

REPUBLIC OF SOUTH SUDAN

“ESTABLISHMENT ORDER NUMBER 36/2015 FOR THE CREATION OF 28 STATES” IN THE DECENTRALIZED GOVERNANCE SYSTEM IN THE REPUBLIC OF SOUTH SUDAN

Order 1 Preliminary

Citation, commencement and interpretation

1. This order shall be cited as **“the Establishment Order number 36/2015 AD”** for the creation of new South Sudan states.
2. The Establishment Order shall come into force in thirty (30) working days from the date of signature by the President of the Republic.
3. **Interpretation as per this Order:**
 - 3.1. **“Establishment Order”**, means this Republican Order number 36/2015 AD under which the states of South Sudan are created.
 - 3.2. **“President”** means the President of the Republic of South Sudan

- 3.3. **"States"** means the 28 states in the decentralized South Sudan as per the attached Map herewith which are established by this Order.
- 3.4. **"Governor"** means a governor of a state, for the time being, who shall be appointed by the President of the Republic until the permanent constitution is promulgated and elections are conducted.
- 3.5. **"State constitution"**, means constitution of each state promulgated by an appointed state legislative assembly which shall conform to the Transitional Constitution of South Sudan 2011, amended 2015 until the permanent Constitution is promulgated under which the state constitutions shall conform to.
- 3.6. **"State Legislative Assembly"**, means a legislative body, which for the time being, shall be appointed by the President and the same shall constitute itself into transitional state legislative assembly in the first sitting presided over by the most eldest person amongst the

members and elect its speaker and deputy speaker among its members.

3.7. "States Border Dispute Resolution Committee (SBDRC)" means a body which shall be established by the President to resolve any dispute that may arise from or in connection with the states' border conflict.

3.8. "Council of States," means the Council of States established under Article 54 (1) (b) of the Transitional Constitution, 2011 amended 2015.

Order 2 **Authority of the Order**

The Establishment Order derives its authority from the provisions of the Transitional Constitution of South Sudan, 2011 amended 2015 as herein under:

1. Article 36 (1) which provides for the promotion of democratic principles and political pluralism guided by the principles of decentralization and devolution of power to the people through the appropriate levels of government where they can best manage and direct their affairs;

2. Article 166 (6) (a) & (b) which provides for the promotion of self-governance and enhance the participation of people and communities in maintaining law and order and promoting democratic, transparent and accountable local government and establishing local government institutions as close as possible to the people;
3. Article 101 (k) and (u) which mandates the President of the Republic to establish independent institutions and performs any other function as may be prescribed by law; which the President considers necessary for efficient administration of the country;
4. Article 101 (b) further empowers the President to supervise constitutional and executive institutions and provide exemplary leadership in public affairs;
5. Furthermore, Article 101 (f) mandates the President to initiate constitutional amendments;

Accordingly therefore, the President of the Republic of South Sudan, by virtue of the powers and constitutional authority vested by the provisions of the Transitional Constitution of South Sudan cited herein above, issue this

Establishment Order for the creation of the new states in the Republic of South Sudan as herein under:

Order 3
Fundamental Objectives

The fundamental objectives of this Order are to:

- 1.Devolve power and resource closer to the rural people,
- 2.Gradually, reduce the size of the national government, thus the financial resources at the national level which shall also be progressively devolved to and in favor of the states and local governments,
- 3.Attract, encourage and mobilize national experts to work at the state and county levels and
- 4.Promote social and economic development amongst the rural communities

(5)

Order 4
Established new states

4. Equatoria based states:

- 4.1. Imatong state** which comprising Torit, Ikotos, Lopa and Magwi counties with Torit as its state capital
- 4.2. Namorunyang state** which comprising Kapoeta South, Kapoeta North, Kapoeta East and Budi counties with Kapoeta as its state capital.
- 4.3. Maridi state** which comprising Maridi and Ibba counties; with Maridi as the state capital
- 4.4. Amadi state** which comprising Mundri West, Mundri East and Mvolo counties; with Mundri as the state capital
- 4.5. Gbudwe state** which comprising Anzara, Yambio, Ezo, Tambura and Nagero counties with Yambio as the state capital

4.6. Jubek sate which comprising Juba with Juba as the state capital

4.7. Terekeka state, comprising Terekeka, Jemeza, Tali, Tigor and Gwor with Terekeka as the state capital.

4.8. Yei River state which comprising Yei, Kajo keji, Morobo and Lainya counties with Yei as the state capital

Bahr Al Ghazal based states:

4.9. Wau state which comprising Bagari and Jur River counties with Wau as the state capital

4.10. Aweil state comprising Aweil South and Aweil Centre counties with Aweil as the state capital

4.11. Lol state, comprising Aweil West, Aweil North and Raga counties with Raga as the state capital

4.12. Aweil East state, comprising Aweil East with Wanyjok as the state capital

- 4.13. Twic state**, comprising Twic county with Mayen Abun as the state capital
- 4.14. Gogrial East**, comprising Gogrial East and Gogrial West with Kuacjok as the state capital
- 4.15. Tonj state**, comprising Tonj North, Tonj East and Tonj South counties with Tonj as the state capital
- 4.16. Eastern Lakes state**, comprising Yirol West, Yirol East and Awerial counties with Yirol as the state capital
- 4.17. Western Lakes state**, comprising Rumbek East, Rumbek North, Rumbek Centre and Wulu counties with Rumbek as the state capital
- 4.18. Gok state**, comprising Cueibet county with Cueibet as the state capital

Upper Nile based states

- 4.19. Northern Liech state**, comprising Rubkona, Guit, Koch and Mayom counties with Bentiu as the state capital

- 4.20. Southern Liech state**, comprising Leer, Mayendit and Panyijar with Leer as the state capital
- 4.21. Ruweng state**, comprising Panrieng and Abiemnon counties with Panrieng as the state capital
- 4.22. Eastern Nile state**, comprising Malakal, Renk, Maban, Melut, Baliet, Akoka, Pigi and Koma counties with Malakal as the state capital
- 4.23. Jonglei state**, comprising Bor, Duk and Twic East counties with Bor as the state capital
- 4.24. Western Nile state**, comprising Panyikang, Kodok and Manyo counties with Kodok as the state capital
- 4.25. Western Bieh state**, comprising Fangak and Ayod with Ayod as the state capital,
- 4.26. Eastern Bieh state** comprising Akobo, Nyirol and Urol counties with Akobo as the state capital

4.27. Latjoor state, Nasir, Ulang, Maiwut and Longuchuk counties with Nasir as the state capital

4.28. Boma state, comprising Pibor and Pchalla counties with Pibor as the state capital

Order 5
State symbols

The flag, emblem, seal, festivals and commemorations of each state shall be prescribed by the state legislation

Order 6
Powers of the state

The states shall have executive and legislative powers as per Schedules B, C, D and E of the Transitional Constitution of the Republic of South Sudan.

Order 7
State Border Dispute Resolution Committee
(SBDRC)

1. There shall be established by the President a dispute resolution Committee which shall be known as the State Border Dispute Resolution Committee (**SBDRC**), comprising Chairperson, Deputy Chairperson and three other members.
2. The SBDRC functions, terms of reference and condition of service shall be provided in the appointment order.
3. The **SBDRC** shall render its reports to the President for its submission to the Council of States for an approval in accordance with Article 59 (g) of the Transitional Constitution whose decision shall be final and binding to the states party to the dispute.

Order 8
Abyei Area

1. The Republican Order number 03/2015 dated 18th day of February 2015 establishing Abyei Special Administrative Area, shall remain in force and all the institutions established thereunder shall continue to perform their

/ 11)

functions and duties until further actions are taken to that effect.

Order 9
Interim Orders

1. After coming into force, and in accordance with this Order, the President shall appoint the state governors and state legislative assembly whose members shall be inclusive, representative and considerate of the 25% of the women representation as mandated by the Constitution.
2. The President may issue further orders to operationalize the newly established states when and where necessary for the smooth running of the states.
3. The current elected members in the ten state legislative assemblies shall form an integral part of those members who shall be appointed to the twenty eight state legislative assemblies in consideration of their new state constituencies created by this Order.
4. Without prejudice to the foregoing clause (3) of this Order, the members of each state

legislative assembly shall not exceed twenty (21) honorable members.

5. All state institutions, laws regulations and orders shall conform to and operate in accordance with the provisions of the Transitional Constitutions of the Republic, 2011 amended 2015.

Order 10
Amendment of the Order

1. This order shall not be amended save by another Order issued to that effect by the President of the Republic.

**Issued under my hand and seal of the
Republic of South Sudan in Juba this 2nd day
of the month of October in year 2015 AD**

Salva Kiir Mayardit
President of the Republic of South Sudan

(13)