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South Sudan Anniversary

One Year after Independence

Frequently Asked Questions

Africa

International Foundation for Electoral Systems

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Table of Contents

How and when did South Sudan gain independence?	1
What is the latest census data on South Sudan?	1
What is the founding legal framework for South Sudan?	1
What is the structure of South Sudan's government?	1
What type of program is IFES implementing in South Sudan?	2
What is the status of electoral law development?	3
What is the status of establishing a new election commission?	3
What support will IFES provide to the future election commission?	3
What is the process and timeline for developing a permanent constitution?	3
What is the status of developing a permanent constitution?	4
What support will IFES provide to the constitutional review commission?	4
What electoral events are anticipated in South Sudan?	4
What is the status of political party development in South Sudan?	4
What is the current division of Sudan and South Sudan?	5
Resources	6

Disclosure:

These FAQs reflect decisions made by South Sudan's election authorities as of June 29, 2012, to the best of our knowledge. This document does not represent any IFES policy or technical recommendations.

How and when did South Sudan gain independence?

The Republic of South Sudan declared independence from the Republic of the Sudan on July 9, 2011, after a referendum on self-determination in January 2011 resulted in an overwhelming vote for secession: 98.83 percent. The South Sudan Referendum was a key milestone in the 2005 Comprehensive Peace Agreement (CPA) that ended the civil war between northern and southern Sudanese forces.

What is the latest census data on South Sudan?

Total Population (2008): 8,260,490

- Western Bahr el-Ghazal: 333,431
- Northern Bahr el-Ghazal: 720,898
- Warrap: 972,928
- Unity: 585,801
- Upper Nile: 964,353
- Lakes: 695,730
- Jonglei: 1,358,602
- Western Equatoria: 619,029
- Central Equatoria: 1,103,592
- Eastern Equatoria: 906,126

What is the founding legal framework for South Sudan?

The Transitional Constitution of the Republic of South Sudan (TCRSS) 2011 established the legal foundation for the new country. The TCRSS 2011 will be in effect until the development of a permanent constitution (Article 201), which is anticipated at least one year before the end of the transitional period on July 9, 2015.

What is the structure of South Sudan's government?

- Presidential system has an elected president as head of the national government for a five-year term, renewable without term limits (Articles 97-101).
- Vice president is appointed by the president (Article 104).
- Council of Ministers consists of the minister from each of the national ministries and serves as highest executive authority (Articles 108-110). There are 29 national ministries, including defense, justice, finance, interior, labor and foreign affairs. Descriptions of national ministries available at the South Sudan government website (see Resources).
- National Legislature consists of two bodies, with members of both bodies, holding five-year terms, renewable without term limits (Articles 54 and 55):

- National Legislative Assembly consists of 170 elected members, 96 previous members of the Sudan National Legislative Assembly and 66 members appointed by the president, for a total of 332 members during the transitional period (Article 56).
 - Council of States consists of 20 members elected by the 10 South Sudan State Legislative Assemblies and 30 members appointed by the president for a total of 50 members during the transitional period (Article 58).
- Judiciary consists of the supreme court, court of appeals, high courts, county courts and other courts or tribunals as necessary (Articles 122-124). Judiciary and Supreme Court are headed by the Chief Justice (Article 127).
- State government consists of two bodies for each of 10 states (Article 163):
 - State Legislative Assembly (SLA): Each SLA consists of 48 members with 29 elected on the basis of geographical constituencies (60 percent) and seven from a Party List (15 percent) and 12 from a Women List (25 percent) on the basis of proportional representation (Article 164).
 - State Executive: governor, deputy governor and state ministers (Article 164).
- Independent commissions established by the transitional constitution:
 - Anti-Corruption Commission (Articles 143-144)
 - Human Rights Commission (Articles 145-146)
 - Relief and Rehabilitation Commission (Article 148)
 - Demobilization, Disarmament and Re-Integration Commission (Article 149)
 - HIV/AIDS Commission (Article 150)
 - Land Commission (Article 172)
 - National Elections Commission (Article 197)
 - National Constitutional Review Commission (Article 202)
- The Sudan People's Liberation Army (SPLA) will constitute the national South Sudan Armed Forces (SSAF) and shall be non-partisan, national in character, patriotic, regular, professional, disciplined, productive and subordinate to civilian authority (Articles 151-154).

What type of program is IFES implementing in South Sudan?

IFES provided technical and material assistance for Sudan's general election in April 2010 and the Southern Sudan Referendum in January 2011. This assistance included consultation on regulatory policy development, administrative structures, operational planning, commodity procurement, capacity building, results management and asset disposition.

Since July 2011, IFES has provided comparative research and analysis on electoral systems, electoral legislation and electoral commissions in support of building long-term policies and institutions, such as a new election law and election commission.

What is the status of electoral law development?

The Ministry of Justice (MoJ) engaged IFES to develop a new election law to replace the 2008 Sudan National Elections Act in September 2011. The draft election law was delivered to the MoJ in December 2011, approved by the Council of Ministers in January 2012 and passed by the National Legislative Assembly in April 2012.

The National Elections Act (NEA) 2012 is pending review by the president as of June 29, 2012. TCRSS 2011 Article 85 provides the president with 30 days to assent or object to the NEA 2012. If no action is taken after 30 days, the act is automatically enacted.

What is the status of establishing a new election commission?

When NEA 2012 is enacted, TCRSS 2011 Article 197 provides a one-month deadline for establishing the independent National Elections Commission (NEC) of South Sudan. All assets and resources from the Southern Sudan High Elections Committee (SSHEC)—the legacy electoral institution from Sudan—will vest to the new NEC upon its establishment.

What support will IFES provide to the future election commission?

IFES is prepared to build the administrative and operational capacity of the new NEC to conduct future electoral activities and events. Technical assistance will focus on developing the management skills of the NEC Board of Commissioners and Secretariat and the capacity of its electoral officers. Program objectives are designed to support NEC management and officers in preparing and implementing a regulatory framework; conducting operational activities; and preparing for boundary delimitation, voter registration, candidate nomination, voter education, polling, counting, results management and dispute resolution prior to the 2015 general elections.

What is the process and timeline for developing a permanent constitution?

TCRSS 2011 Article 202 mandates the president to establish the National Constitutional Review Commission (NCRC) to review the TCRSS and collect commentary and recommendations from all stakeholders, including any suggested changes to the governance system.

A draft constitutional text and an explanatory note are due to the president within 12 months of forming the NCRC. TCRSS 2011 Article 203 provides for the president to convene a National Constitutional Conference, which has six months to deliberate, approve and pass the draft text. The president must submit the draft constitution to the National Legislature by July 9, 2014, for review and passage within three months.

What is the status of developing a permanent constitution?

In accordance with TCRSS 2011 Article 202, the president established the NCRC on January 9, 2012. The NCRC consists of 60 members with representatives from political parties, civil society and marginalized groups to reflect the gender, political, social and regional diversity of South Sudan. The draft constitutional text and explanatory report are due to the president by January 9, 2013.

After six months of administrative delays that prevented a membership quorum and any review of activities, the NCRC membership was set by presidential decree and quorum was established on May 28. The NCRC is now prepared to launch its operational action plan that focuses on public consultation, research, analysis, public outreach and civic education with assistance from national and international groups. The first NCRC assembly is set for early July in the capital city of Juba.

What support will IFES provide to the constitutional review commission?

IFES is prepared to offer technical and material assistance to NCRC administrative and operational activities. Anticipated support includes advice on developing strategies for public consultation; data collection and review; capacity building; and assistance coordination, as well as essential office and computing equipment.

What electoral events are anticipated in South Sudan?

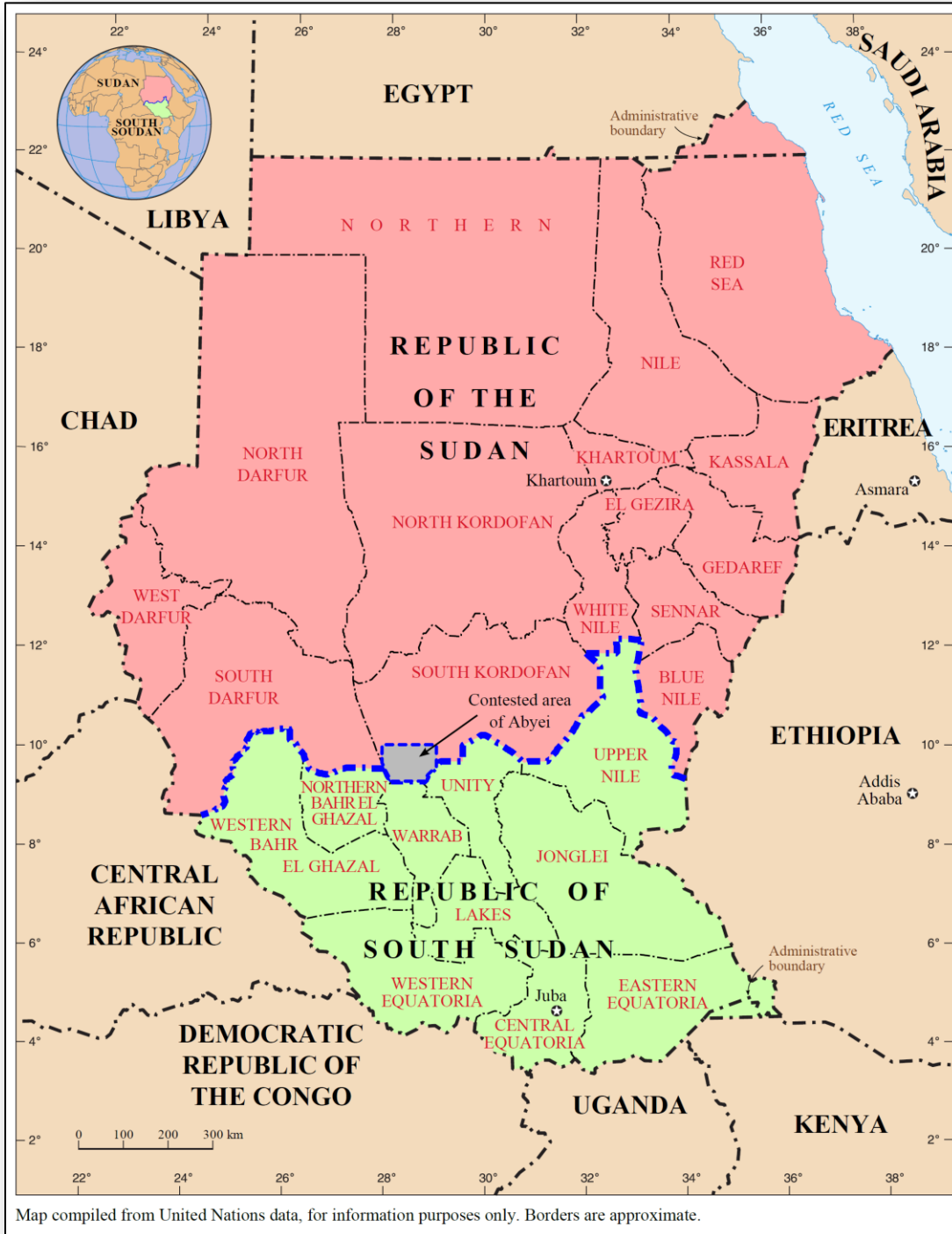
The electoral calendar contains several events leading up to the first general election in the first half of 2015. TCRSS 2011 Article 194 provides for a new population census to determine geographical constituencies during the transitional period. The first anticipated elections are legislative by-elections for 12 vacant elected seats in the national and state legislative assemblies. Another key event will be a voter registration exercise to develop a new electoral register before the 2015 general elections that will include presidential, gubernatorial, national legislative and state legislative elections.

What is the status of political party development in South Sudan?

South Sudan contains a multi-party political environment with approximately 26 parties participating in the Political Party Parties Leadership Forum (PPLF). The Sudan People's Liberation Movement (SPLM) is the largest and most popular party based on its central role in forming the new country. The Political Parties Act 2012 was enacted in March 2012. It established the Political Parties Council (PPC), which is used to register and monitor political parties and their activities. The PPC has not yet been formally established.

What is the current division of Sudan and South Sudan?

The following map was produced by the Government of Canada using data collected by the United Nations. It outlines the current division of Sudan and South Sudan, including the area of Abyei.



Resources

- Government of South Sudan: ([English](#))
- Results from 2011 referendum: ([English](#))
- Comprehensive Peace Agreement: ([English](#))
- Republic of South Sudan National Bureau of Statistics: ([English](#))
- Transitional Constitution of the Republic of South Sudan, TCRSS: ([English](#))
- Map of Sudan and South Sudan ([Link](#))