

Explanatory Note

To: Transitional National Legislature

**From: Paulino Wanawilla Unango,
Minister of Justice and Constitutional Affairs**

Re: Transitional Constitution of South Sudan, 2011 (as amended) Bill, 2018

Right Honourable Speaker and Honourable Members of the Transitional National Legislature,

1. Introduction

Allow me to present to you the **Transitional Constitution of South Sudan, 2011 (as amended) Bill, 2018**, hereinafter referred to as “Bill”.

This Amendment Bill is based on the fact that the Agreement on the Resolution of the Conflict in the Republic of South Sudan has been formally incorporated into the Transitional Constitution of South Sudan, 2011 (as amended). Therefore, its provisions have been reflected in the relevant Articles of the Constitution as provided in the attached proposed Amendment Bill.

2. Overview of the Bill

This Bill is to amend Articles 66(2), 100(2), 103 A(ii), 164(5) and 165(1)(b) of the Transitional Constitution, 2011(as amended) to provide for extension of duration and term of the Transitional National Legislature, Office of the President, First Vice President, State Legislative Assembly and Office of State Governor.

3. Amendments of some Provisions of the Transitional Constitution, 2011 (as amended)

The proposed provisions to be amended are as follows:

- (a) Article 66 - Term of the Transitional National Legislature
- (b) Article 100 - Term and mandate of Office of the President

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- (c) Article 103 A - Term and mandate of Office of the First Vice President
- (d) Article 164 - Duration and term of Transitional State Legislative Assembly
- (e) Article 165 - Term and mandate of Office of State Governor

In conclusion Honourable Speaker and Honourable Members of the August House, I respectfully submit this Transitional Constitution of South Sudan, 2011 (as amended) Bill, 2018 before this August House for deliberations and enactment.

Attachment: "Transitional Constitution of South Sudan, 2011 (as amended) Bill, 2018"

Laws of South Sudan

**The Transitional
Constitution of South Sudan, 2011
(as amended) Bill, 2018**

Juba, 29th June, 2018

Laws of South Sudan

The Transitional Constitution of the Republic of South Sudan, 2011

(as amended) Bill, 2018

A Bill to amend Articles 66(2), 100 (2), 103 (A) ,164(5), and 165(1) of the Transitional Constitution of the Republic of South Sudan, 2011 (as amended) 2018 to provide for the extension of term of the Transitional National Legislature, Office of the President, Office of the First Vice President, Transitional State Assembly and Office of State Governor.

1. Title and Commencement

This Bill shall be cited as the “Transitional Constitution, 2011 (as amended) Bill, 2018” and shall come into force on the date of signature by the President.

2. Authority

The Amendment is initiated in accordance with the powers vested in the President or the First Vice President under Article 106 A(4)(c)(i) of the Transitional Constitution, 2011(as amended) and powers vested in the National Legislature under Article 55(3)(a) read together with Article 199.

Amendments

3. Article 66

Article 66 is amended by replacing its sub-article (2) as follows:

Notwithstanding sub-article (1) of this Article, the duration and term of the current Transitional National Legislature is hereby extended from 12th August 2018 to 12th August, 2021

4. Article 100

Article 100 is amended by replacing its sub-article (2) as follows:

Notwithstanding sub-article (1) of this Article, the term and mandate of the Office of the President of the Republic of South Sudan is hereby extended from 12th August 2018 to 12th August, 2021.

Bill referred to the Committee
of Legislature.

5. Article 103 A

Notwithstanding sub-article 103 A (ii) of the Constitution, the term and mandate of the Office of the First Vice President of the Republic of South Sudan is hereby extended from 12th August 2018 to 12th August, 2021 .

6. Article 164

Article 164 is amended by replacing its sub-article 5 as follows:

The duration and term of current Transitional State Legislative Assembly is hereby extended from 12 August 2018 to 12th August, 2021

7. Article 165

Notwithstanding sub-article 165 (1) (a) of the Constitution, the term and mandate of Office of State Governor is hereby extended from 12th August 2018 to 12th August, 2021

Assent of the President of the Republic of South Sudan

In accordance with the provision of article 85 of the Transitional Constitution of South Sudan, 2011 (as amended) I, Gen. Salva Kiir Mayardit, President of the Republic of South Sudan, hereby assent to the Transitional Constitution of the Republic of South Sudan, (as amended) Bill, 2018 and sign it into law.

Signed in Juba this day of the month of in the year 2018.

**Gen. Salva Kiir Mayardit
President
Republic of South Sudan
Juba**