

Annex A

REPUBLIC OF SOUTH SUDAN

THE NATIONAL CONSTITUTIONAL REVIEW COMMISSION

INTERNAL RULES OF PROCEDURE

AUGUST 2012

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REPUBLIC OF SOUTH SUDAN

THE NATIONAL CONSTITUTIONAL REVIEW COMMISSION

INTERNAL RULES OF PROCEDURE

In accordance with Article 202(9) of the Transitional Constitution of the Republic of South Sudan, 2011 and the Presidential Order No. 02/2012, paragraph 10(b), the National Constitutional Review Commission (NCRC) hereby issues these Rules of Procedure.

1. Title and Commencement

These Rules may be cited as the National Constitutional Review Commission Rules, 2012 and shall come into force on the date of adoption by the Commission and signature by the Chairperson.

2. Mandate

- 1) The National Constitutional Review Commission shall conduct its business consistent with the Transitional Constitution and Presidential Order No. 02/2012 of 9th January 2012.
- 2) In conducting its business the NCRC shall:
 - a) Seek views of stakeholders on the Transitional Constitution
 - b) Review the Transitional Constitution
 - c) Conduct public education and awareness on constitutional issues
 - d) Draft Constitutional Text and Explanatory Report
 - e) Prepare a full report of its activities;
 - f) Submit the Draft Constitutional Text and Explanatory Report to the President; and
 - g) Prepare and manage its budget.
- 3) In carrying out the above the NCRC shall adhere to principles outlined under Sections 3(3) and 3(4) of the Presidential Order.

3. Membership

- 1) The NCRC shall consist of chairperson, deputy chairperson and other seven (7) full time commissioners as prescribed in the Order of appointment.

- 2) The NCRC shall have part time members to alternate and take part in plenary and committee meetings.

4. NCRC Structures

The NCRC shall have the following structures:

- (a) The plenary, which shall be composed of all the NCRC members.
- (b) The Secretariat.
- (c) Five committees that shall be formed from among NCRC members to discuss and make recommendations on the draft constitutional text as follows:

i) The First Committee:

ii) The Second Committee:

iii) The Third Committee:

iv) The Fourth Committee:

v) The Fifth Committee:

- (4) Public education and consultation on constitutional issues and the draft Constitutional Text shall be conducted by members of the Commission selected by the Chairperson from time to time.
- (5) Submissions on constitutional issues by the public shall be sent to the Chairperson
- (6) In case of difficulty and/or inability to form Committees the Commission may sit as plenary.

5. Functions and Roles of Committees

- 1) The committees shall perform the work assigned to them by the Commission and report through their respective chairpersons and rapporteurs to the plenary for discussion, harmonization, collation and adoption.
- 2) The Chairperson, in consultation with the deputy Chairperson, shall appoint chairpersons of Committees.

- 3) The Committees shall appoint their secretaries (rapporteurs).
- 4) All NCRC members shall take part in the work of the committee
- 5) The chairperson of a committee shall be a full time member. Notwithstanding this provision, a part time member may be appointed to chair a committee.
- 6) Any member may attend the business of any committee other his or hers.

6. The Drafting Committee

- 1) The Drafting Committee shall be composed of experts appointed by the chairperson of the Commission to draft the constitutional text.
- 2) The Committee shall harmonize the reports and drafts of the committees and prepare the Draft Constitutional Text
- 3) The Committee shall present its report and draft to the plenary for discussion and approval.

7. Meetings of the Committees

- 1) A committee shall meet as often as necessary for the purpose of fulfilling its mandate and at such places and times as it may be decided by its chairperson.
- 2) A chairperson of a committee shall chair all meetings of the committee. In the absence of the chairperson the members present shall designate a member from among themselves to chair the meeting.
- 3) Quorum of committee meetings shall be a simple majority.
- 4) Each Committee shall have a Secretary.
- 5) Decisions of the Committee shall be by consensus or simple majority.

8. Secretariat

- 1) There shall be established a Secretariat of the Commission, headed by a Secretary appointed and removed by the President.
- 2) The Secretary shall oversee and manage the Commission's staff.
- 3) The Secretary shall not be a member of the Commission.

- 4) The Secretary shall –
 - a) manage and oversee the financial, administrative and logistical work of the Commission;
 - b) report to the Chairperson of the Commission;
 - c) serve as the Secretary to the Commission;
 - d) attend meetings of the Commission; and
 - e) Shall nominate the members of the Secretariat with the approval of the Chairperson and his or her deputy.
- 5) The Secretariat shall keep minutes of the meetings of the Commission, including all decisions.
- 6) The Secretariat shall assist the Commission in achieving its mandates.
- 7) The Government of South Sudan shall provide the Commission with a budget and support the Commission by seconding personnel to the Secretariat of the Commission to assist in fulfilling its legal, technical and administrative functions as may be requested.
- 8) The secretariat may also receive financial, technical and logistical support from external sources as appropriate and as approved by the chairperson.
- 9) The minutes of the meeting shall be confirmed by the commission at the next meeting of the commission and signed by the chairperson or the person presiding over the meeting.

9. Plenary

- 1) All general discussions and approval of the themes and reports of the Committees shall take place in the plenary consisting of the members of the Commission.
- 2) The plenary shall adopt the constitutional text framework.

10. Quorum of the Commission

- 1) The quorum for the first meeting of the Commission shall be two thirds of all members.
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2) A simple majority of members of the commission shall constitute a quorum for the conduct of business at any subsequent meeting of the commission or its committees.
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11. Decisions of the Commission

Decisions of the Commission shall be by consensus or by simple majority of members present and voting.

12. Spokesperson of the NCRC

The chairperson shall be the spokesperson of the Commission and may delegate this responsibility to any other person.

13. Progress Reports

The chairperson of the commission shall update the president of the Republic of South Sudan on the work of the commission.

14. Presentation of the Draft Constitutional Text and Explanatory Report to the President of the Republic of South Sudan.

The Commission shall present a Draft Constitutional Text and Explanatory Report to the President not later than 8th January 2013.

Signed

Prof. Akolda Tier, Chairperson NCRC

This day of 2012