



Government of Southern Sudan
(GOSS)
Office of The President

Ref: GOSS/PD/J/002/2011

Date: 21st Jan. 2011

GOVERNMENT OF SOUTHERN SUDAN (GOSS)

Presidential Decree No. 002/2011 for the Formation of the Technical Committee to Review the Interim Constitution of Southern Sudan, 2005.

THE PRESIDENT OF THE GOVERNMENT OF SOUTHERN SUDAN:

In accordance with the provision of article 103(2)(k) I, General Salva Kiir Mayardit, The President of the Government of Southern Sudan, do hereby appoint the following hereinafter as the Technical Committee to Review the Interim Constitution of Southern Sudan, 2005.

S/N	Name	Title	Position in ICSS Committee
1	H.E. John Luk Jok	Minister of Legal Affairs & Constitution Development/GOSS	Chairperson
2	H.E. Telar Ring Deng	Presidential Advisor on Legal Affairs	Deputy Chairperson
3	H.E. Tor Deng Mawien	Presidential Advisor	Member
4	H.E. Michael Makuei Lueth	Minister of Parliamentary Affairs/GOSS	Member
5	H.E. David Deng Athorbei	Minister of Finance and Economic Planning/GOSS	Member
6	H.E. Paul Mayom Akec	Minister of Water & Irrigation/GOSS	Member
7	H.E. Madam Awut Deng Acuil	Minister of Labour & Public Service/GOSS	Member
8	H.E. Gabriel Changson Chang	Minister of Culture & Heritage/GOSS	Member
9	H.E. Madam Jemma Nunu Kumba	Minister of Housing & Physical Planning/GOSS	Member
10	Justice Reuben Madol Arol	Supreme Court	Member
11	Justice Deng Biong	Chairperson, Southern Sudan Law Review Commission	Member

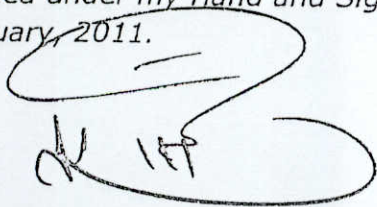
12	Hon. Lawrence Korbandy	Chairperson, Southern Sudan Human Rights Commission	Member
13	Hon. Robert Lado Loki	Chairperson, Southern Sudan Land Commission	Member
14	Prof. Deng Awur	Law Lecturer	Member
15	Hon. Peter Samuel Mogga	Advocate	Member
16	Hon. Dr. William Kon Bior	Chairperson, Southern Sudan Bar Association	Member
17	Hon. Mary Nyaulang Reat	MP, SSLA	Member
18	Dr. William Othwonh	Advocate	Member
19	Dong Samuel Luak	Advocate	Member
20	Hon. Dengtiel Ayuen Kuur	Chairperson, Legal Affairs Committee, SSLA	Member
ADVISORS			
1	Justice Ambrose Riny Thiik	Former President, Supreme Court	Advisor
2	Prof. Akolda Man Tier	Law Lecturer	Advisor
3	Justice Bullen Panchol Awol	Constitutional Court	Advisor
4	Justice John Gatwec Lul	Constitutional Court	Advisor

DECREE AND DATE OF COMMENCEMENT:-

The Decree shall be cited as the Presidential Decree No. 002/2011 for the Appointment of the Technical Committee to Review the Interim Constitution of Southern Sudan, 2005.

The Chairperson and the Deputy Chairperson shall prepare a budget for the purpose thereof and present it to the Minister of Finance and Economic Planning for funding.

Issued under my Hand and Signature in Juba, this Twenty First Day of January, 2011.



General Salva Kiir Mayardit

First Vice President of the Republic of the Sudan and
President of the Government of Southern Sudan
JUBA

Annex to Presidential Decree No. 002/2011

Terms of Reference of the Technical Committee to Review the Interim Constitution of Southern Sudan, 2005

The work of the Southern Sudan Transitional Constitution Technical Committee (Committee), established on twenty first day of January 2011 by Presidential Decree No. 002/2011, shall hereby be guided by the following terms of reference:

Mandate

- 1.1 The Committee is hereby established with a mandate to bring into effect and operationalize Article 208(5) and Article 208(6) or (7) of the Interim Constitution of Southern Sudan, 2005 (ICSS) as may be appropriate based on the outcome of the Southern Sudan Referendum, and highlighting the transitional nature of the Constitution until a permanent constitution is promulgated. In the event of secession, it shall ensure the transition of the ICSS from a regional or sub-national constitution to a constitution of an independent state.

Membership

- 2.1 The Committee shall be comprised of not more than fifteen (15) highly skilled Southern Sudanese lawyers, scholars, and experts with knowledge of and experience relevant to constitutional process and legislative drafting.
- 2.2 The Committee shall be established with due regard to the need for inclusiveness in recognition of competence and integrity.
- 2.3 The Committee can designate other esteemed experts who have relevant experience who can serve as advisors.

Scope of Work

- 3.1 In furtherance of its mandate, the Technical Committee shall, consistent with Article 208(7) of the Interim Constitution of Southern Sudan;
 - 3.1.1 Delete, where deemed appropriate, all parts, chapters, articles, sub-articles and schedules of the ICSS that provide for national institutions, representation, rights and obligations;
 - 3.1.2 Replace, where deemed appropriate, all references to national institutions, representation, rights and obligations with comparable Southern Sudanese national institutions, representation, rights and obligations;
 - 3.1.3 Provide the Government of an independent Southern Sudanese State with the exclusive powers provided for the National Government of the Republic of Sudan in the Interim National Constitution of the Republic of Sudan;
 - 3.1.4 Evaluate and identify provisions in the ICSS that may need immediate modification or amendment to ensure effective governance, and present recommendations for such modifications to the President of the Government of Southern Sudan for consideration;
 - 3.1.5 Develop and present to the President options for the process through which a Permanent Constitution shall be discussed and adopted, taking into account the resolutions and recommendations of the All Southern Sudanese Political Parties Conference of October 2010; and
 - 3.1.6 Present the final draft of a Transitional Constitution, with an explanatory report, to the President not later than 25th April 2011, for presentation to the Southern Sudan Legislative Assembly (SSLA).
- 3.2 In furtherance of its mandate, the Committee shall delete and replace all interim provisions of the ICSS as necessary to put into effect the provisions of Article 208(5).

Functions and Powers


- 4.1 The Committee shall brief the President, the Council of Ministers, and the Southern Sudan 2011 Taskforce Sub-committee Three on a regular basis on the progress of its work.
- 4.2 The Committee shall, through appropriate mechanisms, forward to the President any policy issues or other relevant matters arising in relation to its work for guidance.
- 4.3 The Committee may seek the assistance of Southern Sudanese and international experts with relevant knowledge and experience who shall provide technical support to the Committee. These individuals will not be members of the Committee.
- 4.4 The Committee shall regulate its own procedures with respect to the conduct of its business and proceedings and such regulation shall be consistent with this Terms of Reference.
- 4.5 The Committee may perform any other functions as it deems appropriate for its work and consistent with this Terms of Reference.

Technical Committee to Review the Interim Constitution of Southern Sudan (ICSS), January 31st 2011.

S/N	Name	Title	Position in ICSS Committee
1	H.E. John Luk Jok	Minister of Legal Affairs & Constitution Development/GOSS	Chairperson
2	H.E. Telar Ring Deng	Presidential Advisor on Legal Affairs	Deputy Chairperson
3	H.E. Tor Deng Mawien	Presidential Advisor	Member
4	H.E. Michael Makuei Lueth	Minister of Parliamentary Affairs/GOSS	Member
5	H.E. David Deng Athorbei	Minister of Finance and Economic Planning/GOSS	Member
6	H.E. Paul Mayom Akec	Minister of Water & Irrigation/GOSS	Member
7	H.E. Madam Awut Deng Acuil	Minister of Labour & Public	Member

		Service/GOSS	
8	H.E. Gabriel Changson Chang	Minister of Culture & Heritage/GOSS	Member
9	H.E. Madam Jemma Nunu Kumba	Minister of Housing & Physical Planning/GOSS	Member
10	Justice Reuben Madol Arol	Supreme Court	Member
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