Institution of Local Government at all Levels of Government in Southern Sudan.

Section 1. Authority and Application

(2) The provisions of this Act shall apply to all Local Government Councils and

Establishment of a System of Local Government in Southern Sudan.

Section 2. Purpose

The purpose of this Act is to provide for the establishment of local governments, their

related thereof

powers, functions and duties, structure, composition, finances and any other matters

Section 3. Repeal and Savings

Provisions of this Act in force or effect until they are repealed or amended in accordance with the

on the date of the signature by the President.

This Act may be cited as ″The Local Government Act, 2009″ and shall come into force

Chapter I

PRELIMINARY PROVISIONS

Sudan, hereby enacts the following:

THE LOCAL GOVERNMENT ACT, 2009

LAWS OF SOUTHERN SUDAN
"Council" means a County, City, Municipal or Town Council;

functions of the council;

according to the provisions of this Act to co-ordinate the legislative and executive councils the provisions of this Act;

"Committee of a Council" means a committee established by a council in accordance with the provisions of this Act;

"Local Government in the County" means a person elected by the people of a county as the head of the Council;

"Commissioner" means a person established in an urban area in accordance with the provisions of this Act;

"City Council" means a council established in an urban area in accordance with the provisions of this Act;

"Chief Executive Officer" means the chief administrator of a City or Municipal Council;

"Council" means the head of the civil service of a local government;

"Chief Administrator" means the chairman of a Council elected by the councillors of the respective council;

"Chairperson" means the chairman of a Council elected by the councillors of the respective council;

"By-law" means any local legislation made by a Council in accordance with the provisions of this Act;

"Bona fide" means the assembly of the entire people resident in a home, who are eligible to vote;

"Bona fide" means the assembly of the entire people resident in a home, who are eligible to vote;

"Bona fide" means the basic administrative unit of the county, which shall exercise decentralized powers within the county;

"Block Council" means the coordinating unit of a City or Municipal Council comprised of a number of quarter councils, which shall exercise delegated powers within the jurisdiction of a City or Municipal Council;

"Auditor" means the Auditor General of any other audit firm with whom he or she may authorize the appointment of a public auditor, in accordance with the provisions of this Act and any applicable law;

expressions shall have the meanings assigned to them respectively:

In this Act, unless the context otherwise requires, the following words and phrases shall be so construed:

Section 5. Interpretation.
THE GUIDING PRINCIPLES

CHAPTER II

Section 1

Nature and Establishment of Local Government and Local Government Councils
Each local government council shall respect, develop and promote all the national languages spoken in its territory.

The local government council may be the official language or medium of communication thereon as national language spoken by the people in the respective local government without prejudice to the provisions of Article 6(2) of the Constitution, the Constitution of Southern Sudan 2005, the Constitution of the Republic of Sudan, The Local Government Act, The Local Government Authority, The Southern Government Act, and Customs and Traditions of the people of the respective local government territory within the State.

The sources of legislation in the local government councils shall be:

Section 9.

The authority of each local government council shall be exercised through its name.

The local government authority shall be vested in each local government council which shall be a legal entity with the right to sue and be sued in its own name.

Other applicable law.

The local government authority shall be derived from the people and shall be exercised in accordance with the people’s will as prescribed in this Act and any other applicable law.

Section 8.

The boundary of each local government council shall be demarcated in the territory of the respective community area which constitutes the given local council.

The boundary of each local government council shall be all the homesteads for each local council.
Section 17. Objectives of the Local Government

The objectives of the Local Government shall be to:

- promote peace, reconciliation, and peaceful co-existence among the various communities;
- promote social and economic development;
- promote social and civic education;
- encourage the involvement of communities and community based people's organizations in local governance and promote deliberation among the people on matters of local interest;
- establish the local government institutions as close as possible to the people;
- promote self-governance and enhance the participation of people and communities in maintaining the law and order and promoting democratic, transparent, and accountable local government;
- provide and maintain basic services and facilities to the people and communities at the local government level; and
- ensure economic and social development of the local government area.

The act of Rights and Citizenship

Government Councils for the benefit of people with special needs.

The use of developed sign languages shall be encouraged by the local government.
The fourth principle is the responsible use of resources, efficiency and effectiveness, to ensure good public service delivery and accountability. To ensure accountability of decision-makers and accountability of the people in the service delivery and meeting public demands.

6. Government and non-governmental organizations to the aspirations of the people in service delivery.

7. Responsibility to increase the sensitivity of the employees of the local government council.

8. Equality, to provide an equitable distribution of resources throughout.

9. Equity, to provide and equitable distribution of resources throughout.

10. Efficiency, to provide an equitable distribution of resources throughout.

11. Self-governance and democracy.

12. Principle of subsidiarity, where decisions and functions shall be decentralized to the lowest competent level of government.

The following principles of local governance shall be the basis for decentralization and democratization of the local government authority system in Southern Sudan.

Section 13: Principles of Local Governance

1. Encourage and support women and youth activities and the training and development of schools and healthy environment and

2. Principle of subsidiarity, where decisions and functions shall be decentralized to the lowest competent level of government.


4. Virtues, values, and culture of the society.

5. Transparency, to build mutual trust between government and citizens through the provision of information and guaranteed access.

6. Provisions to ensure the provision of information and guaranteed access.

7. Equity, to provide an equitable distribution of resources throughout.

8. Efficiency, to provide an equitable distribution of resources throughout.

9. Efficiency and effectiveness, to ensure good public service delivery and accountability.

10. Equality, to provide an equitable distribution of resources throughout.

11. Self-governance and democracy.

12. Principle of subsidiarity, where decisions and functions shall be decentralized to the lowest competent level of government.
base of traditional administration and cultural practices, and known as a
economy is predominantly agricultural, pastoral or mixed, with a strong
a Rural Council is a Council established in a rural settlement or area whose
Councils.

d) a Town Council which shall be a corporate body, divided into Quarter
councils.
d) a Municipal Council which shall be a corporate body, divided into Block
councils.
d) a City Council which shall be a corporate body, divided into Block
councils.

(2) An Urban Council is a Council established in an urban or a cosmopolitan

(3) The types of local government councils shall be as follows:

Section 16. Types of local government councils

(1) The Rural Council (Basic Administrative Units);
(2) The Payam and Block Councils (Coordinating Administrative Units); and
(3) The County, City, Municipal and Town Councils.

Governments as follows:

Section 15. Terms of the local government

(1) The local government council shall be incorporated into the traditional administration of

Section 14. The local government council

Chapter III

DECENTRALISED SYSTEM OF LOCAL GOVERNMENT
provisions of section 8 of this Act.

Each local council shall have developed authority in accordance with the

Section 12.

Devolution of authority

Industrial Councils

Category F Councils

County Council (2)

Category D Councils

County Council (1)

Category C Councils

Town Councils

Category A Councils

Municipal Council

City Council

Category A Councils

To their respective states and territory as follows:-
The local government councils shall be graded into five (5) categories according

Section 12.

Grading of local government councils

Every local government council may grow in population, infrastructure and

as it develops.

an industrial council may qualify for the status of a full corporate body

in the jurisdiction of the corporate body within which it exists and

may have either of both characteristics of an urban or a rural council as

sub-divided into paying and non-paying councils.

An industrial council is a council established in an industrial area which

Category F Councils
Chapter IV

Section 19. Incorporation of Traditional Authority Systems

Shall respect the authority and powers devolved to State Governments,
and
shall exercise its competence in accordance with the provisions of this Act and the Constitution; and may delegate its authority to any other lower Level:

Each Local Government Authority:

Traditional systems and institutions into the Local Government
acknowledgment and incorporation of administrative aspects of the
affirmation of the principles of self-reliance and self-governance;

Local Government Powers:

Following principles shall guide the devolution of authority and exercise of
Without prejudice to the provisions of Article 5(1) of the Constitution, the
All the existing forms of the local Government Councils shall be reviewed and
re-organised in accordance with the provisions of sub-sections (1) and (2) above.

The standard criteria for the creation and establishment of the local
Government Councils referred to in subsection (1) above, shall be variable
applied for the creation of each Council according to its peculiar urban or rural
characteristics, and the peculiar needs of the area or territory it is to serve.

The following shall be provided for in Appendix I of this Act taking into account
the criteria for the creation and establishment of the local Government
Councils:

Section 21. Criteria for the Establishment of the Local Government Councils

The headquarters of each local Government Council shall be the seat of its
Government Board.

An established Local Government Council shall not be dissolved or abolished
except by an order issued by the President.

The Warrant of Establishment of each Local Government Council shall be
signed by the President and attested.

Each local Government Council shall be created and established by a warrant showing its
jurisdiction of authority, territorial boundary and a map of its area duly
determined by a committee established by the Government of Southern Sudan.

Each local Government Council shall be created and established by an order
issued by the President upon the recommendation of the State Government
and the committee referred to in sub-section (4) below, in accordance with the
standard criteria provided for in this Act.
The case may be in accordance with the provisions of this Act of laws assigned to by the County Commissioner, Mayor, or Town Clerk, as

The Legislative Council shall exercise its legislative powers through enactment.

(3)

In his Legislative Council in all matters assigned to it by this Act, the Legislative competence of each local government council shall be vested.

(2)

Council as the highest Legislative in the Council, there shall be established Legislative Authority in each local government

(1)

Section 25: Establishment of the Legislative Councils

CHAPTER V

Protection of the Rights of the People and their Interests.

(6) Their communities; and

Section 24: Primary Responsibilities of the Local Government Councils

Access and opportunities for the people to engage in the development of environment and promotion of local development and provision of land administration and environmental management.

(7)

Regulation, provision and maintenance of services to the people.

(8)

Regulation and maintenance of law and public order.

(9)

The primary responsibilities of the Local Government Councils shall be, but not limited to:

Limited to--

Section 23: Powers and Competences of the Local Government Councils

The Customary Law Council,

(6) The Executive Council, and

(7) The Legislative Council;

The Local Government Councils shall have the following organs--:

Section 22: Organs of the Local Government Councils
Section 26. Composition of the Legislative Councils

(1) The Legislative Council of each Local Government Council shall consist of-
(a) thirty-five members directly elected from the Bomas of a County or the
quarters of a City, Municipal or Town Council;
(b) women representatives constituting at least twenty-five percent of the
total membership and representatives of persons with special needs and/or other
categories as may be determined by regulations.

Section 27. Eligibility for Membership of the Legislative Council

(1) A candidate for membership of the Legislative Council shall-
(a) be a Sudanese;
(b) be at least twenty-one years of age;
(c) be of sound mind;
(d) be literate; and
(e) not have been convicted during the last seven (7) years of an offence
involving honesty or moral turpitude.

Section 28. Election of Members of the Legislative Council

(1) Members of the Legislative Council shall be elected through universal
suffrage.

Section 29. Loss of Membership of the Legislative Council

(1) An elected Councillor may lose his or her membership or position upon a
resolution passed by a two-thirds majority of members of the Legislative
Council; if the or she-
(tenders his or her written resignation to the Council;
Legislative Council may waive the immunity of the member concerned in a case where a member of a Legislative Council is charged with a serious offence the provisions of this Act and any other applicable law or regulation.

Without prejudice to the generality of subsection (1), above, a member of a Legislative Council shall be immune from any criminal proceedings, and shall not be charged with an offence in any court of law in which the person is acting or has acted as a member of the Legislative Council.

Section 31: Immunity of the Members of the Legislative Council

Every member of the Legislative Council shall take the following oath of office before the Chairperson of the Council:

Chairperson of the Council:

During his or her term of office, except where he or she is called to question during the sitting of the Legislative Council and is sought to be charged with an offence in any court of law, a member of the Legislative Council shall be immune from any criminal proceedings, and shall not be charged with an offence in any court of law in which the person is acting or has acted as a member of the Legislative Council.

Section 30: Oath of Council Members

Government and Law Enforcement

When a vacancy occurs, the Chairperson of the Legislative Council shall in consultation with the National Constituency, the National Constituency Branch of the Legislative Council, and the Minister of Local Government and Law Enforcement within sixty (60) days from the date of occurrence

Upon vacating the Office of a Council seat, a successor shall be elected in accordance with:

Prescribed procedures; or

Provisions of this Act and any other applicable law or regulation.

 aforementioned subsections to waive his or her immunity in accordance with the provisions of this Act and any other applicable law or regulation.
Ad hoc committees as necessary may require Council and such committees shall be determined by each Legislative Council. Standing committees as established by each Legislative Council shall perform the provisions of sub-section (1) above, and such shall be performance of its functions and duties.

The Legislative Council shall establish Committees for efficient and effective Committees of the Legislative Council.

Governor shall regulate the Council of Ministers or any other level of government and such member shall not assume any office in the Council Civil Service.

Such office or business does not compromise his or her duty as a member and may hold any other office for remuneration or engage in any profit-making business provided that each member of the Council may hold any other office for remuneration or engage and meals in the period of the Council business. allowances in lieu of basic livelihood such as transport, accommodation, and allowances for the Chairperson, Deputy Chairperson and Members of the Legislative Council shall not be paid monthly emoluments but shall receive allowances for all members, for Council sessions attended:

Living in each locality:

Members of the Legislative Council shall be entitled to allowances which shall be determined by each Council in accordance with Public Service Law and Regulations and the prevailing cost of the views or opinions while performing his or her functions and duties, he held accountable before any court of law for reasons of express or implied

No legal proceedings shall be initiated against any member, nor shall he or she.

The members of the Legislative Council shall express their opinions and provide for in the Council Code of Conduct of Business,

The privileges of members of the Legislative Council shall be determined by each Legislative Council.
The Legislative Council shall have the powers to make by-laws within its jurisdiction.

Section 37: Powers and Functions of the Legislative Council

Powers and functions of the Legislative Council are to be exercised in accordance with the provisions of this Act and any other applicable law.

Internal Regulations of the Legislative Council

The Chairperson of the Council shall ensure that such internal regulations are respected, adhered to and enforced accordingly.

The Council shall be responsible for the preparation of its agenda and the conduct of its business.

The Council Secretary shall be a member of the Legislative Council, but without the right to vote.

Local Government Administration Officers

The Legislative Council shall appoint its Secretary from the General List of Members of its ad hoc Committees, as may be determined by regulations.

The Council shall elect the Chairperson and a Deputy Chairperson, order and supervise the administration of the Council.

The Chairperson shall preside over the sitting of the Council, elected from amongst its members in its first sitting.

Officers of the Legislative Council

The functions and duties of the Council's Standing and Ad Hoc Committees shall be determined by regulations issued by each Council.
Section 39. By-laws

The by-laws shall be published in the Southern Sudan Gazette.

Any by-law enacted by the legislative council and confirmed to be compatible with the constitution and other laws shall come into force in accordance with the provisions of this section, and not acted upon the said by-law, shall come into force in accordance with the provisions of the by-law, and the by-law referred to the head of legal administration shall give the opinion and any other law, within the thirty (30) days from the same in the formative council for necessary action where the head of legal administration is not in conformity with the constitution or any other law, advice within thirty (30) days of submission of the by-law to the legal administration shall give the opinion of the head of legal administration and any other law, and the head of the Southern Sudan constitution and constitution, shall be forwarded by the legislative council to the head of legal administration to all by-laws passed by the legislative council shall be forwarded by the council.
Section 41. Election of the Council Officers

The election of the council officers may be by secret ballot.

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and the public to the Legislative Council records of proceedings and
Proceedings of the Legislative Council shall be recorded in English
Meetings of the Legislative Council shall be open to the public unless the
Counties or Town
a simple majority of the
Secretary, in accordance with the provisions of sub-section (5) herein,
Chairperson, on his or her own initiative in
Chairperson of the Legislative Council may, on his or her own initiative in
Chairperson of the Legislative Council shall in consultation with the
Secretary of the Legislative Council shall in consultation with the
Chairperson of the Legislative Council, shall in an extra-ordinary session of the Legislative
Chairperson of the Legislative Council, shall in an extra-ordinary session of the Legislative
Executive Council shall, in the absence thereof, have the following functions:

Section 47. Powers and Functions of the Executive Council

Subject to the provisions of the Southern Sudan and State Constitutions, the other levels of government membership of the Legislative Council or the State Executive Council or any body or department of the Executive Council shall not be combined with the membership of the Executive Council shall comprise of:

(1) The Executive Council shall comprise of:

Section 46. Composition of the Executive Council

The Executive Council shall be in camera and

Meetings of the Executive Council shall be open to the public.

Decisions of the Executive Council shall be passed by simple majority of its members and shall prevail over any other executive decision.

There shall be a Finance Authority in the Council, which shall be the highest executive authority in the Council and decide the establishment of each local government council in an Executive Council.

The Seal of the Legislative Council shall be the headquarter of the County, Legislative Council Library where resolutions and ensure that they are available in sufficient quantities in the

Section 44. Seal of the Legislative Council
The County Commissioner shall be a County Commissioner for each Local Government Council. The tenure of office of the County Commissioner shall be four (4) years from the date of assuming office, and may be re-elected for one additional term only.

Section 48. The County Commissioner

The County Commissioner shall be a County Commissioner for each Local Government Council. The tenure of office of the County Commissioner shall be four (4) years from the date of assuming office, and may be re-elected for one additional term only.

Where the State Government objects thereto a committee shall be set up to arbitrate and in the event of the dispute a committee shall be set up to arbitrate such matters.

Where the Council decides to exercise its functions under Schedule II and III specified in Appendix III of this Act, council shall perform functions assigned to its functional departments without prejudice to the generality of sub-section (1) above the Executive.

Exercise powers and competences specified in Schedules I, II, III and IV.

Initial Acts for submission to the Legislative Council.

Report to the Legislative Council upon its request.

Prepare annual budget and reports to the Legislative Council.

Impose policies and by-laws passed by the Legislative Council.

Approve administrative policies proposed by the functional units of the local government Council.

Undertake the general planning and administration of the local area.
Section 51. Vacancy of Office of the County Commissioner

The office of County Commissioner shall fall vacant under the following conditions—

1. The County Commissioner may be removed by the Legislature Council upon a resolution passed by two-thirds (2/3) majority of its members in an extraordinary session convened on the written request by at least one-third (1/3) of the members of the County Commissioner, on a ground that the County Commissioner is charged with a serious offense. The Governor may waive the immunity of the County Commissioner concerned in case the County Commissioner is charged with a serious offense. The provisions of this Act or any other applicable law or regulation may be applied. The County Commissioner may be charged before a competent court of law following the procedures established to waive the immunity of the County Commissioner concerned. (1)

2. Without prejudice to the generality of subsection (1) above, the County Commissioner shall not be arrested without a warrant. (2)

3. The County Commissioner shall be immune from any criminal proceedings and shall not be charged with an offense in any court of law during his or her term of office. (3)

Section 50. Immunity and Impeachment of the County Commissioner

A candidate for the office of the County Commissioner shall be—

1. not to have been convicted during the last seven (7) years of an offense involving honesty or moral turpitude. (a)

2. at least twenty years of age. (c)

3. of sound mind. (d)

4. a Sudanese. (e)

Section 49. Eligibility for the Office of the County Commissioner
The Mayor of each City or Municipal Council

Section 23.

The Mayor shall be a Mayor for each City or Municipal Council.

Section 52.

Powers and Functions of the County Commissioner

The County Commissioner shall be the head of the Local Government in the County and shall, inter alia, exercise the following functions and duties:

1. Ensure the effective implementation of the Local Government Act and related legislation in the County.
2. Appoint and remove key officials within the County]
3. Ensure the effective implementation of decisions and resolutions of the County Executive Council.
4. Ensure the security of the County and protect its people and its property, and}
5. Preserve the security of the County and protect its people and its property, and
6. Organise the executive institutions of the County to perform their functions and duties efficiently and effectively.
The Mayor may be removed by the Legislative Council upon a resolution of two-thirds (2/3) of its members in an extraordinary session convened on the written request of at least one-third (1/3) of its members in an extraordinary or ordinary session convened on the written request of the majority of the Legislative Council.

The Mayor may be removed by the Legislative Council upon a resolution of two-thirds (2/3) of its members in an extraordinary session convened on the written request of at least one-third (1/3) of its members in an extraordinary or ordinary session convened on the written request of the Mayor.

In the case of the Mayor charged with a serious offense, the Governor may waive his or her immunity in accordance with the provisions of this Act or any other applicable law or resolution.

If the Mayor is charged before a competent court of law following procedures to which the Mayor may be subject in the general interest of the community, the Mayor shall be immune from any criminal proceedings and shall not be arrested without a warrant.

Section 55: Immunity and Impeachment of the Mayor

(a) The Mayor is not to have been convicted during the last seven (7) years of any offense.
(b) The Mayor shall be 30 years of age or over.
(c) The Mayor shall be a student.
(d) The Mayor shall be a resident of the City.
(e) The Mayor shall be a candidate for the office of the Mayor.
(f) The Mayor shall be accountable to the Legislative Council in the discharge of his or her duties.
(g) The Mayor shall be the representative of the State Governor in the City of Municipal Council.
(h) The Mayor shall be a member of the City or Municipal Council Security Committee.
(i) The Mayor shall be the head of the City or Municipal Council.
Section 57. Powers and Functions of the Mayor

The office of Mayor shall be the head of the City or Municipal Council and shall, inter alia,

(1) Vacancy of the Office of the Mayor

Section 56. Vacancy of the Office of the Mayor

Powers and Functions of the Mayor

The vacant post of the Mayor shall fall vacant under the following conditions:

- The Mayor shall be the head of the City or Municipal Council and shall, inter alia,

- Vacancy of the Office of the Mayor

where the post of the Mayor falls vacant, the Executive Director of the City or Municipal Council shall act pending election of the new Mayor.

where the post of the Mayor falls vacant, the Executive Director of the City or Municipal Council shall act pending election of the new Mayor.

The vacant post of the Mayor shall be filled within sixty (60) days from the date of the occurrence of the vacancy.

(3) The vacant post of the Mayor shall be filled within sixty (60) days from the date of the occurrence of the vacancy.
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8.

All the Chief Administrators shall have similar civil service positions and
(d) Town Clerk, for a Town Council;
(e) Chief Executive Officer, for a Municipal Council; and
(f) Chief Executive Officer, for a City Council;
(g) Executive Director, for a County Council;
(h) Chief Administrator of the Council.

The titles of the Chief Administrators of the Local Government Councils shall
who shall be the head of civil service of the Council.

The General List of the Local Government Administrators Officers of the State,

Each Local Government Council shall be headed by a Chief Administrator from

The Chief Administrator of the Council

THE CIVIL SERVICE OF THE COUNCIL

CHAPTER VII

people to the best of my ability, so help me God./God is my witness,
faithfully and conscientiously discharge my function and duties and serve the
interests of the State, Southern Sudan, and the National Constitutions and that I shall
honestly and diligently observe and execute the whole of the people the constitutional powers of the government
that I shall bear faith and allegiance to the """" and in the people; that I shall
County/City/Municipality do hereby swear by Almighty God, solemnly affirm
"""" having been elected as Commissioner/Mayor of
Following oath before the State Governor:

Upon assumption of office, the County Commissioner/Mayor shall take the

Section 56. Oath of the County Commissioner/Mayor

Sudan or as may be authorized by the Legislative Council,
defeated by the State Authorities or the Government of Southern
Perform other functions and duties as may be prescribed by law.

within the City or Municipal Council; and

Governmental Organizations, private sector and community ventures
coordinate the activities and functions of the Government non-


The County Executive Director shall be the chief administrative officer of the County.

Section 61. Powers, Functions and Duties of the County Executive Director

The County Executive Director shall be a member of the County Executive Committee and the County Executive Director shall have the power to carry out the powers and duties of the Council.

The Town Clerk shall be a member of the County Executive Committee and the Town Clerk shall have the power to carry out the powers and duties of the Town Council.

(a) The County Executive Director shall be a member of the County Executive Committee and the County Executive Director shall have the power to carry out the powers and duties of the Council.

(b) The County Executive Director shall be a member of the County Executive Committee and the County Executive Director shall have the power to carry out the powers and duties of the Council.

(c) The County Executive Director shall be a member of the County Executive Committee and the County Executive Director shall have the power to carry out the powers and duties of the Council.

(d) The County Executive Director shall be a member of the County Executive Committee and the County Executive Director shall have the power to carry out the powers and duties of the Council.

(e) The County Executive Director shall be a member of the County Executive Committee and the County Executive Director shall have the power to carry out the powers and duties of the Council.

(f) The County Executive Director shall be a member of the County Executive Committee and the County Executive Director shall have the power to carry out the powers and duties of the Council.

(g) The County Executive Director shall be a member of the County Executive Committee and the County Executive Director shall have the power to carry out the powers and duties of the Council.

(h) The County Executive Director shall be a member of the County Executive Committee and the County Executive Director shall have the power to carry out the powers and duties of the Council.

(i) The County Executive Director shall be a member of the County Executive Committee and the County Executive Director shall have the power to carry out the powers and duties of the Council.

(j) The County Executive Director shall be a member of the County Executive Committee and the County Executive Director shall have the power to carry out the powers and duties of the Council.
The Chief Executive Officer shall be the chief administrator of the City or Municipal Council.

The Chief Executive Officer shall be the chief executive officer for each Municipal and City Council. He or she shall

Section 62. The Chief Executive Officer

perform other functions and duties as may be prescribed by any applicable law and/or delegated by the County Commissioner.

activities and functions in the County Council and

coordinate government, non-governmental, private and community

delivery and development

mobility and organise the General Public to play an effective role in service

safe custody of all County Council records and funds;

Ministries concerned;

the support and technical staff and administrative offices to the Chief

develop capacity development programmes and make recommendations for

work in the County Commissioner and the State Ministries concerned;

conduct performance appraisal of the seconded staff and report on their

departments;

supervise and coordinate the technical functions of the Council

monitor and evaluate the programmes and activities of the County Council;

ensures implementation and execution of the resolutions of the County
Applicable Law and/or delegated by the Mayor:

Perform other functions and duties as prescribed by any other applicable Law and/or delegated by the Mayor:

Deliver and develop mobile and organise the public to play an effective role in service delivery and development.

Ensure safe custody of all City or Municipal Council records and funds.

Ministries concerned:
The support and technical staff and administrative officers in the Ministry concerned to undertake work to the Mayor and the Chairperson.

Conduct Performance Appraisal of the seconded staff and report on their performance.

Municipal Departments:
Superintend and coordinate the technical functions of the City or Municipal Council.

Monitor and evaluate the programmes and activities of the City or Municipal Council.

Implementation and/or execution of the resolutions of the City or Municipal Council.

Supervise the administration and management of the City or Municipal Council.

Implement the policy decisions and programmes of the City or Municipal Council.

Oversee public order and functions of the City or Municipal Council.

Represent the Mayor in the City or Municipal Council.

Executive Officer shall, inter alia, exercise the following powers, functions and duties:

Notwithstanding the provisions of subsection (1) above, the Chief
work to the County Commissioner and the State Ministries concerned;

(ii) conduct performance appraisal of the seconded staff and report on their
dependants;

(iii) supervise and coordinate the technical functions of the Town Council;

(iv) monitor and evaluate programmes and activities of the Town Council;

(v) all matters:

(vi) implementation and execution of the resolutions of the Town Council on

(vii) preparation and maintenance of movable and immovable public assets,

(viii) personnel; stores; workshops; public utilities and recreational centres;

(ix) supervise the administration and management of the Town Council finances;

(x) implement policy decisions and programmes of the Town Council;

(xi) oversee public order functions of the Town Council;

(xii) council administration;

(xiii) advise the County Commissioner on all technical matters of the Town

(xiv) represent the County Commissioner in the Town Council;

(xv) shall inter alia exercise the following powers, functions and duties:

(xvi) notwithstanding the provisions of sub-section (1) above, the Town Clerk

(xvii) shall be the Chief Financial Officer of the Town Council;

(xviii) Head of the Town Executive Council and

(xix) Chairman of the Town Security Committee;

Section 65. Powers, Functions and Duties of the Town Clerk

General List of Local Government Administrative Officers of the State;

The Town Clerk shall be the Chief Administrator of the Town Council and shall

Section 64. The Town Clerk
The Local Government Administrative Officers shall be professional officers of.

Section 66. The Local Government Administrative Officers

Applicable law and/or decrees by the County Commissioner.

Perform other functions and duties as may be prescribed by any other activity, functions and duties in the Town Council and coordinate government, non-governmental, private and community and development.

Mobile and organise the public to play an effective role in service delivery.

Ensure safe custody of all Town Council records and funds.

Minister concerned; the support and technical staff and administrative officers to the State
develop capacity development programmes and make recommendations for...
Government and Law Enforcement to guide the promotion processes and the procedures to be followed by the State Ministry of Local Government and Law Enforcement, the preparation by the local government board of promotion criteria provided that:

The promotion of local government administrative officers shall be the responsibility of the State Ministry of local government and law enforcement.

Local government board shall in accordance with the internal transfers within the State. shall be in accordance with the Local government board may deploy cadre officers under training to work in any part of Southern Sudan, as deemed fit and necessary.

The local government board shall maintain the General list of all Officers.

Internal transfers of local government administrative officers within each government and any secretary as approved by the council of Ministers of the cabinet, according to their respective administrative officers. The local government board shall maintain the General list of all officers.

The leadership course for senior administrators and specialized inspectors shall be approved by the council.

The executive officers shall attend a three-months middle management course after promotion and shall be due for their second middle management course within three years.

The cadre officers shall undergo practical field work through local administration under the completion of their induction course.

The successful cadre officers shall be appointed on an eighteen-months probation period before incorporation into the local government administration.
Government Administrator may be charged before a competent court of law
 Without prejudice to the generality of subsection (b) above, a local
 Official having jurisdiction in an offence for which the police may arrest without a warrant
 during his or her term of office, except where he is called upon to do so by the court of law
 procedures, and shall not be charged with an offence in any court of law
 for any criminal

 Local Government Administrator shall be immune from any criminal

 for the Public Service Law, Rules and Regulations.

 any Administrative Officer who becomes a victim of any form of
 supervision or control, except any form of victimisation.
 and the Local Government Administrator, Officers under his or her
 each Chief Administrator shall assume full responsibility to protect all

 It shall be the duty of each Chief Administrator of the Council to

 observing the following conditions shall be

 For the purposes of justice and fairness in the management of the affairs of the
 Local Government Administrator, Officers shall be supervised and

 For the purposes of the Public Service Law, Rules and Regulations.
 
 Councils in accordance with the Public Service Law, Rules and Regulations.

 The Local Government Administrator, Officers shall be supervised and

 State Council of Ministers.

 for the appointment or delegation and adoption of formal resolutions by the
 State Ministries of Local Government and Law

 for the promulgation of the recommendations of the

 the formation by the Local Government Board of the various committees

 of Local Government and Law Enforcement

 recommendations for the recommendation of the

 for submission of confidential reports of each administrative officer for
The Principle of Integrated Participatory Planning:

LOCAL GOVERNMENT PLANNING AND FINANCE

CHAPTER VIII

Pensions.

For their welfare which shall provide for their post-service benefits and their

(1)

Each Council shall regulate the functions of its local staff: maintain the records

service, as prescribed by this Act and any other applicable law or regulations.

the service of their local staff in accordance with their terms and conditions of

(2)

The Local Government Councils shall have the right to recruit and terminate

the service of their local staff in accordance with their terms and conditions of

(3)

their service and shall be directed.

The performance reports shall be sent to the mother departments in

(4)

The performance reports shall be sent to the mother departments in

through the appropriate authority established as shown in its nominal roll on the request of the Council

(2)

The seconded staff shall be posted to all vacant posts of the Council

Councils.

(1)

The State Authorities may second their departmental staff to the local

Seconded Staff of the Council

Section 67. Case may be.

The immunity may be waived by the County Commissioner or Mayor, as the

(10)

case may be.

In case a Local Government Administrator is charged with serious crimes, he or

following prescribed procedures to waive his or her immunity in accordance

(10)

Subject to prescribed laws and any other applicable law or regulations.

(10)
Each Council shall raise funds from its sources to meet its expenditures.

In accordance with its creditworthiness or any other sources authorized by law,
Grants and donations from organizations and individuals, and loans in
government grants, locally generated revenues, community contributions,

The local government council shall be funded by a combination of

Section 73. Sources of Local Government Finance

Executive Council for purposes of accountability.
The Chief Administrator shall periodically render progress reports to the

Upon approval of the plan, its management, implementation and execution

Section 72. Implementation and Execution of the Council's Plan

Perform any other functions and duties as may be assigned to it.

Implementation of the Council's Objectives.
Coordinate and monitor the activities of all development partners in the

Monitor and supervise the implementation of the Council's Plan and budget.
Prepare the Council’s plan and budget for approval by the Legislative Council

Identify, analyze and prioritize the needs of the Council

The functions and duties of the Planning Unit shall be as follows:

Section 71. Functions and Duties of the Planning Unit

Policy, primary services, in conformity with the state and County sectoral plans and

Economic development plans of the Council.

Each Local Government Council shall establish a Council Planning Unit which

Section 70. The Council Planning Unit

The Council plans shall be made up of annual, medium and long-term plans.
Each Council may mobilize resources from the community in the following forms:

Section 7.5. Community Contributions

(3) Local Partnerships from the Council Investments and Projects:
- Other law, rules and regulations
  - (1) Any other fees and charges as may be authorized by any
  - (a) Auction fees;
  - (b) Contract fees;
  - (c) Duty fees;
  - (d) Royalties;
  - (e) Administrative fees;
  - (f) License fees;
  - (g) User service charges;

Section 7.6. Local Rates:
- Local Regulations
  - (1) Any other taxes as may be authorized by law, rules and
    - (a) Produce tax (ushindi);
    - (b) Capital gains tax;
    - (c) Council sales tax;
    - (d) Estate tax;
    - (e) Animal tax;
    - (f) Council land tax;
    - (g) Social service tax;
    - (h) Council property tax.

The Local Government Councils may generate revenue from the following sources:

Section 7.4. Local Sources of Revenue
Section 77. Government Grants

and donor agencies.
meet its expenditure through access by governments, donors to
go to
local government council shall mobilize funds to

Section 76. Grant-in-Aid

contribution in-kind:

Section 78. Donor Grants

The local government council concerned
the state authorities directly into the bank account of each
local government council, through which expenditure shall be regulated by
the following grants may be allocated all or any of them to the local

The Council shall receive Grant-in-Aid from the government of Southern

The donor grants may be:-

State support grants.

The local government council concerned, through which expenditure shall be regulated by
donors, international and national non-

Donor Grants

(c) Technical assistance to the local government councils;

(b) Direct financial assistance to the local government council concerned;

The donor grants may be:-

(a) Government grants.

38
The Local Government Development Fund shall be administered by an autonomous management body constituted of two organs as follows:

(a) The Local Government Development Fund shall be administered by an autonomous management body constituted of two organs as follows:

(b) Government recovery and development programmes.

(c) Government recovery and development programmes.

(d) Government recovery and development programmes.

(e) Government recovery and development programmes.

(f) Government recovery and development programmes.

(g) Government recovery and development programmes.

(h) Government recovery and development programmes.

The main sources of the Local Government Development Fund shall be:

(1) transfers from the government of Southern Sudan for recovery and development;

(2) transfers from the government of Southern Sudan for recovery and development;

(3) transfers from the government of Southern Sudan for recovery and development;

(4) transfers from the government of Southern Sudan for recovery and development;

Section 79. Loans

The donor funds granted to any Local Government Council shall be kept in an account in a creditable bank. The donor funds granted to any Local Government Council shall be kept in an account in a creditable bank.

Section 80. Establishment of the Local Government Fund

Establishment of the Local Government Fund

(1) The Local Government Councils, as corporate bodies, shall have the right to borrow.

(2) Creditworthiness, hence the right to borrow.

(3) Creditworthiness, hence the right to borrow.

(4) Creditworthiness, hence the right to borrow.

Each Council shall encourage and promote the establishment of micro-finance institutions from which it may access credit facilities for its projects.

Each Council shall encourage and promote the establishment of micro-finance institutions from which it may access credit facilities for its projects.

Each Council shall encourage and promote the establishment of micro-finance institutions from which it may access credit facilities for its projects.

Each Council shall encourage and promote the establishment of micro-finance institutions from which it may access credit facilities for its projects.
Section 82.

The Appropriation Bill shall include the matters of—

(1) The Appropriation Bill

with the provisions of this Act,

Section 83.

The financial year of the local Government Councils shall commence on the first day of July of every year and on the thirty-first day of December of the financial year of the local Government Councils.

Section 84.

The management of the Fund,

as advise the Management Body of the Fund on the regulatory

...
be exceeded save by a supplementary appropriation Act.

The appropriation Act so passed by the Legislative Council shall become
its appropriation annual budget.

Upon submission of the proposed budget, the Legislative Council shall
majority of the members of the Legislative Council
the proposed Council budget shall be approved by a simple

submit the budget in June 30th every year.

The Council Budget Proposal shall be submitted to the Legislative Council

Section 83: Submission of the Budget Proposal

in accordance with the provisions of this Act.

The appropriation Act shall reflect the priorities of the Council, specified
expenditure to be incurred during the financial year.

The appropriation Act shall contain the budget proposals of the local
investments and services; and the budgeted proposals of the local
taxes; fees, charges, donations, contributions, borrowings.

The budget proposals of income from
explanations of any special funds or financial estimates, policies or
transfers thereof or allocations therefrom; and
a statement of the General budget showing any reserve funds and any

year.
Section 84. Execution of the Council Budget

For the budget without the approval of the Legislative Council, Chapter 1, another, not shall any money be spent on an item not provided and shall not be spent save by a Supplementary Appropriation Act.

Any surplus funds over revenue estimates and the Legal Reserve
Section 87. Final Accounts

Approval

When ever new circumstances arise of a matter of public concern provides not

Council debts and the execution of Court Orders, Pemics or Awards small

Legislative Council and

the same shall not be effected except with the approval of the

same has been appropriated by law for the new financial year;

accordance with the estimates approved for the previous year, as if the


Council, during the six months following the end of the financial year, the audited

The Commissioner, Mayor or Town Clerk shall cause to be presented to the Legislative

Section 86. Provisional and Supplementary Financial Measures

Concerned

President of the Government of Southern Sudan and the Governor of the State

The Local Government Board may conduct financial inquiry into the conduct

Council to take corrective measures arising out of the Auditor's Report.

The State Ministry of Local Government and Law Enforcement may direct the

Legislative Council and approved by the Auditor General

Auditor General of the Government of any other audit are appointed by the

Accounts of the Local Government Councils shall be audited annually by the
Section 90
Regulation of seasonal access to land resources

(c) be and remain the communities concerned on the land acquisition or use; or, in the case of the communities within a local government council area, the procedure for acquiring

Section 69
Land acquisition

(2) The planning and management of the local government council land shall be in accordance with the land use plans and regulations in the area and shall be

(3) The distribution and allocation of the local government council land for various uses shall be planned and managed by the council concerned, in consultation with the land use plans and regulations with the local government councils and the communities concerned.

(4) The territorial boundaries of every council established in accordance with the provisions of this Act shall be established and gazetted by the

(5) All local government councils shall administer and regulate territorial land and

Section 88
Council land

Chapter IX
LAND AND LOCAL RESOURCES OF THE COUNCIL
establishment of land dispute resolution mechanisms,

draft collection by government and non-government organizations,

supervision of operational processes of land survey, valuation and registration

and other invasions;

mediation of consultation processes of land lease between the community

schedules for council land management;

development of land registration, distribution and allocation schemes and

up-grading plans and projects for council land use;

preparation of housing schemes, urban renewal or slum

allocation of plots and land titles;

Council cadastre systems for keeping up-to-date records of land registration;

preparation of policy guidelines for land use, rights and the maintenance of

physical and social infrastructure;

preparation of local policy guidelines for the development of Council

the Government authorities and the communities concerned;

organisation of Council land development Plans in consultation with the

protection of the Council land;

Section 9(1)

that area.

The Council Land Committee of Authorities shall be constituted in accordance with

Jurisdiction

Every Local Government Council shall establish a land committee of authorities to

establishment of Council Land Committees of Authorities

protection of agricultural land, and

seasonal access rights to land;

formulate policies and By-laws within its jurisdiction to regulate customary
(a) pastoral land;
(b) public health, sanitation amenities and utilities and environmental protection and maintenance of prescribed standards for
(c) land lease and land rights transfer systems;
(d) land acquisition, allocation and withdrawal systems;
(e) pastoral and agricultural land to guarantee land safety;
(f) management on:

Subject to the provisions of Article 180 of the Constitution and any other applicable law, Local Government Councils shall enact by-laws to regulate land

Section 92. Land Management

Boma or Quarter Council Level

Council land committee at:

The Council shall form sub-committees to perform the same functions of the Government and/or the Government of South Sudan;

(a) any other functions assigned to the Council concerned by the State

under taken by the State Government of South Sudan and
Land use Planning and Land Master Plan development; initial of
representation of the Council during the process of urban and rural planning.

(1) (2) (3) (4) (5) (6) (7) (8) (9) (10)
Section 97. Functions and Duties of the Customary Law Council

Judicially, except as ex-officio members, the Council shall perform the functions and duties of the Customary Law Council in accordance with the provisions of this Act.

Section 98. Constitution and Powers of the Customary Law Council

The Customary Law Council shall consist of:

(a) Any other ex-officio members as may be invited by the Council;
(b) Three Community Elders, three women and one youth;
(c) The Secretary of the Council, who is appointed by the Secretary of the Ministry of Justice;
(d) All Heads of the "P" Councils or Regional Councils of the County.

The Customary Law Council shall be the highest customary law authority in the County.

Chapter X
THE CUSTOMARY LAW COUNCIL AND COURTS

Land dispute resolution
Regulation of customary occupancy
Land use and environmental preservation
Section 98. Competence of Customary Law Courts

Women in the Customary Law Courts.

The Local Government Authority shall ensure adequate representation of women in the Customary Law Courts.

(d) Town Bench Courts.

(e) "V" Courts or Executive Chiefs Courts; and

(b) "P" Courts or Regional Courts;

(c) "C" Courts;

These shall be established Customary Law Courts as follows:

Section 97. Establishment of Customary Law Courts

The Customary Law Council shall ensure that the freedoms and rights enshrined in the Constitutions are upheld and respected in the Customary Law Courts. Twenty-five per cent of the membership of the Customary Law Council shall ensure women participation by at least professional standards in accordance with applicable rules and regulations.

The Customary Law Council shall be responsible for the selection, recruitment, training of the Customary Law Courts and the maintenance of standards in accordance with the provisions of this Act and any other applicable laws or regulations.

This Act and any other applicable laws or regulations.

The authority of the Customary Law Council shall be derived from the Customs and traditions of the people of the County in accordance with the provisions of their functions and duties.

Members of the Customary Law Council shall be impartial in the performance of their administration of the Customary Law.
The chairman of the "C" Court shall be answerable to the County Council for the performance of his duties.

The membership of the "C" Court shall consist of:

1. The Paramount Chief as Chairman and
2. Head Chiefs of the "B" or Regional Courts as members.

Decisions of the "C" Court shall be appealed against to the County Court Judge.

The "C" Court shall hear and try all cases not otherwise provided for in the Customary Law and shall have jurisdiction in all matters arising under the Customary Law Code.

Section 99. The "C" Court

According to the provisions of this Act, decisions of the Customary Law Courts shall be appealable against in the County Court.

The functions and duties of the Customary Law Courts:

1. All officers and institutions of the Council shall obey and execute the decisions of the Customary Law Courts.

2. Substantive justice shall be administered without due regard to formalities.

3. Appeals to the "C" Court shall be heard and determined; and

4. Adequate compensation shall be awarded to victims of wrongs.

5. Justice shall neither be delayed nor denied.

6. In determining the Customary Law Courts shall, where applicable, apply the following principles:

a. In deciding cases, the Customary Law Courts shall adhere to the principles of social, economic, and political stability, peace, human rights, gender, religious, and belief or belief.

b. Justice shall be done to all irrespective of social, economic, and political status, age, nationality, gender, religion, creed, or belief.

The "C" Court shall not have the competence to adjudicate on criminal cases except those criminal cases with a substantial interest referred to it by a Commissioner of the "C" Court.
The paramount Chief shall be responsible for the administration of the customary law courts of the Papuan.

Paragraph 1. The paramount Chief shall have the competence of deciding inter alia on:-

(a) appeals against decisions of the Papuan or Executive Chiefs Court.

Section 100. The Papuan or Regional Court

The Papuan or Regional Court shall have the competence of deciding on:-

(a) appeals against decisions of the Papuan or Regional Court.

Each Papuan Court shall have the competence of deciding on:-

(a) criminal cases of customary nature referred to it by a Papuan Court.
(b) cross communal civil suits and
(c) appeals against the decisions of Papuan Courts.
Section 102. The Town Bench Courts shall have the competence to decide, inter alia:

1. Appeals against the decisions of the Town Bench Courts shall lie to the County Court Judge of First Class.

2. The "A" or Chief Court appeals against the decisions of the Town Bench Courts in each Quarter Court with the competence of the "A" or Regional Court:

3. There shall be established in each Town Council, two types of Town Bench Courts:

4. The chairman of the "A" or Chief Court shall be responsible for the administration of the "A" or Chief Court.

5. The Sub-Chiefs shall be members, and the chairman of the "A" or Chief Court shall be accountable to the Head Chief.

6. The "A" or Chief Court shall have competence of deciding inter alia:

   - Matrimonial suits and divorce cases.

   - Proceedings relating to the administration of the "A" or Chief Court.

   - The membership of the "A" or Chief Court shall comprise of:

   1. The chairperson of the "A" or Chief Court.

   2. Local administrative cases.

   3. Matrimonial suits.

   4. Traditional cases.

   5. Family disputes.

   - Customary courts of first instance.

The laws shall be established in each Borough, "A" or Chief Courts which shall be the...
Section 105. Procedures for Election or Selection of Chairmen.

In case a Chairman is a member of a Customary Law Court is charged with a serious offense, the County Commissioner, Mayor or Town Clerk, as the case may be, may by order made where the Customary Law Court or the member is charged, before a Customary Law Court or a Judge of the County Court, dismiss or suspend the member of the Customary Law Court from any customary procedure, and shall not be charged with an offense in any customary proceeding and shall be challenged with an offense in any customary proceeding.

Section 104. Immunity of Chairpersons and Members of Customary Law Courts.

Any other applicable law or regulation except in case of gross violation of the provisions of this act or customs law, Customary Law Courts shall not be affected by their decisions, and shall be independent in the performance of their functions and duties and shall serve justice without interference or unfair treatment.

Section 103. Independence of the Customary Law Courts.

The Chairpersons and Members of the Customary Law Courts shall be independent in the performance of their functions and duties and shall serve justice without interference or unfair treatment.
The Headman shall be the head of the clan or neighbourhood and shall—

1. In the villages of the homesteads of the residents of a quarter council,
2. The clan or neighbourhood shall be the family tree of all the families residing

Section 108. The Clan and Family

The provisions of this act and the customary law,

Each community shall have the right to organize its local institution of
to reside within the territorial area of a local government council,

1. The community shall comprise of clans, neighbourhoods and families who
2. Community is the basic organization of government in the society,

CHAPTER XI

Community and Local Government

The Customary Law Council,

1. Notwithstanding the provisions of sub-sections (1) and (2) above, a
2. The powers to discipline and remove the Chairpersons and members of the
3. Customary Law Councils shall be determined in accordance with the Public

Section 106. Terms and Conditions of Service of the Chairpersons and Members of the

The Paramount Chiefs shall be elected by the Head chiefs and Chiefs.
Section 109. Gender in the Community

Legislative for the protection, every local government council shall promote the welfare of the family and caring for the child. According to the welfare of the child, promote the welfare of the family and caring for the child. Typically, the welfare of the child shall have a right to expose and take legal measures to legal status to care for him or her, except as provided for under the law and not be separated from his or her parent or a person who is legally entitled to care for him or her, except as provided for under the law and not be separated from his or her parent or a person who is legally entitled to care for him or her.

They shall be responsible for their care and upbringing. It shall be the right and duty of parents to care for their children and notwithstanding the provisions of subsection (6) above:

This act.

Every family shall:

Every person of marriageable age shall have the right to:

The family is the fundamental and natural unit of a society which shall be protected family rights. Resolution of family disputes and perform administrative functions of the community.
Every child has the right:

(2) to be free from any form of discrimination;

(3) to be protected from any form of violence, harm or ill-treatment;

(4) not to be subjected to exploitation or to perform work which may be

(5) to know and be cared for by his or her parents or legal guardian;

(6) to a name and national identity;

(7) to live, survive and develop;

(8) to die with dignity and respect.

For the purpose of this Act, a child is any person below the age of eighteen years.

Section 111. Rights of the Child

Women shall have the right to own property and share in the estate of their

(1) deceased husbands together with any surviving legal heirs of the deceased.

Women shall have the right to own property and share in the estate of their

(2) children, provided lawfully, child and medical care for pregnant and lactating

(3) mothers, and to receive stipends for women and children when needed, in

(4) accordance with customary practices and traditions.

(5) The law, the local government councils shall enact legislation in public life and ensure their

(6) representation in the legislature and executive organs by at least

(7) twenty percent of women. They shall participate in public life and enforce their

(8) rights and responsibilities.

(9) All local government councils shall:

1. Women shall have the right to participate equally with men in public life.

2. Women shall have the right to equal pay for equal work and other related

3. Women shall be accorded full and equal dignity of the person with men.

Section 110. Rights of Women

Law.

(1) All local government councils shall ensure that men and women have access

(2) to justice and services in their families, communities and before the courts of

(3) law.

(4) Women in the community.

The local government councils shall institute affirmative action among men and
There shall be two types of Traditional Authority in Southern Sudan:

**Section 113. Types of Traditional Authority**

The Constitution shall be supplemented by the National Southern Sudan and the Comprehensive Peace Agreement. The National Southern Sudan and the Traditional Authorities shall observe, respect and adhere to the Act of Rights and Duties, the Traditional Institutions, the exercise of the delegated and/ or decentralized powers, the Traditional Institutions, the local government levels within their respective jurisdictions, the performance of executive functions at the local government levels within their respective jurisdictions, the exercise of delegated powers in the performance of executive functions with the provisions of this Act and any other applicable law, and administer customary law and justice in the customary law courts in accordance with the provisions of this Act and any other applicable law.

The Traditional Authorities shall be institutions of traditional system of governance at the State and local government levels which shall:

**Section 112. Status of Traditional Authorities**

**Chapter XI**

All Local Government Councils shall accord special protection to orphans and vulnerable children. The best interest of the child shall be the first consideration in all actions concerning a child. Special protection shall be accorded to the child by local government councils and other administrative authorities, school administrators, and other institutions, if appointment or placement is made and not to be subjected to neglect, and harmful cultural practices which affect the health, welfare, and dignity of the child. Children shall be protected from abuse, and trafficking and to be free from corporal punishment and cruel and inhuman treatment.

Child adoption shall be regulated by customary law and any other applicable law.
Section 115. Types and Composition of Decentralized Chiefsoms

A decentralized chiefsom shall be divided into three types of championships as follows:-

(1) Local Government units concerned.

(2) The seat of each Chiefsom shall be in the administrative headquarters of the

(3) The territories and boundaries of the Chiefsoms shall be determined and

(4) The Chiefsoms shall be decentralized into championships which shall be
determined by local legislation and regulations thereunder.

(5) Chiefsoms shall be established in each County and Town Council, which shall be

(6) Chiefsoms shall be established in accordance with the provisions of this act and regulations.

(7) Wherever Chiefsoms are recognized as self-existing traditional systems, chiefsoms

(8) Chiefsoms with decentralized system or rule, which shall perform

(9) Kingdoms with centralized monarchial systems of rule, whose

(10) Chiefsoms with decentralized traditional systems of rule, which shall perform
thousand people; and people of six thousand, two hundred and fifty to one
an Executive Chiefship consisting of not to exceed:

thousand people;

people;

people with a population of one thousand, two hundred and fifty to one thousand.

people with a population of one thousand, two hundred and fifty to one thousand, the

basis—

Section 116. Criteria for the Establishment of Chiefships

Chiefships shall be determined by local legislation and regulations. The powers, functions and duties of the Paramount Head and Executive

Chief shall be the head of the Chiefship.

where there are two or more Chiefships in a Boma, the most senior

chiefs of the Chiefship; and

The Executive Chief as the head:

Executive Chiefships shall comprise of:

The Executive chiefs of the Chiefship.

The paramount Chief as the head:

of-

Chiefships shall comprise of:

all the Head chiefs of the Chiefships.

The paramount Chief as the head:

Executive Chiefships.

Head Chiefships;

Paramount Chiefships;
the immunity of the King of Chief concerned, as the case may be.

In case a King or Chief is charged with a serious crime, the Governor, in the case of a King and the County Commissioner in the case of a Chief, may waive this or part immunity in accordance with the provisions of this Act and any other applicable law or regulations, without prejudice to the generality or subsection (1) above, a King or Chief may be charged before a competent court of law following procedure prescribed for the office, except where he or she is charged committing an offence for which the police may arrest without a warrant.

A King and a Chief shall be immune from any criminal proceedings and shall not be charged with an offence in any court of law during his or her term of office, except where he or she is charged committing an offence for which the police may arrest without a warrant.

Section 118. Immunity of Kings and Chiefs

provisions of this Act and any other applicable law or regulations, the provisions thereof such as action and practice shall be conducted according to their customs and usages. Chiefs shall assume office according to the provisions of any such constitution or any law or regulations, the provisions thereof such as action and practice shall be conducted according to their customs and usages.

All the selected Chiefs whose Chieftainships constitute the institutions of the selected women who shall be eligible to vote in this or any other jurisdiction.

The Executive Chief shall be elected by the Sub-Chiefs and all the people, the Head Chief shall be elected by the Executive Chiefs and Sub-Chiefs in his or her jurisdiction.

The Head Chief shall be elected by the Executive Chiefs and Sub-Chiefs in his or her jurisdiction.

The Paramount Chief shall be elected by all the Chiefs including the Head Chief.

Chefs and Executive Chiefs, in the County,

Chefs shall be elected according to the provisions of the Constitution or any other law or regulations.

Section 119. Election of Chiefs

Election of Chiefs

in accordance with the criteria set forth in this section.

All the existing decentralized Chieftainships shall be re-arranged in a Paramount Chieftainship consisting of the six Head Chieftainships,

A Head Chieftainship consisting of the six Executive Chieftainships,
The people of Southern Sudan and
advise all levels of government on matters of traditions and customs of

other conflict-resolution mechanisms;

foster peace building and resolution of conflicts through mediation and

Traditional conflict resolution mechanisms;

intervene to resolve inter-tribal disputes by applying customary and

customs and traditions of the people of Southern Sudan;

provide a forum for dialogue with all levels of government on matters of

Authority Leaders shall be, but not limited to—

The functions and duties of the Southern Sudan Council of Traditional

Leaders.

Section 171. Functions and Duties of the Southern Sudan Council of Traditional

Leaders.

Relate authorities.

Provisions notified to by the President after consultation with the

Authority Leaders. At least one of whom shall be a woman, and

Four elected representatives of each State Council of Traditional

as follows:

The Council's of Traditional Authority Leaders shall be composed of forty five members.

Section 170. Composition of the Southern Sudan Council of Traditional Authority

Leaders.

Traditions of the people of Southern Sudan as a source of legislation.

Traditional Authority Leaders shall be the custodians of the customs and

Pursuant to the provisions of Article 175 (2) of the Constitution, the Council of

By relevant State legislation.

Each State of Southern Sudan shall be determined

Authority Leaders and

Southern Sudan a Council to be known as the Council of Traditional

established in—

Pursuant to the provisions of Article 175 (2) of the Constitution, there shall be
The Constitution.

(9) (c) and (d) read together with Schedule E of
and unitary norms for service delivery in accordance with the
recommendation and coordinate the establishment of minimum standards

and

(4) to review and formulate local government policies and legal frameworks;

powers for discharge of local government affairs as the case may be-

(2) without prejudice to the provisions of sub-section (1) above, and for the initial

provisions of Article 173(3) of the Constitution.

The local government board is established in accordance with the

Section 173. The local government board

Sudan, state and the local government councils

constitutively into these levels of government, at the government of Southern

covenance, where the local government institution are hierarchically patterned

Local Government in Southern Sudan shall be based on a decentralized system of

Section 172. Decentralized local government institutions

INTER-GOVERNMENTAL LINKAGES

CHAPTER XII

with all traditional leaders and notables across Southern Sudan

establish, promote and maintain linkages and peaceful co-existence

legal disputes; and

resolucion mechanisms for information in the settlement of inter-

Initiate, establish and disseminate processes and traditional conflict

organize regular sessions of dialogue with stakeholders on customs and

not limited to-

The duties of the Council of Traditional Authority leaders shall be, but

other applicable law or regulations,

perform other functions and duties as provided for in this act or any

(2)

(3)

(4)

(5)

(6)

(7)

(8)

(9)
government administration to be more responsive to the people in
recommend the adoption of common norms and values to steer local
models for grants allocation and disbursement, and
review local government financial resources and recommend relevant
performance appraisal of the local government staff;
set national standards for recruitment, training, management and
development programmes;
formal adoption of relevant models for local government planning.
local authorities:
conclude from their current ‘transitory’ status to integrated modern
resource mobilization and management, service delivery and local
determine the appropriate transitional arrangements and mechanisms
services being delivered to the people in order to
administrative circles to regulate the elements, conditions and quality of
principles and workable policy framework of local government
research and recommend development of relevant concepts.

The local government board may upon the directives of the President prepare
policies and frameworks for consideration by the President and the President for consideration and
state governments and the President, and report in writing to the
consultation with state governments and report its findings to the
government council for submission by the President.

Government Council for submission by the President.
prepare warrants of enslavement showing the
criteria set forth in Article 173 (4) of the Constitution;
consults in the ten States of Southem Sudan in accordance with the
council for the creation and establishment of local government
recommend to the President the formation of a high level technical
government council.

make recommendations for registration and establishment of local
in addition to the functions and duties provided under section 123 above, the

Section 124. Functions and Duties of the Local Government Board.
Government Board guidelines:

- Establish Inter-Council forums to foster relations between the local authorities.
- Establish Inter-Council forums to foster relations between the local authorities.

Institutional arrangements:

- Develop a framework for effective coordination of local institutions.
- Develop a framework for effective coordination of local institutions.

Government plans and programs:

- Make sectoral policies to guide the functional organization of local authorities.
- Make sectoral policies to guide the functional organization of local authorities.

A State Ministry of Local Government and Law Enforcement

Section 125. State Ministry of Local Government and Law Enforcement

Councils

The State Ministries of Local Government and the Local Government Councils shall identify a local level at which may be dedicated for implementation by the development of local government programs for service delivery.

Southern Sudan Levels:

- The establishment of good inter-governmental linkages to harmonise governmental affairs through:
  - The Local Government Board shall assist in the coordination of the local
Section 126. Relations in the Administration of Decentralized Systems

(1) The President shall through the relevant State Government or the local institutions coordinate with the provisions of the Service Law, rules and regulations and accordance with the provisions of Public Service Law, rules and regulations; and

(2) observe the following principles of inter-governmental linkages shall be adopted:

(a) the interests between the Government of South Sudan and the local Government shall be through the relevant State Government or the local institutions.

(b) In the administration of the decentralized system of governance in the local jurisdiction, the following principles shall be observed:

1. Respect the spirit of peace and peaceful co-existence in the government;
2.促进各阶层政府及其他政府之间的合作及支持，以便其功能和使命得以履行，协助提供必要的援助和支持每个政府的职能，以实现其在宪法中的职责，尤其是国家及地方政府；
3. 在所有政府层面保持尊重和相互支持的关系，促进和平共处和共同合作的精神；
4. 促进政府间合作及协调，以执行政府间协议及任务，促进政府间关系及协调；
5. 促进政府间协调，以执行政府间协议及任务，促进政府间关系及协调；
6. 促进政府间协调，以执行政府间协议及任务，促进政府间关系及协调；
7. 促进政府间协调，以执行政府间协议及任务，促进政府间关系及协调；
8. 促进政府间协调，以执行政府间协议及任务，促进政府间关系及协调。
Section 129. External Border Inhanges

Where the common border involves two or more councils in two adjoining states and the dispute is not resolved, any aggrieved state may raise the issue. In case of disputes arising from the establishment of a special tribunal to mediate or make decisions, as the case may be, the council of the state of which the council is a member shall refer the matter to the President whose decision shall be final and binding.

Section 130. Internal Border Inhanges

Any two or more local government councils that share a border shall establish mechanisms to enhance the cooperation of their councils for the mutual benefit of their communities and the development of their respective councils.
The provisions of this section, the County Commissioner shall
with the consent of the State concerned and the knowledge of the
Government of Southern Sudan, shall:

in mutual agreement with counterpart authorities across the
national concerns;
securty, social and cultural affairs and cross-cutting issues of local and
concerns to discuss matters relating to border crossing trade,
international borders, etc.
and with the consent of the State concerned and the knowledge of the
freedom of movement of people and goods across the borders as
provided for by law;
prices of the borders from spilling over to any part of Southern
prevent any bad and perverse or unacceptable social and cultural
for any harm and defamatory subsancies across the borders as provided
prohibited smuggling and trafficking of goods, humans, animals, drugs,
provided for by law;
prevent any bad and perverse or unacceptable social and cultural
for any harm and defamatory subsancies across the borders as provided
prohibited smuggling and trafficking of goods, humans, animals, drugs,
provided for by law;

encourage development of positive attitudes across the borders,

build and maintain better neighbourhoood relationships,

in order to harmonise and build better neighbourhoood relationships

for the purpose of resolving the matter through the use of international
means of resolving the matter to their respective higher authorities to find ways and
raise the matter to their respective higher authorities to find ways and

dialogue among themselves using their traditional and statutory
systems to resolve the matter amicably.

international boundaries, the parties concerned shall:

in the event of a border dispute arising between two or more local
people in the neighbouring countries.

with the people in the neighbouring countries,

traditional boundaries along the international borders;

cross border land use, grazing areas and water points;

cross border family misunderstandings and

in order to promote and build better neighbourhoood relationships

sudan and

national concerns;

and with the consent of the State concerned and the knowledge of the
and conflict, social and cultural affairs and cross-cutting issues of local and

Government of Southern Sudan shall:

without prejudice to the provisions of this section, the County Commissioner shall
mechanisms to maintain the dialogue locally.

raising the matter to their respective higher authorities to find ways and

systems to resolve the matter amicably or
developing and maintaining the dialogue locally.

raise the matter to their respective higher authorities to find ways and

Council authorities in service delivery, organizations and the private sector institutions may deal with the local authorities and non-governmental organizations, community-based organizations, etc.

Any local government council may make public-private sector linkages through the Union of Local Government Administrative Officers.

Section 132. Public - Private Sector Linkages

Registered as a professional association in accordance with the law, the Union of Local Government Administrative Officers shall be officially recognized as representing the interests of all levels of government. The Union shall be a professional organization of all local government administrative officers, which shall be a union of local government administrative officers established in Southern Sudan.

Section 131. Linkages with the Union of Local Government Administrative Officers

Represent local government matters at international fora where local government interests in local, state, national and international fora, local government, and the Union with technical, material, and financial assistance and resources mobilization with the aim of providing the local government support for efforts of all levels of government that are geared towards developmental activities with the government of Southern Sudan and the State.

Violations of constitutional rights and freedoms in order to defend the interests of the people and any violation of constitutional rights and freedoms that the principles of this Act and the principles guiding the local government does not.

The local government associations shall receive in the local government extra-governmental linkages.

The local government associations may make public-private sector linkages.

Chapter XIV

EXTRA-GOVERNMENTAL LINKAGES
Government Board.

Government Council in consultation with the State Authorities and the local

The local Government taxes, fees and charges shall be determined by each local

Section 134. Local Government Taxes, Fees and Charges

Miscellaneous Provisions

Chapter XV

Any other form of agreement may be concluded through which local councils

level by international agencies to provide primary services at the local government

Partnership agreements may be concluded with sectoral Ministries supported

with the priorities of the Council as stipulated in the approved Council Plan.

The agreed programme activities, to be implemented, shall be in conformity

activities of specific agencies with specific mandates shall conduct Co-operation

international agencies with specific mandates shall conduct Co-operation

Implementation of its programs and projects.

The Local Government as a level of government closest to the people may

Section 133. Inclusion with International Agencies and Organizations

agree by volition, norms and best practices of the business.

Councils shall be registered with the relevant insitutions and

All non-governmental organizations in partnership with the Local Government

deemed in accordance with the provisions of Partnership and Contract

The terms and conditions of partnership between the parties shall be

A council may enter into partnership with any organization of private sector

process the need.
Section 135. Rules and Regulations:

(1) The President shall issue an order establishing a committee(s) and set necessary rules and regulations for conducting elections at the Local Government level.

(2) The Local Government Board shall, with the consent of the President, issue rules and regulations for efficient and effective implementation of the provisions of this Act.
(a) The Quarter Council of a Municipality may have a population of
(20,000-25,000) people.

(b) The Quarter Council of a Block Council shall consist of a Block Council; and
the Quarter Council or the City may have (20,000-25,000) people.

(c) A Municipal Council shall be created on the following basis:
the size of the population (200,000-500,000) of total
administrative convenience and effectiveness (political decision) (75%-100%) of total
annual budget; common interests of the communities (based on growth potential)
economic viability (63%-75%) of total annual budget;
Size of population (100,000-300,000) people.

(d) A City Council shall be created on the following basis:
about (5-10) Block Councils constitute a City Council;

(e) About (4-5) Block Councils constitute a City Council; and

(f) The Quarter Council or the City may have (20,000-25,000) people.

CRITERIA FOR CREATION OF LOCAL GOVERNMENT COUNCILS AS CORPORATE BODIES

APENDIX I
1. The establishment of a Town Council shall be created on the following basis:-

4. About (4-5) block councils shall constitute a Municipality.

about (5) Quarter Councils shall constitute a Town Council.

3. The size of Population (50'000-100'000 people);

2. The coordination of the State and Southern Sudan:

1. The establishment of a Town Council shall be created on the following basis:-

About (5) Quarter Councils shall constitute a Town Council.

4. The size of population (50'000-100'000 people);

A. pursuant to the provisions of the interim Constitution of Southern Sudan, the executive and legislative powers of a Local Government Council shall be as follows:-

B. The coordination of customary Courts and administration of justice at the local government level;

C. The coordination of customary Courts and administration of justice at the local government level;

D. The coordination of customary Courts and administration of justice at the local government level;

E. The coordination of customary Courts and administration of justice at the local government level;

F. The coordination of customary Courts and administration of justice at the local government level;
2. Local economic and social development in the local Council;
3. Legal matters of professional and cultural organizations and associations;
4. Public health policies, regulations and management;
5. Urban development planning and management;
6. Trade, commerce, industry and industrial development;
7. Delivery of primary and secondary services.

Concurrent powers:

Schedule II

32. The management of the local government council as it may appear in the Town and Rural Planning Regulations.
33. The management of cultural and heritage sites, libraries, museums, and other historical sites.
34. The management of the local government council as it may appear in the Town and Rural Planning Regulations.
35. The management of cultural and heritage sites, libraries, museums, and other historical sites.
36. The protection of government properties and embassies.
Council

1. Preparing the economic and social plans of the Council.
2. Preparing and organizing statistical records of all the economic, developmental and statistical activities of the Council.
5. Organizing markets and places of sales.
7. Organizing the trade activities, by granting the necessary licences for all types of trades in the

Finance and Economic Development

PART I

LOCAL GOVERNMENT FUNCTIONS

APPENDIX III

1. The need to recognize the sovereignty of the Nation while accommodating the autonomy of South Sudan States, the States and Local Government Councils.
2. Whether there is a need for Southern Sudan or State 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.

Resolutions of Conflicts in Respect of Concurrent Powers

SCHEDULE I

Residual Powers

SCHEDULE III
Part IV

according with the Council master plan.

9. Recommending plans for housing, agricultural, industrial, and investment purposes, in

8. and the issuance of completion certificates and combining hazardous buildings.

7. Organization of urban planning, the issuance of building permits, supervision of buildings

6. Organizing annexes, Katephases, and parts of city animals.

5. Police, and organizing the public parks as centers for public means of transport.

4. Specifying the places of public library and libraries in co-ordination with the competent


2. Encouraging people's contribution to the establishment of paved roads.

1. Establishment of public greenhouses, tree planting projects in recreational parks and public

Council.

Part III

Public Works

such as agreements and contracts.

4. Following the executive procedure of the legal obligations relating to the Council affairs,

3. Establishing the public health and public order courts.

2. Specialized departments.

1. Prepare and promulgate Local Orders and Regulations and all the legislative measures

Legislation and Legal Affairs

Part II

1. Carrying for and organizing exhibitions in the Council.


11. the final statement of the accounts due to the Council.

10. Preparing the estimates of the revenues and expenditure for the Council annual budget.

9. Increasing the resources thereof.

8. Conducting such studies and researches which may lead to development of the Council and
Education

PART IV

1. Establishing and maintaining of the basic schools.
2. Establishing and management of adult education.
3. Organizing kindergarten and nursery schools.
4. Recommending the establishment of secondary schools.
5. Co-ordinating between parents councils in the Council.
6. Promoting and insuring implementation of education policies at local government level.
7. Document and recommending to relevant bodies issues that affect education specially in the areas of child rights and girls education.
8. Carry out any other relevant matters assigned to it by the chairperson.

Health

1. Laying down plans and preparing and executing projects for the promotion of environmental health.
2. Undertaking public cleaning and disposal of refuse, human and animal solid wastes and combating the sources and prevention of pollution thereof.
3. Establishing and managing of the wholesale sources and securing the sources and supervising public water, and issuing the necessary laws and regulations for the promotion of environmental health.
4. Establishing and managing of the selective houses of local slaughtered animals in accordance with the health specifications of buildings.
5. Establishing and managing of slaughter houses and providing such places by issuing licenses and supervision of food and drinking places.
6. Health supervision of houses and industrial factories and monitoring the enforcement thereof.
7. Establishing and managing of mobile health centers.
8. Promotion, lifelong and organizing committees.
9. Supervision of food and drinking places and regularizing such places by issuing licenses and according with the health specifications of buildings.
10. Guarantee periodic examination to ensure health safety.
11. Nomination of midwives for laboring and delivering in accordance with the dedicated plan.
12. Disseminating health awareness among the citizens by all means including HIV/AIDS
13. Establishing centers of primary health care units, and centers, and establishing mobile treatment units in nomadic areas.
14. Reporting and containing outbreaks of epidemic diseases and disasters and participating in its management.
15. Regulating and building the civil society organizations providing health services.
Establishing social registers:
10. Political parties are important in the development and advancement of the society.

Enhancing public liberties, public libraries, legal aid, mobile cinema centers, and means of
1. Establishing public spaces, public libraries, legal aid, mobile cinema centers, and means of

Strengthening the spirit of religious tolerance and mutual interdependence:
2. Strengthening the spirit of religious tolerance and mutual interdependence.

Rehabilitating youth, sports and cultural centers:
3. Rehabilitating youth, sports and cultural centers.

Establishing centers for management of natural resources:
4. Establishing centers for management of natural resources.

Promoting self-help projects and mobilizing labor potential:
5. Promoting self-help projects and mobilizing labor potential.

Change for executing the projects and programs of sustainable development:
6. Change for executing the projects and programs of sustainable development.

Promoting social and cultural change and applying the methods of social and cultural
7. Promoting social and cultural change and applying the methods of social and cultural

Concerted efforts by relevant authorities and national occasion:
8. Concerted efforts by relevant authorities and national occasion.

Creating a moral and national environment for the elimination of poverty, crumbs, and the disabled.

Part II

Social and cultural affairs

Stay animals:

1. Promoting the establishment of game parks and fisheries projects.

2. Promoting the establishment of game parks and fisheries projects.

3. Promoting the establishment of game parks and fisheries projects.

4. Promoting the establishment of game parks and fisheries projects.

5. Promoting the establishment of game parks and fisheries projects.

6. Promoting the establishment of game parks and fisheries projects.

7. Promoting the establishment of game parks and fisheries projects.

8. Promoting the establishment of game parks and fisheries projects.

9. Promoting the establishment of game parks and fisheries projects.

10. Promoting the establishment of game parks and fisheries projects.

11. Promoting the establishment of game parks and fisheries projects.

12. Promoting the establishment of game parks and fisheries projects.

13. Promoting the establishment of game parks and fisheries projects.

14. Promoting the establishment of game parks and fisheries projects.

15. Promoting the establishment of game parks and fisheries projects.

Part VI

Agriculture, Natural Resources and Animal Wealth

Part VI

Agriculture, Natural Resources and Animal Wealth

Part VI

Agriculture, Natural Resources and Animal Wealth
Miscellaneous Functions

Public Order and Public Security

Collection of Cultural artifacts and museums.

Establishment of Archives and Museums.

Sports and charitable activities.

Organizing collection of donations and subsidies for religious, educational, social, cultural, and welfare work.

Prevention of unauthorized persons from carrying her arms, dangerous weapons, and fire works.

Overseeing public processions and gatherings to maintain public tranquility.

Restricting immigration from neighboring states and otherwise.

Submitting recommendations to the competent bodies with respect to organizing and maintaining security reports to the higher level.

Issuing and authenticating administrative certificates.

Receiving official visitors.

Providing local database on the activities, institutions, and utilities.
Juba, Southern Sudan,
President of the Government of Southern Sudan,
H.E. Gen. Salva Kiir Mayardit,

Signed in Juba this day of the month of in the year 2009

In accordance with the provision of Article 85 (1) of the Interim Constitution of Southern Sudan,
Assent of the President of the Government of Southern Sudan