power Sharing 4.4 – Oversight Bodies

CPA Protocol – Power Sharing Agreement	Interim National Constitution	Blue Nile Constitution	South Kordofan Constitution
<p>2.11.3. The Constitutional Court: 2. 11.3.2. The Constitutional Court shall:- (ii) Uphold the Interim National, Southern Sudan, 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 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 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; 2.12.11 Without prejudice to the functions</p>	<p>70. Composition and Competences of the National Council of Ministers (1) The President of the Republic shall, after consultation within the Presidency, appoint the National Council of Ministers. (2) The President of the Republic and the two Vice Presidents shall be members of the National Council of Ministers. (3) Without prejudice to the powers vested in the President of the Republic and the Presidency under this Constitution, decisions of the Council of Ministers shall prevail over all other executive decisions. (4) The National Council of Ministers shall be the national executive 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. (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, 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 resolve the matter before resorting to the Constitutional Court, 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. (2) Abyei Area shall have two observers at the Council of States, elected by Abyei Area Council.</p>	<p>29. Formation and Authorities of the Council of Ministers 1. The Governor shall form a state Council of Ministers under his chairmanship. 2. 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 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</p>	<p>52. Formation and Authorities of the Council of Ministers 1. The Governor shall form a state Council of Ministers under his chairmanship. Women must be represented in the Council. 2. 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. The bylaws regulating the Council's proceedings shall specify the method for adopting resolutions in the Council. 4. Without prejudice to the Governor's authorities, the decisions of the Council of Ministers shall prevail over any other executive</p>



Power Sharing 4.4 – Oversight Bodies

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



Power Sharing 4.4 – Oversight Bodies

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



Power Sharing 4.5 – State Competencies

CPA Protocol		Sudan Interim Constitution	Blue Nile Interim Constitution	Southern Kordofan Interim Constitution
Power Sharing Agreement	Southern Kordofan/Blue Nile Protocol			
<p>SCHEDULE C: POWERS OF STATES Exclusive executive and legislative competencies of the individual States of Sudan shall be as set out hereunder:-</p> <ol style="list-style-type: none"> 1. The Constitution of the State, subject to compliance with the National Constitution, and, as relevant, the Constitution of Southern Sudan; 2. State Police, prisons; 3. Local Government; 4. State information, state publications and state media; 5. Social Welfare including State pensions; 6. The Civil Service at the State level; 7. The State Judiciary and administration of justice at State level including maintenance and organization of State Courts, and subject to national norms and standards, civil and criminal procedure; 8. State Land and State Natural Resources; 9. Cultural matters within the State; 10. Regulation of religious matters subject to the National Constitution 	<p>Schedule (A) The Exclusive Executive and Legislative Competencies of the Two States:-</p> <ol style="list-style-type: none"> 1. The drafting, adoption and amendment of the Constitution of the state, subject to conformity with the Interim National Constitution; 2. State Police; 3. State Prisons; 4. Local Governments; 5. State information, state publications and state media; 6. Social Welfare, including state pensions; 7. The Civil Service at the state level; 8. The state judiciary and administration of justice at the state level, including maintenance and organization of state courts, subject to national norms and standards of civil and criminal procedure; 9. Cultural matters within the state; 10. Religious matters, subject to the Interim National Constitution; 11. Internal and external borrowing of money on the sole credit of the state within the national macro- 	<p>Schedule (C) Powers of States The exclusive executive and legislative powers of a state of the Sudan shall be as follows:-</p> <ol style="list-style-type: none"> 1. The Constitution of the state, subject to compliance with the National Constitution, and, as relevant, the Constitution of Southern Sudan; 2. State Police, prisons; 3. Local Government; 4. State information, state publications and state media; 5. Social Welfare including state pensions; 6. The Civil Service at the state level; 7. The State Judiciary and administration of justice at state level including maintenance and organization of state Courts, and subject to national norms and standards, civil and criminal procedure; 8. State Land and state Natural Resources; 9. Cultural matters within the state; 10. Regulation of religious matters; 11. Internal and external borrowing of 	<p>Schedule A: Exclusive Executive and Legislative Powers of the State</p> <ol style="list-style-type: none"> 1. Formulation, adoption, and amendment of the State Constitution. Any amendment of the State Constitution must be compatible with the Interim National Constitution. 2. State police 3. State prisons. 4. Local government. 5. State information, State publications, and State media. 6. Social Welfare, including State pensions. 7. The Civil Service at the State level. 8. The State judiciary and the administration of justice at State level, including the management and organization of State courts subject to the courts conformity with national rules and standards and civil and criminal procedures. 9. Cultural matters within the State 10. Religious matters according to the Interim National Constitution. 11. Internal and external borrowing of money guaranteed only by the 	<p>Schedule A: The State' Powers The State's exclusive executive and legislative powers shall be as follows:</p> <ol style="list-style-type: none"> 1. [Formulation, adoption, and amendment of] the State Constitution, provided it is compatible with the Interim National Constitution where appropriate. 2. State police and State prisons. 3. Local government. 4. State information, State publications, and State media. 5. Social Welfare, including State pensions. 6. The Civil Service at the State level. 7. The State judiciary and the administration of justice at State level, including the maintenance and organization of State courts subject to the courts conformity with national rules and standards and civil and criminal procedures. 8. State lands and natural resources 9. Cultural matters within the State. 10. Regulation of religious matters. 11. Internal and external borrowing of money guaranteed only by the State, within the national



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



Power Sharing 4.5 – State Competencies

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



Power Sharing 4.5 – State Competencies

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



Power Sharing 4.6 – Concurrent Competencies

CPA Protocol		Sudan Interim Constitution	Blue Nile Interim Constitution	Southern Kordofan Interim Constitution
Power Sharing Agreement	Southern Kordofan/Blue Nile Protocol			
<p>SCHEDULE D: CONCURRENT POWERS The National Government, the Government of Southern Sudan and State Governments, shall have legislative and executive competencies on any of the matters listed below during the Interim Period:-</p> <ol style="list-style-type: none"> 1. Economic and Social Development in Southern Sudan; 2. Legal and other professions and their associations; 3. Tertiary education, education policy and scientific research; 4. Health policy; 5. Urban development, planning and housing; 6. Trade, commerce, Industry and industrial development; 7. Delivery of public services; 8. Banking and insurance; 9. Bankruptcy and insolvency; 10. Manufacturing licenses; 11. Airports only with respect to the GOSS in accordance with Civil Aviation standards and regulations; 12. River transport; 13. Disaster preparedness, management and relief and epidemics control; 14. Traffic regulations; 	<p>Schedule (B): Concurrent Powers The National and State Governments shall have concurrent Legislative and Executive competencies on any of the matters listed below:-</p> <ol style="list-style-type: none"> 1. Economic and social development within the state; 2. Legal and other professions and their associations; 3. Tertiary education, educational policy and scientific research; 4. Health policy; 5. Urban development, planning and housing; 6. Trade, commerce, industry and industrial development; 7. Delivery of public services; 8. Banking and insurance; 9. Bankruptcy and insolvency; 10. Manufacturing licenses; 11. Disaster preparedness, management and relief and epidemics; 12. Traffic regulations; 13. Electricity generation and water and waste management; 14. Broadcasting and telecommunications utilities; 15. Environmental management, 	<p>Schedule (D) Concurrent Powers The National Government, the Government of Southern Sudan, and state governments, shall have legislative and executive competencies on any of the matters listed below:-</p> <ol style="list-style-type: none"> 1. Economic and Social Development in Southern Sudan; 2. Legal and other professions and their associations; 3. Tertiary education, education policy and scientific research; 4. Health policy; 5. Urban development, planning and housing; 6. Trade, commerce, Industry and industrial development; 7. Delivery of public services; 8. Banking and insurance; 9. Bankruptcy and insolvency; 10. Manufacturing licenses; 11. Airports, only with respect to the Government of Southern Sudan in accordance with Civil Aviation standards and regulations; 12. River transport; 13. Disaster preparedness, management and relief and epidemics control; 14. Traffic regulations; 	<p>Schedule B: Concurrent Powers The National Government and the State Government shall have shared legislative and executive powers in the following matters:</p> <ol style="list-style-type: none"> 1. Economic and social development in the State. 2. Legal and other professions and professional organizations. 3. Higher education, education policy, and scientific research. 4. Health policy. 5. Urban development, planning, and housing. 6. Commerce and industrial development. 7. Provision of public services. 8. Banking and insurance. 9. Bankruptcy and insolvency. 10. Manufacturing licenses. 11. Disaster preparedness, disaster management, relief, and epidemics. 12. Traffic regulations. 13. Electricity generation, water, and waste management. 14. Broadcasting and landline and wireless telecommunications utilities. 15. Environmental management, 	<p>Schedule B: Concurrent Powers The National Government and the State Government shall have shared legislative and executive powers in the following matters:</p> <ol style="list-style-type: none"> 1. Economic and social development in the State. 2. Legal and other professions and professional organizations. 3. Higher education, education policy, and scientific research. 4. Health policy. 5. Urban development, planning, and housing. 6. Commerce and industrial development. 7. Provision of public services. 8. Banking and insurance. 9. Bankruptcy and insolvency. 10. Manufacturing licenses [sani', read sina'at al-tahwiliyah]. 11. Riverine transportation. 12. Disaster preparedness, disaster management, relief, and the countering of epidemics. 13. Traffic regulations. 14. Electricity generation, water, and waste management. 15. Information, publications, the media, broadcasting organizations,



Power Sharing 4.6 – Concurrent Competencies

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



Power Sharing 4.6 – Concurrent Competencies

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



Power Sharing 4.7 – Residual Powers and Conflicts

	CPA Protocol	Interim National Constitution	Blue Nile Interim Constitution	Southern Kordofan Interim Constitution
<p>Power Sharing Agreement</p>	<p>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).</p> <p>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:-</p> <ol style="list-style-type: none"> 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. 	<p>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).</p> <p>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:-</p> <ol style="list-style-type: none"> (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 	<p>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.</p>	<p>Schedule C: Residual Powers 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 the states of Southern Sudan, the power shall be exercised by the Government of Southern Sudan.</p>



Power Sharing 4.7 – Residual Powers and Conflicts

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



Power Sharing 4.8 – Composition of Government Bodies

CPA Protocol	Interim National Constitution	Blue Nile Constitution	Southern Kordofan Constitution
<p>P 2.2.2. In the establishment of the National Legislature, the following principles shall apply:</p> <p>o 2.2.2.2. Relevant considerations shall be taken into account in determining what constitutes equitable representation.</p> <p>w 2.2.3 The National Legislature shall be structured and operate as follows:-</p> <p>e 2.2.3.1 The National Assembly shall be elected in accordance with the procedures set forth by an impartial and representative Electoral Commission and in accordance with fair electoral laws;</p> <p>r 2.2.3.2 There shall be a Council of States comprised of two representatives from each state;</p> <p>S 2.2.4 Pending the elections referred to above, the National Assembly shall consist of such members representing the Parties to the Agreement, and other forces in the North and South so as to promote inclusiveness and stability, in such proportions to be determined by the parties prior to the conclusion of the Peace Agreement.</p> <p>h 2.2.5 Prior to the Parliamentary elections, the seats of the National Assembly shall be allocated as follows:</p> <p>a (a) National Congress Party (NCP) shall be represented by Fifty Two Per Cent (52%);</p> <p>r (b) Sudan People’s Liberation Movement (SPLM) shall be represented by Twenty Eight Per Cent (28%);</p> <p>i (c) Other Northern political forces shall be represented by Fourteen Per Cent (14%);</p> <p>n (d) Other Southern political forces shall be represented by Six Percent (6%);</p> <p>g 2.5. The Government of National Unity:</p>	<p>70. Composition and Competences of the National Council of Ministers</p> <p>(1) The President of the Republic shall, after consultation within the Presidency, appoint the National Council of Ministers.</p> <p>(2) The President of the Republic and the two Vice Presidents shall be members of the National Council of Ministers.</p> <p>(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.</p> <p>79. Objectives of the Government of National Unity</p> <p>Prior to the elections and notwithstanding Article 70 (1) of this Constitution, the President of the Republic, in consultation with the First Vice President, shall form a Government of National Unity, which shall implement the Comprehensive Peace Agreement, reflecting the need for inclusiveness, the promotion of national unity and the protection of national sovereignty.</p> <p>80. Allocation of Seats of Government of National Unity</p> <p>The seats of the Government of National Unity shall be allocated according to the seventy percent to thirty percent North/South ratio, as follows:-</p> <p>(a) the National Congress Party shall be represented by fifty two percent (forty-nine percent for Northerners and three percent for Southerners),</p>	<p>29. Formation and Authorities of the Council of Ministers</p> <p>1. The Governor shall form a state Council of Ministers under his chairmanship.</p> <p>2. The advisors and commissioners shall be observers in the Council of Ministers.</p> <p>SECTION 3 - INTERIM PROVISIONS FOR THE LEGISLATIVE AUTHORITY</p> <p>72. Before elections are held during the interim period under Article 216 of the Interim National Constitution of 2005 and the law:</p> <p>a. There shall be 48 seats in the State Legislative Assembly.</p> <p>b. The seats of the State Legislative Assembly shall be allocated as</p>	<p>52. Formation and Authorities of the Council of Ministers</p> <p>1. The Governor shall form a state Council of Ministers under his chairmanship. Women must be represented in the Council.</p> <p>2. The advisors and commissioners shall be observers in the Council of Ministers.</p> <p>SECTION 4 – INTERIM PROVISIONS FOR THE NATIONAL LEGISLATURE</p> <p>62. 1. Pending the elections to be held during the interim period under Article 216 of the Interim Constitution of 2005 of the Republic of Sudan and the Protocol on the Resolution of the Conflict in the States of Southern Kordofan/Nuba Mountains and the Blue Nile</p> <p>a. The person nominated by the Sudan People’s Liberation Movement and appointed by the Office of the President shall be the Governor of the State for the period of the first rotation.</p>



Power Sharing 4.8 – Composition of Government Bodies

<p>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.</p> <p>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.</p> <p>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.</p> <p>2.5.5 Prior to elections, the seats of the National Executive shall be allocated as follows:-</p> <p>(a) The National Congress Party shall be represented by Fifty-Two Percent (52%);</p> <p>(b) Sudan People’s Liberation Movement (SPLM) shall be represented by Twenty Eight Per Cent (28%);</p> <p>(c) Other Northern political forces shall be represented by Fourteen Per Cent (14%);</p> <p>(d) Other Southern political forces shall be represented by Six Percent (6%);</p> <p>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:-</p> <p>2.6.1.1 Imbalances and disadvantages which exist must be redressed;</p> <p>2.6.1.2 Merit is important and training is necessary;</p>	<p>(b) the Sudan People’s Liberation Movement shall be represented by twenty eight percent (twenty-one percent for Southerners and seven percent for Northerners),</p> <p>(c) other Northern Political forces shall be represented by fourteen percent,</p> <p>(d) other Southern Political forces shall be represented by six percent.</p> <p>85. Composition of the Council of States</p> <p>(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.</p> <p>INTERIM PROVISIONS FOR THE NATIONAL LEGISLATURE</p> <p>117. Composition of National Legislature Prior to Elections</p> <p>(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:-</p> <p>(a) The National Congress Party shall be represented by fifty-two percent (forty nine percent for Northerners and three percent for Southerners),</p> <p>(b) Sudan People’s Liberation Movement shall be represented by twenty eight percent (twenty one percent for Southerners and seven percent for Northerners),</p> <p>(c) Other Northern political forces shall be represented by fourteen percent,</p>	<p>follows:</p> <p>i. 55 percent of all seats to members representing the National Congress Party.</p> <p>ii. 45 percent of all seats to members representing the Sudan People’s Liberation Movement.</p> <p>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.</p> <p>d. The laws currently applied in the State shall remain in force until the</p>	<p>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.</p> <p>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.</p> <p>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.</p> <p>2. The State Council of Ministers shall comprise 11 members, including the Governor and his deputy, apportioned as follows:</p> <p>a. 55 percent of the members shall be from the National Congress Party.</p> <p>b. 45 percent of the members</p>
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Power Sharing 4.8 – Composition of Government Bodies

<p>2.6.1.3 There must be fair competition for jobs in the National Civil Service;</p> <p>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;</p> <p>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;</p> <p>2.6.1.6 Additional educational opportunities shall be created for war-affected people.</p> <p>2.7.2 National Security Service:</p> <p>2.7.2.1 There shall be one National Security Service. The details of its establishment shall be worked out under the implementation modalities;</p> <p>2.7.2.2 The National Security Service shall be representative of the population and reflect the partnership of the negotiating Parties;</p> <p>4.4 The State Legislature:</p> <p>4.4.1 There shall be a State Legislature comprised of members elected in accordance with the electoral provisions herein and as set forth by the National Electoral Commission referred to in sub-paragraph 2.10.1.1 herein.</p> <p>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:-</p> <p>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;</p> <p>4.4.2.2. The remaining Thirty Percent (30%) in the Northern and the Southern states shall be allocated as follows:-</p>	<p>(d) Other Southern political forces shall be represented by six percent.</p> <p>(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</p> <p>136. Guidelines for Inclusiveness in the National Civil Service</p> <p>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:-</p> <p>(a) imbalances and disadvantages in recruitment shall be redressed,</p> <p>(b) merit is important and training is necessary,</p> <p>(c) no level of government shall discriminate against any qualified Sudanese citizen on the basis of religion, ethnicity, region or gender,</p> <p>(d) fair competition for jobs,</p> <p>(e) application of affirmative action and job training to achieve targets for equitable representation within a specified time frame,</p> <p>(f) creation of additional training opportunities for conflict-affected people.</p> <p>141. National Elections Commission</p> <p>(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</p>	<p>State Legislative Assembly promulgates new legislation within the powers of the State.</p> <p>82. The State Police</p> <p>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 public 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.</p> <p>6. The State authority shall recruit police, prison, wildlife, and firefighting</p>	<p>shall be from the Sudan People's Liberation Movement.</p> <p>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:</p> <p>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.</p> <p>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.</p> <p>4. The branches of the ministries in al-Fulah shall comply with all policies and</p>
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Power Sharing 4.8 – Composition of Government Bodies

<p>(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.</p> <p>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.</p>	<p>personalities to be selected and appointed by the President of the Republic in accordance with Article 58 (2)(c) herein.</p>	<p>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.</p>	<p>instructions issued by the ministry or concerned agency and shall submit a report to the director general.</p>
<p>5. The State Executive: 5.1. The Governor of the State shall be directly elected by the registered voters of the State in a public adult suffrage. 5.2. The Governor shall appoint the ministers and the commissioners of the state in accordance with the State Interim Constitution. The State Council of Ministers shall be representative.</p>	<p>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.</p>	<p>7. Personnel to fill other ranks shall be recruited at the State level for employment according to the national hiring and training rules.</p>	<p>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.</p>
	<p>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.</p>	<p>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.</p>	<p>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 public installations and utilities. All Sudanese may join the force.</p>
	<p>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.</p>	<p>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.</p>	<p>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.</p>
	<p>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.</p> <p>179. State Executive (3) The state council of ministers shall be appointed by the Governor in accordance with the state constitution.</p>	<p>10. The State police authorities may, by decision of the State security committee, request support from the</p>	<p>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.</p>



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<p>5.6 There shall be State Security Committee to be chaired by the Governor of the State. The Committee shall include, among others, the Military Commander of the area, his Deputy, the Director of the State Police and Director of the State National Security Branch.</p> <p>5.7 Without prejudice to the provisions of paragraph 5.6 above, the Governor of the State may demand the transfer of the Director of the National Security Branch from the State.</p> <p>5.8 The State Police Service shall adhere to the National standards and regulations as set forth by National Police Service.</p> <p>5.9 Police, Prisons, Wildlife and Fire Brigade Officers shall be recruited by the State Service according to the National standards, trained and commissioned nationally and returned to the State for service. The other ranks shall be locally recruited to serve within the State. Recruitment and training regulations shall be designed and standardized by the National Police Service.</p> <p>5.10 Without prejudice to the provisions of paragraph 5.9 above, the National Authority may agree with the State Authority to transfer any number of police officers from the State police to the National Police Service whenever necessary.</p> <p>5.11 The State Authority may request the National Authority to transfer to the State any number of police officers to fill any vacancies in the State.</p> <p>11.1. As part of pre-election arrangements, the Parties agree on the following:-</p> <p>11.1.1. The Executive and Legislature in the two states shall be allocated as follows:-</p>	<p>(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:-</p> <p>(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,</p> <p>(b) The remaining thirty percent of the seats in the Northern and Southern Sudan states shall be allocated as follows:-</p> <p>(i) ten percent of the seats in Southern Sudan states to be filled by the National Congress Party,</p> <p>(ii) ten percent of the seats in the Northern Sudan states to be filled by the Sudan People’s Liberation Movement,</p> <p>(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.</p> <p>(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.</p> <p>(2) The National Petroleum Commission shall be constituted as follows:-</p> <p>(a) the President of the Republic and President of Government of Southern Sudan as co-chairs,</p> <p>(b) four permanent members representing the National Government,</p> <p>(c) four permanent members representing the Government of Southern Sudan,</p> <p>(d) not more than three non-permanent members representing oil producing state or states in which</p>	<p>national police force in cases of security disturbances and disasters.</p> <p>83. State Security Committee</p> <p>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.</p> <p>92. Interim Provisions for the Localities</p> <p>Before elections are held during the interim period under Article 216 of the Interim National Constitution of 2005 and the law:</p> <p>a. The Governor of the</p>	<p>9. The State police authorities may request support from the national police force in cases of security disturbances, armed conflicts, disasters, etc.</p> <p>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.</p> <p>107. State Security [Committee]</p> <p>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.</p> <p>110. Civil Service</p> <p>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.</p> <p>2. The State shall be fair in its appointments to State public positions. Academic competence shall be the basis</p>
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<p>(a) Fifty-five Percent (55%) to the National Congress Party; (b) Forty-five Percent (45%) to the SPLM.</p> <p>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.</p> <p>11.1.3. No one Party is to hold the Governorship in both states at the same time.</p> <p>11.1.4. The office of Deputy Governor is to be allocated to the Party that is not presently occupying the Office of Governor.</p> <p>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.</p> <p>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.</p>	<p>petroleum development is being considered.</p> <p>(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.</p>	<p>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.</p> <p>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.</p>	<p>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.</p>
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