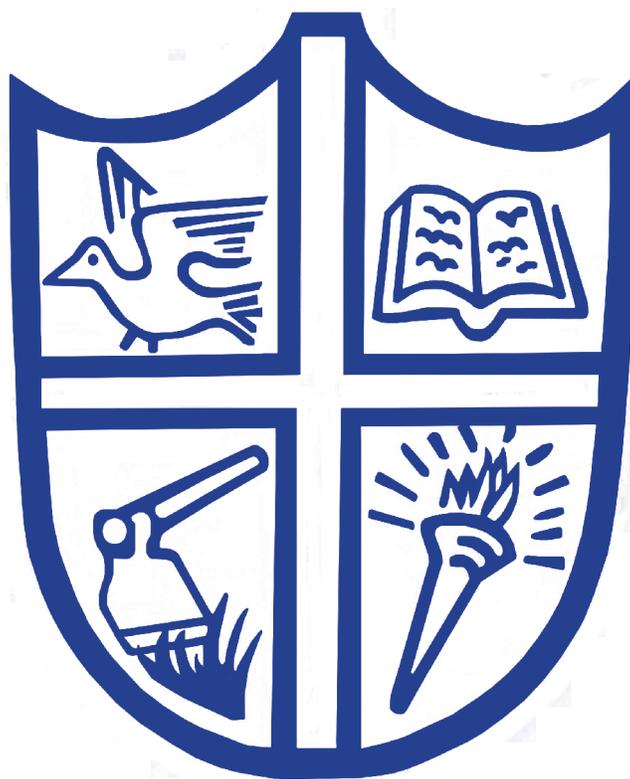


THE CONSTITUTION OF THE
EVANGELICAL LUTHERAN CHURCH
IN SOUTH SUDAN/SUDAN (ELCSS/S)



*Adopted in 2011
Amended 2015 & 2016*

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2011 – Amended 2015 & 2016

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Preamble

The Evangelical Lutheran Church in South Sudan and Sudan (abbreviated as “ELCSS/S”) exists to preach, teach, edify and nourish God’s people through Preaching and Administration of the sacraments in accordance with the Holy Scriptures as contained in the 39 canonical books of the Old Testament and the 27 canonical books of the New Testament.

Therefore, the Church, guided by the Holy Spirit, shall fulfill her mission and vision by the help of this constitution.

The Evangelical Lutheran Church in South Sudan and Sudan and every member of her accepts without reservation the Scripture of the Old Testament and New Testament as the inspired word of God and the Lutheran Confessions as contained in the *Book of Concord* as true expositions of Scriptures.

We the members of the Evangelical Lutheran Church in South Sudan and Sudan have agreed and resolved to write a constitution known as ELCSS/S Constitution 2011 and to promulgate this constitution to guide us toward commitment and services to God’s people.

This constitution shall come into effect upon its approval by the General Convention.

ARTICLE ONE: THE NAME OF THE CHURCH

Section (1) (a) The name of the Church shall be called “Evangelical Lutheran Church in South Sudan and Sudan” hereinafter is referred to as ELCSS/S.

(b) This Constitution shall be cited thereafter as “The Constitution of the Evangelical Lutheran Church in South Sudan and Sudan” (ELCSS/S).

(c) The Head Office of the Evangelical Lutheran Church in South Sudan /Sudan shall be located at Baguga/ in Yambio County/Gbudue State.

(d) Without prejudice to the provision in section (1)(c) above, the General Convention may resolve to re-locate the Head Office to any other location in the Republic of South Sudan/Sudan as it may deem it fit by 2/3 voters majority of the convection.

Section (2): The Official language of the church shall be English in the Republic of South Sudan and Arabic in the Republic of Sudan and all the indigenous languages or dialects shall be used at congregational level for worship and congregation meetings. The church shall promote the indigenous languages through translation and publication of Lutheran literature to allow believers express themselves eloquently. English shall be used for all communications between the Head Office and deaneries, Parishes, Congregations and centers.

ARTICLE TWO: SUPREMACY OF THE CONSTITUTION

Section (1) This Constitution shall be the supreme law of the ELCSS/S and shall have a binding force on all authorities and persons within the ELCSS/S.

Section (2) If any other law, or any custom is inconsistent with any of the provisions of this Constitution, the Constitution shall prevail, and that other law or custom, shall to the extent of the inconsistency be void.

Section (3) It is prohibited for any person or group of persons to take or retain control of the ELCSS/S except in accordance with the provisions of this Constitution.

Section (4) Any person who singly or in concert with others, by any violent or any other unlawful means, suspend, overthrow, abrogates, or amends this Constitution or any part of it or attempts to do any such act, commits a grave offence and shall be disciplined by the relevant authorities according to the law.

ARTICLE THREE: THE DOCTRINE OF THE ELCSS/S (UNALTERED)

Section (1) The doctrine of the ELCSS/S is grounded exclusively on God’s Inspired Word as written in the Canonical books of the Bible.

Section (2) The Books of the Old and the New Testaments are accepted as the inerrant divine truth inspired by the Holy Spirit. The Lutheran Confessions of the Book of Concord (1580) are accepted as the correct and binding exposition of the Holy Scriptures. These confessions are: the three Ecumenical

Creeds of the ancient church: The Apostles' Creed, the Nicene Creed, the Athanasian Creed; the Unaltered Augsburg Confession and its Apology; the Smalcald Articles; the Small and Large Catechisms of Dr. Martin Luther, the Primacy of the Pope and the Formula of Concord.

Section (3) (a) All Church instructions shall be based on the books mentioned in section (2) above.

(b) The ELCSS/S shall always instruct all its congregations in Dr. Martin Luther's Small Catechism, that all church servants know and acknowledge the Lutheran Confessions as the Confession of their Church and that all pastors bind themselves in faith, teaching and confessing to the teachings of the Lutheran Confessions in their Ordination Vow.

(c) The duration for instructions of Holy Baptism shall be three months and for confirmation shall be one year.

Section (4) The ELCSS/S is aware of the unity of the faithful with the Church of the Apostles and Orthodox Christians of all times. The ELCSS/S shall therefore be in altar and pulpit fellowship with the Lutheran Churches, Lutheran Congregations and Lutheran Christians in the whole world, in so far as these churches and these Lutheran Christians unambiguously abide by the teachings of the Lutheran Confessions and act accordingly.

Section (5) Only individuals, congregations and churches which are bound by the Holy Scriptures and the Lutheran Confessions shall be permitted to have pulpit fellowship with the Churches of ELCSS/S. ELCSS/S does not allow any pulpit fellowship with other religions, but individuals from other Religions are allowed to attend worship fellowship with the ELCSS/S. This paragraph is unaltered.

ARTICLE FOUR: THE AIM OF THE CHURCH

Section (1) The aim of the Church is enshrined in the mandate of Christ in Mt. 28: 18-20. The Church shall dedicate herself to the teaching of the Gospel of Jesus Christ and to the administering of the Holy Sacraments in accordance with Christ's institution and to the exercising of the power of the Keys of Heaven; The service in the Kingdom of God as his Kingdom of Grace is directed to all her members and to those who do not yet acknowledge the Lord Jesus Christ.

Section (2) The Church shall always strive for her members as followers of Christ to serve all the needy and suffering in this world by virtue of God's loving kindness and mercy through education, health service and other social activities.

Section (3) Pulpit fellowship and participation in the Holy Communion

(a) Church fellowship shall only be possible where "the Gospel is preached in conformity with ELCSS/S Doctrine and the Sacraments are administered in accordance with the divine Word" (CA VII).

Thus, at the outset church fellowship, the Holy Communion can be practiced exclusively with Lutheran Christians who abide in faith and live by the Lutheran Confessions. Pulpit fellowship shall insolubly bound up with the administration of the Holy Sacraments; neither may be separated from the other.

(b) All new converts to the ELCSS/S shall undertake the relevant instructions before admission to the Holy Communion.

ARTICLE FIVE: CHURCH MEMBERSHIP

Section (1) Membership of ELCSS/S shall be obtained through infant and adult baptism. Christians who have been baptized in other churches, in the name of The Father, The Son and The Holy Spirit and desire to join ELCSS/S shall be received by public confirmation which shall be administered after proper teaching and preparation.

Christians of other Lutheran Churches who desire to join ELCSS/S shall be received after examination by the Parish Pastor in the presence of the Church Council. Every member of the Church must be a member of a local ELCSS/S congregation.

Section (2) Termination of membership is effected by desertion from the confessional Lutheran Church (ELCSS/S) to another Lutheran church or any other churches different from the ELCSS/S to the regulations of the Church, or through relinquishment of membership, or through excommunication according to the disciplinary rules or death.

Section (3) Whoever leaves the Church thereby automatically forfeits all rights connected with her/him, and loses any claim to the Church property and/or any refunds of membership fees, other contributions, donations or gifts of any kind given to the congregation or to the Church as a whole.

Section (4) Neither the heirs nor the executor or administrator or assignees of the estate of a member of this Church who is deceased shall have any claim to a refund from the fees paid to church organization, other contributions, donations, or gifts of any kind which the deceased him/herself paid or made or which were paid or made on his/her behalf to the Church or any of his/her congregations, associations or institutions.

Section (5) further particulars concerning the duties and privileges of Church members shall enshrine in the By-laws.

ARTICLE SIX: THE ELCSS/S STRUCTURE

Section (1) The ELCSS/S shall organize herself into Centers, Congregations, Parishes, Deaneries, Diocese and an Arch- Diocese.

Section (2) (a) Center: each center may consist of at least 25 members which is headed by an evangelist.

(b) Congregation: A congregation shall compose of a number of conformed believers ranking from 75 and above. A congregation shall be headed by an evangelist/catechist. A Congregation shall compose of a number of Centers ranking from three (3) and above and will be headed by pastor.

Section (3) A congregation shall be administered by an evangelist who shall be answerable to the Parish pastor under whom The jurisdiction he hold of each congregation shall be determined by the relevant authority.

Section (4) The creation of a new congregation shall be determined under the following conditions:

- (a) The size or number of the converts or believers in a particular area
- (b) The Land for the Church
- (c) Approval of the local authority.

Section (5) Every congregation shall be administered by an evangelist in collaboration with the Congregation council of elders. A Congregation Council of elders shall compose of seven members.

Section (6) The congregation shall own all properties it has acquired by purchase, testaments and other kinds of donation. The congregation must utilize the said property according to the purposes given by the Church. In the case of partitioning the congregation, it is the responsibility of the Parish Council to re-allocate this property.

ARTICLE SEVEN: THE CONGREGATIONAL MEETING

Section (1) The Congregational Meeting shall be convened for the following:

- (a) To elect the Church council.
- (b) Laymen for offices in the congregation.
- (c) The annual briefing on the reports concerning the affairs of the congregation, to pass the budget of the Congregation and the Annual Financial Report from the treasurer of the congregation.
- (d) An extra-ordinary Congregational Meeting may be convened when important matters arise.
- (e) An Evangelist calls a meeting and invites parish pastor
- (f) The council meeting is twice a year and the tenure in the office is three years.

Section (2) The Congregational Council meetings shall be chaired by the Evangelist who shall be the head of the Congregation. The resolutions shall be decided by a simple majority vote. In the case of an even number of votes the Chairman shall participate in the casting of vote. Fifty per cent of the members of a congregation shall constitute a quorum for a congregation meeting.

Section (3) All elections shall be carried out by secret ballot vote unless all the council members agree to the contrary.

Section (4) The Congregational Council represents the congregation in decision making on the affairs of the Congregation. The resolutions and declarations of the Congregational Council shall be signed by the Chairman and endorsed with the rubber stamp of the Congregation.

Section (5) Legal matters above the jurisdiction of the Congregation shall be referred to the relevant authority of the Church. All property acquired by church funds from any source of ELCSS/S shall remain the property of ELCSS/S.

ARTICLE EIGHT: A PARISH, A DEANERY & A DIOCESE

Section (1) A parish shall be a bigger Center which shall compose of at least three to five congregations depending on the size of the congregations. A parish shall be headed by a pastor. The pastor in-charge of a parish shall be responsible to serve or administer the congregations under his parish.

Section (2) Should a parish consist of congregations more than five (5) in number, the Parish Council members shall be drawn from representatives of all the congregations.

Section (3) Deanery

- (a) A deanery shall compose of at least three parishes. A deanery shall be headed by a dean, who shall oversee the parishes under his deanery.
- (b) A dean shall be answerable to the bishop of the diocese in regard to spiritual and administrative issue.
- (c) A deanery shall have a deanery council that will have representatives from each parish.

Section (4) (a) A Diocese: The various congregations, parishes and deaneries of the Church shall be grouped on a territorial basis to constitute a diocese.

A diocese shall compose of at least three deaneries. A diocese shall be headed by a bishop who shall administer spiritual supervision over deaneries and parishes under his diocese.

(b) Where one diocese grew and attain the capacity of creating another dioceses out of it, the geographical boundaries of one diocese shall determine ownership over the fix assets of the two sister dioceses. .

(c) The Diocesan Council shall be composed of the executive body of the diocese, which shall include the Deans and some senior lay people, and the Diocesan Convention shall compose of all pastors, evangelists of the diocese and lay delegates who have been elected by the individual congregations in their Congregational Meetings as stipulated in the bylaws.

ARTICLE NINE: THE GENERAL CONVENTION OF THE EVANGELICAL LUTHERAN CHURCH IN THE REPUBLIC OF SOUTH SUDAN AND THE REPUBLIC OF SUDAN

Section (1) There shall be a general Convention of the Evangelical Lutheran Church in South Sudan and the Republic of Sudan.

Section (2)(a) The general convention shall be held once after every three (3) years.

Section (3) The diocesan council has the mandate to call a general convention

Section (4)(a) The General Convention shall draw participants from all the deaneries/dioceses of the Evangelical Lutheran Church in South Sudan and Sudan.

(b) The number of participants to come from each deanery/diocese shall be determined by the organizing committee of respective General Convention from time to time.

(c) The general Convention may invite members of other Lutheran Churches from outside the South Sudan and Sudan to come and attend the General Convention.

Section (5)(a) The General Convention shall be chaired by the Presiding Bishop of the Evangelical Lutheran Church in South Sudan and Sudan.

(b) Where the office of the presiding bishop fall vacant, the senior dean present shall chair the General Convention.

Section (6) The General Convention shall be the supreme authority of the Evangelical Lutheran Church in the two sister Countries.

- Section (7)(a)** An extra ordinary General Convention may be called for at any time when need arises.
- (b)** The diocesan council shall be the legitimate body to call for extra-ordinary convention in consultation with the bishop and the bishop is bound.
- (c)** The General Convention shall have the authority to adopt and amend this Constitution, or any provision of it.
- (d)** The General Convention shall have authority to decide on issues pertaining the doctrine of the ELCSS/S and to authorize the formation of the highest tribunal of the church capable of investigating and determining remedies to issue of discipline concerning the presiding bishop, the bishops, the Secretary General and other top officials of the Church.
- (e)** The resolutions of the General Convention shall take effect after publication. All the church hierarchy, the Church organizations are equally bound by the resolutions passed by the above mentioned Resolutions.

ARTICLE TEN: THE COMMISSIONS OF THE CHURCH

Section (1) The church shall constitute Commissions for special tasks such as the mission, diaconia, youth work, social ethics etc.

Section (2) (a) The Church, commissions shall be elected by the Church Council or the diocesan council in case of the diocese. They shall be responsible to the Church Council or the diocesan synod in case of the diocesan council.

(b) The church Commissions shall be appointed by the Presiding Bishop or by the diocesan Bishop.

Section (3) The ELCSS/S shall constitute CHURCH ASSOCIATIONS AND LEAGUES to finance the evangelization and other tasks in the congregation and Church.

Section (4) The ELCSS/S shall regulate the activities of the church Associations and leagues to be in full harmony with the ELCSS/S Constitution.

Section (5) The church Associations, Organizations and leagues shall be accountable to the church Council through the different levels.

ARTICLE ELEVEN: THE CHURCH COUNCIL

Section (1) The Church Council shall be the second supreme governing authority of the ELCSS/S after the General Convention. It shall speak and act on behalf of the whole of the ELCSS/S.

Section (2) The Church Council shall compose of representatives from every categories of group in the ELCSS/S elected according to this Constitution. The number of delegates of each diocese to the Church Council shall be determined by the Church Council from time to time.

Section (3) The Church Council shall be convened a year before the general Convention. Issues which has been discussed in the Church Council and could not be resolved shall be passed to the General Convention.

Section (4) In all its activities the Church Council shall be bound by the Holy Scriptures and the Luther

an Confessions. Furthermore, the Constitution and the regulations of the Church, as well as decisions of the General Synod are equally binding upon the Church Council.

Section (5) All issues relating to, doctrinal negotiations with the aim of establishing church fellowship or relationship with other churches, shall be discussed by the pastors' Convention before passing it to the diocesan Synod and on to the General Convention.

Section (6) Written declarations of the ELCSS/S shall be signed and sealed by the presiding Bishop or by his assistant.

ARTICLE TWELVE: THE OFFICES IN THE CHURCH

Section (1) The Church shall establish a variety of institutions for both the education and training of her servants and other revenue generating institutions for the sustainability of the church.

Section (2) Before a man can be accepted in the office of the ministry, the church shall prepare him for the ministry by giving him the necessary training.

Section (3) The Council of elders of the congregation shall forward the name/s of the candidate/s aspiring to join the ministry to the parish council for consideration.

Section (4) The candidates shall sit for an interview which shall be set by the authority of the relevant institution. The successful candidates shall be admitted to the seminary for pastoral training. The names of the successful candidates shall be kept at the deanery and at the diocese.

Section (5) After having been trained for two years, the bishop shall send him to a particular congregation, to work there as a vicar under the supervision of the local pastor for a period not less than one year. The tasks and duties of a vicar shall include the following:

- (a) To preach the word of God,
- (b) To instruct children and adults,
- (c) To hold services of the Word,
- (d) To visit the sick, and; to continue to study the Word of God, the teachings of the church, its regulations and other tasks as may be assigned by the supervising pastor.
- (e) A vicar is not allowed to administer the Holy Sacraments prior to his ordination but he can assist in distribution of Holy Communion..
- (f) After which he will come to finish the third year and graduate, and shall be ready for ordination.

Section (6) (a) A vicar may be admitted to the office of the ministry by the recommendation of a local congregation or parish. The Diocesan Council confirms this call after it has heard or seen a satisfactory testimony concerning his qualifications, behavior and work, submitted by the pastor under whose supervision he has worked during his time of vicarate. A resolution of the Congregational/Parish Council shall also be attached.

(b) A vicar who has been admitted into the office of the ministry shall be entrusted with his office by being ordained by the bishop or other senior pastor according to the regulations of the church, Where the bishop in question is incapacitated or where the office of the bishop is vacant, and the candidate must be ordained, the Assistant of the Bishop or a senior pastor may be delegated to perform the ordination.

ARTICLE THIRTEEN: DEACONS & DEACONESSSES

Section (1) Deacons and Deaconesses: The ELCSS/S shall establish the office of deacons and deaconess/ diaconia.

Section (2) ELCSS/S parishes shall employ trained deacons and deaconesses to carry out works of Christian mercy among men, women and children who are in need of such special care.

Section (3) The Church Council shall keep a roster of deacons and deaconesses who have received such training as prescribed by the church and who have been received to this service in a rite of commissioning. This rite shall be performed by the Bishop or his Assistant or, in the absence of the Bishop, a Dean assigned to this duty by the Assistant to the Bishop, or in his absence, by the senior pastor.

Section (4) Every deacons and deaconess who is employed shall be given a precise job description in which his or her area of work, tasks and duties as well as rights are clearly defined.

Section (5) Each Diocese shall have a Diaconal Commission which consists of a Dean, two deacons/deaconesses and two lay Christians. It is the duty of this commission to supervise the field of diaconia in the Diocese, to support deacons and deaconesses in their day-today work, to channel external diaconal aid to the Diocese in best possible way and improve the training of deacons and deaconesses.

Section (6) The deacons and deaconesses are paid a monthly salary by the parish concern.

Section (7) The deacons and deaconesses shall submit annual reports of their activities to their parish pastors and to the Diocesan Diaconal Commission.

ARTICLE FOURTEEN: EVANGELIST

Section (1) The ELCSS/S shall establish the office of the evangelist.

Section (2) an evangelist is a servant called by the congregation/parish to assist the ordained clergy to proclaim the Gospel to those who do not yet know the Lord Jesus Christ and to serve a congregation. The church trains him for the work of the church and calls him into the office of evangelist through the Congregational/Parish Council. The catechist is entrusted with his office by being commissioned by the Parish Pastor. The catechist is not ordained.

Section (3) an evangelist shall be sent by the Congregational/Parish Council to a certain place where the church wants to begin a new work or where it wants to proclaim the Gospel to those who do not yet know the Lord Jesus Christ.

Section (4) an evangelist is sent by the Church Council to work in a certain congregation and his tasks in the congregation shall be:

- (a) to hold services for the congregation according to the order of the church
- (b) to organize youth work, to instruct children
- (c) to visit the sick and afflicted and those who have fallen away
- (d) to bury the dead,

- (e) to baptize in cases of emergency
- (f) to proclaim the Gospel to those who do not yet know the Lord Jesus Christ
- (g) And he shall be assigned to do other tasks in addition to those listed above.

Section (5) where an evangelist works in a congregation, he shall be under the supervision of the parish pastor for all his work. Where he works by himself at a certain place where as yet there is no congregation, he shall be placed under the supervision of the Dean or of another pastor, according to the decision of the Church Council.

Section (6) when holding services, they shall stand at the altar and in the pulpit and shall wear the catechist's robe.

Section (7) an evangelist shall be the deputy chairman of the congregational council and of the congregational meeting. When the parish priest is not there then He shall have the right to call a meeting of the congregational council and a congregational meeting, if necessary, and if it is agreed by the pastor of the congregation/parish.

Section (8) an evangelist shall be paid a stipend as agreed between him and the Congregational/Parish Council.

ARTICLE FIFTEEN: CHURCH HELPER/ LAITY

Section (1) A Church Helper shall be called by the Congregational/Parish Council to do certain work of the church.

Section (2) The calling and placing of a church helper shall be done by a Congregational/Parish Council. When it is determined that the man selected has the gift of helping in the work of the congregation and that he/she knows the Bible and the teachings of Luther's Small Catechism, and that his/her life is beyond reproach, he/she can be employed by the Congregational/Parish Council.

Section (3) The church helper shall be paid a stipend as agreed between him/she and the Congregational/Parish Council.

ARTICLE SIXTEEN: THE PASTOR

Section (1) The Pastor is an ordained man and a church servant who has been called by God through the church to lead and shepherd a congregation by teaching and preaching the Word of God and by administering the Keys of Heaven and the Holy Sacraments. The call of the Church comes through a local congregation or parish. The Congregation shall present their candidate/s to the council of elders for approval.

Section (2) The ordained pastor shall be installed in the service of the congregation or parish by the Bishop or his Assistant or by a senior pastor who is assigned to this duty by the Bishop.

Section (3) A pastor may be sent by the Church Council or Diocesan Council to a particular area where the church wants to begin a new work or where it wants to proclaim the Gospel to those who do not yet

know the Lord Jesus Christ. Particular attention must be paid to the well-being of such a pastor and his family.

Section (4) Evangelical Lutheran Church in South Sudan/ Sudan shall avoid as much as possible separating pastors from their families when a pastor is on a mission to a new area of work. Assistance to such missionaries shall be channeled through the office of the diocesan secretary in collaboration with the dean of the deanery concerned and the pastor on mission.

Section (5) Requests for pastors from the congregations shall be addressed to the Dean of the Deanery and the bishop and council under the bishop shall have the authority to allocate pastors in response to calls from congregations.

Section (6) A pastor may be transferred to a particular area of work by the Diocesan bishop after consultation with the said pastor in question.

Section (7) In-case the congregation where the pastor has been installed is a parish in itself, the pastor shall be the leader of the parish. If two or more pastors have been sent to the same parish, the senior pastor in terms of ordination shall be the pastor in-charge.

Section (8) The tasks and duties of a pastor shall include the following:

(a) To preach and teach the Word of God in the Old and New Testaments to the congregation in harmony with the Lutheran Confessions;

(b) Shall perform the functions of the Office of the Keys by receiving confessions of sins, forgiving sins, by retaining the sins of those who do not repent, by absolving sinners and by admonishing and exhorting members publicly and privately; and to see that the congregation lives according to the directions given by the Word of God;¹

(c) Shall administer the sacraments as instituted by Jesus Christ; and shall proclaim the Gospel among those who do not yet know the Lord Jesus and the church, and to conduct activities such as confirmation, weddings, funerals and other congregational activities according to the order and regulations of the ELCSS/S church;

(d) Shall instruct candidates for baptism and confirmation; and shall visit the sick, the depressed, the afflicted, the backsliders and those who have left the faith;

(e) Shall enter into the congregational records everything that must be entered, such as: the names of the baptized, the confirmed, the married, the communicants, those who have died and those who have left the congregation by moving away or for any other reason; and shall keep the record of the congregation members and to give an annual report to the dean of the deanery.

(f) Shall ensure that all required contributions and special collections are collected and paid into the appropriate accounts according to the regulations of the church;

(g)(i) Shall be the chairman of the parish council and all the parish meeting; and to be a member of the Diocesan council and also of the General Convention; (ii) Without prejudice the provision of paragraph (g)(i) above, the pastor may delegate chairmanship of any meeting of the parish to another person where necessary.

(h) The pastor shall continue to study the Word of God and the teachings of the church; and shall

¹ A congregant has the right to make the confession and to resort to services of a pastor of his/her choosing.

wear the prescribed pastor's attire when holding congregational services and while performing the official duties of the church.

(i) An ordained pastor is forbidden to get involved into politics. Therefore, any man aspiring for pastoral work should freely accept this sub-section.

Section (9) A pastor shall be entitled to the following:

(a) The pastor shall be paid monthly salaries by his congregation.

(b) The salary and other emoluments of the pastor shall be decided by the diocesan council

(c) The pastor shall be entitled to standard accommodation constructed by the parish concern.

(d) The Parish shall provide a means of transport for the pastor in-charge of their parish.

(e) The proposed area for a parish shall construct the pastor's office as one of the requirements to qualify for a parish.

ARTICLE SEVENTEEN: THE OFFICE OF THE DEAN

Section (1) A dean is a senior pastor who have served the church for at-least five (5) years. The office of a dean is assumed through promotion depending on good performance and the up keeping of the Christian moral standard.

Section (2) (a) Promotion to the office of a dean shall be effected through a promotion Committee composed of the advisers, senior pastors and any other elders whom the bishop may deem competent to be in the committee.

(b) The promotion Committee shall review the record of such senior pastors and their performance and recommend to the bishop for the promotion of such a pastor/s to the office of a dean.

Section (3) The dean shall be the pastor in-charge of the parish which heads the deanery.

Section (4) The duties and tasks of a dean shall include the following:

(a) The dean may be nominated for the position of an assistant bishop or a bishop.

(b) Shall oversee the parishes under his deanery and carryout therein all the administrative and pastoral obligation of a spiritual leader.

(c) Shall automatically qualify to be a member of the General convention, the diocesan convention and the diocesan executive council.

(d) Shall be the chairman of the deanery meetings.

(e) Shall report directly to the bishop on matters within his deanery.

(f) The dean whose territory fall in the area where the Cathedral is located shall be the Pastor in-charge /Provost of the Cathedral under the bishop.

ARTICLE EIGHTEEN: THE OFFICE OF THE BISHOP

Section (1) (a) A bishop is a pastor/shepherd who is called by God through the church to lead a diocese together with the Diocesan Council.

(b) A candidate for the office of a bishop shall be a man of upright spirit and integrity who is respected in his community and should possess at least a degree in the relevant field from a recognized Institution. Should be one who have served the ELCSS/S as a Pastor for at least three (3) years or more.

(c) A candidate for the post of a bishop should have a clean record of service, a man of one wife and above reproach whose marriage has been blessed in the church.

(d) The provision in **Article Thirteen (13) Section (1)(b)** above referring to academic qualification may not be applicable in the second General convention to be conveyed as from October 11 to 14, 2011.

Section (2) Nomination, Election and consecration of a bishop

(a) The names of the pastors qualified by **Section One in Article (13)** above shall be presented to the General Convention for nomination.

(b) A pastor nominated by a member of the General Convention for the post of a bishop must be seconded by at-least two other members of the General Convention to qualify as a candidate.

(c) The three nominees shall contest in the election for the position of a bishop.

Section (3) Election of a bishop

(a) The election shall be conducted by a neutral electoral commission which shall be appointed by the organizing Committee of General Convention of the Evangelical Lutheran Church in South Sudan/Sudan.

(b) The voting shall be conducted by eligible voters consisting of five member representatives chosen from every deaneries of the ELCSS/S

(c) The second General Convention which commences on October 11 to 14, 2011 shall allow all the representatives invited with notification to vote to take part in the voting exercise; thereafter, the provision in Section (3) (b) shall take effect.

(d) the candidate who receives fifty plus one per-cent or more (50+1) of the votes shall be declared the winner and bishop elect.

(e) The bishop elect shall be consecrated by at least two to three other bishops after three months. The bishop shall continue to lead his diocese for the first five (5) years after which he shall have the right to contest again through a vote of ballots for two more terms; unless he commits any of the offenses in **Article 14 Section (2)** below. Where there is no more than one bishop, the senior pastors shall join the bishop in the consecration of the bishop.

(f) After his election, the Bishop shall be installed in office by the Presiding bishop, the outgoing Bishop or the Dean who is oldest in age and by ordination or in a situation where there is no bishop, by an invited bishop.

Section (4) Duties and tasks of the Bishop:

(a) The Bishop shall be the spiritual leader of his diocese and the servant of the whole church. He has the authority to proclaim the Word of God and administer the Sacraments in the congregations of the whole of his diocese when he has made arrangements with the pastors of the congregations concerned.

(b) Diocesan Bishops shall be the chairman of the Diocesan Pastors' Conventions, the diocesan Synod, the diocesan Council and oversees all the higher committees of the diocese.

(c) The Bishop shall have authority to write and send pastoral letters to all servants of the church working under his diocese and to all congregations' letters of advice, comfort, encouragement, admonition and reproof about the spiritual life of the church, on decisions made on matters pertaining the church, regulations, financial obligations of the church and such other matters as may deem necessary.

(d) Together with the Church Council/Diocesan Council, the bishop shall guard the spiritual life of the church, being watchful that the Word of God is purely presented in the teaching and preaching of the church and that the Sacraments are administered in the whole diocese under his jurisdiction according to their institution. He shall see to it that all the decisions and ordinances made by the relevant decision-making bodies are carried out accordingly.

(e) It shall be the duty of the Bishop to defend and protect the Constitution and the by-laws of the ELCSS/S, and see to it that all regulations of the Church and the resolutions of the General Synod are implemented in the congregations of his diocese.

(f) The Bishop shall ordain the pastors and install the Parish Pastors in their offices. He shall call those who will be ordained into the office of the ministry to a preparatory course; he shall invite the pastors identified by diocesan council during his pastoral visits for refresher courses.

(g) The bishop shall visit parishes, congregations; church organizations and any other institutions in his diocese following a laid out program that has been officially disseminated.

(h) The Bishop shall have authority to officially open buildings of any congregation of the church under his diocese and any other church related institutions. In a state of emergency or in a situation where a serious offence has occurred in a particular Congregation which calls for a halt to spiritual activities for purposes of investigation, and shall immediately notify the diocesan council for immediate action to ratify the situation through a lawyer.

Section (5) The Diocesan Bishop shall sign all Resolutions of the Diocesan Council and all official letters which are written in the name of the Diocese.

Section (6) The Diocesan Bishop may request the Diocesan Council, the Diocesan Synod, and all organizations of the Diocese to rescinds certain issues in the agenda which may not warrant immediate decision until the next meeting if he sees that such decision may negatively affect the teaching of the Word of God and needs careful research and examination before a final decision is made

THE ENTITLEMENTS OF THE BISHOP

Section (1) (a) The bishop shall be paid monthly salaries by his diocese.

(b) The salary and other emoluments of the bishop shall be proposed by the financial committee and present it to General Convention of the Church.

(c) The bishop shall be entitled to standard accommodation by the church/Diocese.

(d) The diocese shall provide transport for the bishop.

(e) The proposed area for a diocese shall construct the bishop's office as one of the requirements to qualify for a diocese.

Section (2) The Bishop may not relinquish his office for any reasons unless under the following conditions:

(a) Insanity or physical incapacity based on medical report

(b) Heresy

(c) Immorality

(d) Drug addiction

(e) Embezzlement of funds

(f) Misuse of Church properties

(g) Expiration of term of office or retirement as a result of old age

(h) Acceptance of his resignation by the General Convention

(i) Death

(j) Any other unlawful acts as the church may deem it necessary.

ARTICLE NINETEEN: THE OFFICE OF ASSISTANT BISHOP

Section (1) The Assistant Bishop shall be elected by the diocesan council.

Section (2) The assistant bishop shall be nominated from among the deans of the diocese and the proce

dure applied in the election of a bishop in **Article Thirteen (13) section (1) paragraph (c) to (g)** above shall be applicable.

Section (3) The bishop of the diocese may delegate or assign some of his duties to the assistant bishop.

Section (4) The assistant bishop shall act as the bishop of the diocese when the bishop is away for other duties or on leave.

Section (5) The assistant bishop shall be entitled for acting allowance which shall be decided by the diocesan Council. The diocese shall provide a means of transport and accommodation to the assistant bishop when he is acting in the office of the bishop; provided that the said assistant bishop does not have a residence in a nearby distance to the diocesan head office.

Section (6) In a situation where the Bishop dies, or if he leaves office for any reason, the Assistant Bishop shall take office until an election is held.

Section (7) After the declaration of a vacant position of a bishop, the assistant bishop shall act for six (6) months and the diocesan council shall be conveyed to elect a bishop to fill the vacant position in the said diocese.

ARTICLE TWENTY: THE PRESIDING BISHOP

Section (1) There shall be a Presiding Bishop of the Evangelical Lutheran Church in South Sudan/ Sudan

Section (2) Where there shall be more than one bishop in the ELCSS/S, one of the bishops shall be elected by the General Convention to be a Presiding Bishop who shall administer the church together with the Church Council.

Section (3) The presiding bishop shall be elected by the house of bishops; where there are only two bishops, the deans and the chosen elders shall be members of the electoral board for the election of the presiding bishop.

Section (4) All the evangelical Lutheran church dioceses in South Sudan and Sudan shall propose at least three names to the house of bishops for election of the presiding bishop in case of two bishops the two bishops will be nominating for the election.

Section (5) The presiding bishop shall be elected through a secret ballot vote, the candidate who gets fifty plus one or more shall be declared the presiding bishop.

Section (6) (a) Where the result of the vote is fifty percent for both candidates, the chairman of the electoral commission shall write 'Yes' and 'No' on two pieces of paper and fold them and ask the two competing candidates to pick and open. The candidate who picks "Yes" shall be declared the presiding bishop
(b) The presiding bishop shall be the bishop of the Arch-diocese of the evangelical Lutheran Church in South Sudan and The Republic of Sudan.

Section (7) The presiding bishop when elected shall be enthroned by the senior bishop present.

Section (8) The term of office for a presiding bishop shall be five (5) years subject to re-election for two more terms of office.

Section (9) The (Presiding) Bishop shall be the chairman of the General Convention, General Synod, the Church Council and the General Pastors' Convention. He may be invited to attend the meetings of the Diocesan council.

THE DUTIES OF THE PRESIDING BISHOP

Section (1) The presiding bishop shall be the head of the Evangelical Lutheran Church in South Sudan/ Republic of Sudan.

Section (2) The presiding bishop shall consecrate new bishops together with other bishops present.

Section (3) The presiding bishop shall be the chairman of the house of bishops and the General Convention.

Section (4) The presiding bishop shall be the link between the ELCSS/S and the other churches, including the government of the two countries international communities.

Section (5) The presiding bishop shall be the signatory to all the official communications and projects of the Arch-diocese of the ELCSS/S.

Section (6) The presiding bishop shall be the chancellor of the University or higher academic institutions of the ELCSS/S, and shall have the authority to appoint the vice chancellor(s)

THE ENTITLEMENTS OF THE PRESIDING BISHOP

Section (1) The presiding bishop shall be paid salaries by the Head Office of the Arch-diocese of the ELCSS/S.

Section (2) The salaries and emoluments of the presiding bishop shall be decided by the General convention.

Section (3) The Church shall provide accommodation and a means of transport for the presiding bishop.

Section (4) The residence of the presiding bishop shall be entitled to care takers whose number shall be decided by the General convention and the care takers working at the residence of the presiding bishop shall be paid by the Church.

Section (5) The presiding bishop shall be entitled for medical allowances including his wife and only three of his children under the age of eighteen (18).

Section (6) The medical allowance shall not be payable as part of the salary to the beneficiaries, but to be kept by the church for the purpose.

Section (7) The presiding bishop shall be entitled for a retirement package as a token of appreciation which may include the following:

- (1) A house
- (2) Means of transport and some little cash which shall be decided by the church.

Section (8) (a) Where the presiding bishop commits any of the offences in Article (14) section (2) number 2, 3, 4, 5, 6 and 10 above or any other offences which calls for termination of his service as a presiding bishop, shall forfeit all the retirement packages thereof.

(b) In case of the death of a presiding bishop before the end of his term of office ends, his family shall continue to live in the church house for the next three months and they will continue to receive the salaries of the late presiding bishop after which they shall be asked to leave the church house and the payment of salaries of the late shall come to an end.

(c) The Provision in Section (8) above shall also be applicable to the bishop of a diocese.

ARTICLE TWENTY-ONE: SECRETARY GENERAL OF THE ARCH-DIOCESE OF THE ELCSS/S

Section (1) There shall be the Secretary General for the Arch-diocese of the Evangelical Lutheran Church in South Sudan/ Sudan.

Section (2) The Secretary General shall be elected by the General Convention or the diocesan synod in case of diocesan secretary. Interested candidates shall submit applications including their C.Vs. and other relevant documents to the office of the bishop.

Section (3) The bishop shall form a committee to do the short-listing according to the conditions set in the advertisement, and those short-listed shall contest during the General Convention or the diocesan synod and the winner of the election shall be declared the Secretary General or the diocesan Secretary.

Section (4) The Secretary General for the arch-diocese shall be at-least forty (40) years of age and above; and should have served for a minimum of five (5) years in the ELCSS/S; while the diocesan Secretary shall be at-least thirty five (35) to forty five years of age, and should have served in the ELCSS/S for at-least three (3) years.

Section (5) The post of the Secretary General shall be reserved for only ordained ministers with the required skills of a secretary.

THE FUNCTIONS OF THE SECRETARY GENERAL

Section (1) The Secretary General for the Arch-diocese shall be the Secretary at all the General Conventions, and the diocesan Secretary shall be the secretary for the synod and all the diocesan meetings.

Section (2) The diocese secretary shall be the Chief Executive officer of all the Church administrative staff of the diocese.

Section (3) The Secretary General shall carry out the following functions:

- (a) The secretary General shall maintain relationship with Church personnel, church organizations, and coordinate the Church activities as shall be assigned by the presiding Bishop.

- (b) Shall supervise the implementation of the decisions taken in Church meetings
- (c) Shall keep the day to day running of the office and supervise the usage of the Church Properties by the staff.
- (d) Shall keep the seal of the Church and be responsible for the Church correspondences both internal and external.
- (e) Shall keep all Church documents, minutes, reports and resolutions or recommendations from various meetings.
- (f) To control the use of Church funds in collaboration with the Church Treasurer and the Bishop and shall be one of the signatories to Church accounts.
- (g) To represent the Church and maintain relationship with offices of the government, NGOs and other Church related agencies.
- (h) To advise the Bishop, the Annual General Convention, the Church Council and Executive Council on matters related to Church administration.
- (i) The Secretary General shall be answerable to the presiding Bishop and the General Convention; while the diocesan secretary shall be answerable to the bishop of the diocese and the synod.
- (j) The term of office for the General Secretary shall be five years (5) subject to re-election for one more term of office. This provision is also applicable to the diocesan secretary.
- (k) There shall be a deputy Secretary General who shall deputize the Secretary General in all the assignments delegated to him. This provision is applicable to the diocesan secretary as well.

THE ENTITLEMENTS OF SECRETARY GENERAL

Section (1) The General Secretary shall be paid salaries by the Head Office of the Arch-diocese of the ELCSS/S.

Section (2) The salaries and emoluments of the General Secretary shall be decided by the General convention.

Section (3) The Church shall provide accommodation and a means of transport for the General Secretary.

Section (4) The residence of the General Secretary shall be entitled to care takers whose number shall be decided by the General convention and the care takers working at the residence of the General Secretary shall be paid by the Church.

Section (5) The General Secretary shall be entitled for medical allowances including his wife and only three of his children under the age of eighteen (18).

Section (6) The medical allowance shall not be payable as part of the salary to the beneficiaries, but to be kept by the church for the purpose.

Section (7) The General Secretary shall be entitled for a retirement package as a token of appreciation which may include the following:

- (1) A house
- (2) Means of transport and some little cash which shall be decided by the church.

ARTICLE TWENTY-TWO: FINANCE OF THE ARCH-DIOCESE

Section (1) The financial year of the ELCSS/S shall commence as from 1st January of each year and end of December of the same year.

Section (2) (a) The ELCSS/S shall have an account in a bank for the custody of its finances. (b) At-least three persons shall be signatories to the account of the Church. (c) In the absence of one signatory, two signatories may be accepted to draw money from the church account. (d)The signatories to the church account shall be decided by the General convention.

ARTICLE TWENTY-THREE: THE TREASURER OF THE ARCH-DIOCESE

Section (1) There shall be the treasurer for the Arch-diocese of the ELCSS/S.

Section (2) The treasurer of the Arch-diocese of the ELCSS/S shall be employed in accordance with the conditions and requirements which shall be set by the church.

Section (3) Duties/functions of the treasurer of ELCSS/S Arch-diocese shall include the following:

- (a) The treasurer shall be the custodian of all the funds of the ELCSS/S.
- (b) The treasurer shall be the chair-person of the Arch-diocese financial committee.
- (c) Be one of the signatories to all the financial transaction of the Arch-diocese of the ELCSS/S
- (d) Shall be the chief implementer of the Church financial policies
- (e) Shall keep all the financial records of the Arch-diocese of the ELCSS/S
- (f) Shall receive all the funds of the Arch-diocese and deposit them to the Church account.
- (g) He shall issue receipts for all monies received and spent accordingly.
- (h) Shall be responsible for preparing the Arch-diocese quarterly & annual financial reports and present it at the General Convention meeting.
- (i) Shall lay strategies for fund raising for the Arch-diocese of the ELCSS/S.
- (j) Shall avail the financial records for auditors when requested.
- (k) Shall prepare together with the planning committee the annual budget of the Arch-diocese.
- (l) The provisions in this Article shall also be applicable to the diocesan treasurer.
- (m) He shall be answerable to bishop, general secretary and financial committee.

ARTICLE TWENTY-FOUR: THE FINANCIAL COMMITTEE OF THE ELCSS/S

Section (1) There shall be a financial Committee of the Arch-diocese of the ELCSS/S.

Section (2) The financial Committee shall compose of five members one from each deanery.

Section (3) The financial committee shall be nominated during the General Convention and appointed by the presiding bishop to run the affairs of the church funds.

Section (4) The financial Committee shall be entitled for on official duties:

- (a) Sitting allowance
- (b) Traveling allowance for only those who may be coming from further distances.
- (c) Accommodation where necessary.
- (d) Periderm.

Section (5) The functions of the financial Committee

- (a) Shall advise the treasurer and the church on financial issues.
- (b) Shall be responsible for planning fund raising for the church
- (c) Shall advise the church on annual budget preparation.
- (d) Shall decide on donations allocated to the Church.
- (e) Shall advise the planning committee on salary structure preparation and other financial matters.
- (f) The office tenure of the financial committee shall be five years subject to re-appointment for one more term.
- (g) The provision in this Article shall also be applicable to the diocesan financial committee.

Section (6) The Resources of the ELCSS/S shall include the following:

- (a) Local Contribution of offertory from the believers.
- (b) Thanks giving offering for baptism, Confirmation, and marriage offerings etc.
- (c) One tithe from believers both in cash and in kind
- (d) Donation from well-wishers.
- (e) Church revenue generating projects.
- (f) Support from sister Lutheran Churches/organizations.
- (g) Investments and
- (h) Any other lawful channels of generating income.

Section (7) the church shall send their candidate for study other discipline like law, doctor and other discipline.

ARTICLE TWENTY-FIVE: THE CHANCELLOR OF THE EVANGELICAL LUTHERAN CHURCH IN SOUTH SUDAN/SUDAN

Section (1) There shall be a chancellor of the Evangelical Lutheran Church in South Sudan and Sudan.

Section (2) The chancellor of the Evangelical Lutheran Church shall be appointed by the diocesan authority or the authority of the Arch-diocese of the ELCSS/S. The nature of employment shall be determined by the relevant authority.

Section (3) The Chancellor shall defend the church before the courts of law and in all legal matters in which the church is involved.

Section (4) The Chancellor shall advise the church on all legal matters relating to the church work and church personnel especially during the various church meetings.

Section (5) The Chancellor shall draft all the legal documents, Contracts, by-laws and any other legal requirements as may be needed by the church.

Section (6) The emoluments of the chancellor shall be decided by the term of the agreement.

ARTICLE TWENTY-SIX: THE GENERAL PASTORS CONVENTION

Section (1) There shall be the General Pastors Convention of the ELCSS/S.

Section (2) The General Pastors' Convention shall draw participants from all the ordained pastors in South Sudan and in the Republic of Sudan including those under discipline the retired pastors and shall be chaired by the presiding bishop of the church.

Section (3) The duties of the General Pastors' Convention:

(a) Shall discuss and recommend remedies to all issues relating to church doctrines, issues to do with worship in the ELCSS/S, traditions of the ELCSS/S and church regulations.

(b) Shall deliberate on issues pertaining to ecumenical relationship with other churches, and pertaining the nature of organization which may be accepted to operate within the doctrinal negotiations with the aim of establishing church fellowship with other churches or relations with ecumenical organizations.

(c) All resolutions concerning the Church, passed by the General Pastors' Convention, shall be submitted to the Church Council for amendments and final approval.

Section (4) Diocesan Pastors' Convention

(a) The Diocesan Pastors' Convention shall be convened and chaired by the Bishop or his Assistant. Vicars, catechists/Evangelists and helpers may be invited to participate in as observers. The diocesan pastor's Convention shall be convened at a time decided upon by the Bishop or when requested by the majority of the pastors of the Diocese.

(b) The Diocesan Pastors' Convention shall discuss and make resolutions on matters of doctrine, church worship, development catechism where need arise, deliberations moral standards of church workers, furthers the fraternal ties among pastors of the Diocese.

(c) Shall deliberate on theological issues, congregational and parochial education and other matters of mutual interest concerning the Diocese.

ARTICLE TWENTY-SEVEN: PROPRIETARY RIGHTS

Section (1) (a) Assets/properties of the church

(b) The diocesan bishop/bishops and some lay experts of the ELCSS/S shall constitute board of the Church trustees.

(c) All property of the ELCSS/S shall be vested in the ELCSS/S trustees, who shall be empowered to hold them upon any trust which is approved and accepted by the General Convention or the diocesan synod.

(d) All business of the ELCSS/S trustees shall be executed through a body to be known as Church Commissioners.

(e) The Church Commissioners shall consist of persons with expert knowledge in business management and investment and shall advise the board of Trustees in the development and administration of any Land or property held by them.

(f) Membership of the church Commissioners shall include two principle commissioners, one of whom shall be a bishop, and one lay expert who shall be determined from time to time by the General Convention or Synod.

Section (2) The duties of the Church Commissioners shall be;

(a) To advise and assist the ELCSS/S Trustees on all matters relating to development, administration and

management of all the lands vested in the Trustees by grant, purchase agreement and any lawful transaction whatsoever.

(b) To execute and enforce the decisions and policies of the Trustees relating to the administration, management and development of all land vested in the Trustees.

(c) To look after and maintain all property, premises, buildings and all the lands vested in the Trustees.

(d) To draw up plans and programs for the proper and effective commercial development of the land and property vested in the Trustees.

(e) To collect and receive all payment due to the Trustees on behalf of the Trustees.

(f) To ensure that all Trust and permanent funds and securities are deposited with the banks or with agencies approved in writing by the board of Trustees

(g) To keep detailed record of all funds, revenue and expenditures.

(h) To ensure that account books are maintained and are annually audited and a certificate of the audit issued.

Section (3) All the assets of the church, both fixed, chattels and any other moveable assets shall be owned and administered by the church through the relevant church institutions at different levels of the church hierarchy.

Section (4) No church officer shall exclusively/single handedly decide to use, sell, change or substitute any church assets/properties on his/her own unless is authorized by the relevant authority of the church.

Section (5) notwithstanding the provision in section (3) above, the church officer in charge or any other church officers may decide to move any church asset, moveable properties to a safer location for its security in time of emergency.

Section (6) Plots and buildings may only be used for purposes which are in agreement with the aims and principles of the Church and the congregation. All eventual disputes shall be decided by the Capital Chapter.

Section (7) The Church in its different administrative levels may acquire properties, whether movable or immovable, by way of purchase, lease, donation, testamentary disposition, exchange or any other rightful manner.

Section (8) The Church Council at different levels shall decides upon all Church projects..

Section (9) The Church shall have right to make deals on its property, whether movable or immovable, by way of sale, lease, exchange or partition through the relevant church bodies.

Section (10)(a) 25% from the income in article twenty three in section 6. a, b, c, and d shall be contributed from congregations to the parishes and from parishes to deaneries and from the deanery to diocese respectively.

(b) For any church revenue generating projects like school, health centers etc. 10% shall go from that hosting congregation to the Head Office yearly.

(c) Where there shall be any investment of the Head Office being implemented in a given congregation, parish or a deanery 25% shall go to that congregation, parish or deanery, and the 75% shall go to the Head Office.

ARTICLE TWENTY-EIGHT: THE TREASURIES OF THE CHURCH ASSOCIATIONS, LEAGUES AND INSTITUTIONS

Section (1) All Church associations, leagues and institutions of the ELCSS/S shall have their own accounts.

Section (2) The annual financial reports shall be concluded by the end of February of the following year. The fiscal year is the calendar year (1st January until 31st December).

Section (3) All other regulations which may become necessary shall be compiled within the framework of this constitution.

ARTICLE TWENTY-NINE: DISCIPLINE OF CHURCH SERVANTS

Section (1) Evangelical Lutheran Church of South Sudan/Sudan is an independent faith based organization structured with the capacity to handle its affairs including issues of discipline of its members.

Section (2) A disciplinary committee shall be constituted at different levels of the church hierarchy to investigate and recommend or take the appropriate decisions on issues pertaining discipline of Church servants.

Section (3) Any church servant feeling that he/she is aggrieved shall submit his or her grievances/complaints to the appropriate level of administration, first to the authority aggrieving the concerned person. Where the concerned authority fails to resolve the issue, that authority shall forward the same to the next higher level of authority until the issue shall reach the last highest authority of the church.

Section (4) Where the concerned authority fail to solve the grievance raised and also refused to pass the same to the next level of authority, the aggrieved party shall have the right to appeal through the same authority to the next level of authority until the aggrieved gets the satisfactory expected solution to the issue raised.

Section (5) Only the last authority of the church shall have the authority and prerogative to pass issues of criminal nature to the appropriate court of law, together with copies of the church's findings and recommendations.

Section (6) No church servant shall arbitrarily sue the church minister or the church administration of all levels without following the procedure set in this constitution.

Section (7) The Diocesan/Church Council shall have the power to suspend or dismiss any church servant for reasons of heretical teachings, or for acting contrary to the regulations of the church, or for misconduct in office or personal misconduct. Into such grave offenses are ascribed sins of the both tablets of the Decalogue (1 Cor. 6, 9-11): Idolatry, witchcraft, heretical teachings and tenets, negligence of worship life, violent behavior, polygamy, divorcing one's spouse, fornication in any form between the both sexes or homosexuality and pedophilia, dishonesty in financial matters and outright stealing and the like.

Section (8) It shall be the duty of the Bishop of the Diocese to reprove and admonish an erring church servant. If the church servant will not accept the admonition of the Bishop, the matter shall be brought before the Church Council.

Section (9) If a church servant is accused of openly sinning, or if the Bishop is of the opinion that for valid reasons the church servant cannot be allowed to continue to exercise the duties of his office, the Bishop shall have the power to suspend such a church servant after deliberations with the Diocesan Council concerned, but then the matter shall speedily be submitted to the Church Council by notifying the Bishop and the accused person in writing.

Section (10) The Church Council shall then appoint two or three of its members who shall have the power to investigate the matter concerning the accused church servant. The investigators shall submit a written report on all proceedings. Any evidence brought forward by witnesses shall be noted in writing and shall be signed by the people chosen to investigate the matter as well as by the witnesses.

Section (11) A church servant who has been accused shall have the right to defend himself either by stating his case or viewpoint in writing, or by asking to appear before the Church Council, or before the committee authorized to represent the Church Council. The church servant also has the right to choose an assistant. This assistant shall be a person of good standing in the church. The assistant shall be permitted to attend investigations concerning the accused church servant.

Section (12) The Church Council shall consider the report of the investigators as well as the written evidence brought forward and also the letter, if any, written by the church servant. The matter shall then be decided by the Church Council.

Section (13) A church servant shall have the right to appeal for a review of his case by an appointed committee within a period of thirty (30) days after having received written notification of the Church Council's decision. If this committee concludes that the church servant's case should be reinvestigated, it shall state its reasons in writing. Then the Church Council shall investigate the matter again and shall then give its final verdict. The appointed review committee shall consist of three appointed members: one shall be appointed by the Pastors' Convention among its midst, one by the Church Council and one by the General Convention to be the convener. These appointed persons should serve for a period of six years. They are required to be familiar with the constitution of the ELCS and shall be persons of good standing in the church.

Section (14) In the event of a church servant being dismissed from office, he shall lose all rights attaching thereto. In the event of a church servant voluntarily resigning his office, he also shall lose all rights attaching thereto. In either case the church servant shall hand over all books and everything else belonging to the congregation and to the church to the appointed dean of the diocese. The Dean shall make a list of all items handed over by the church servant and shall have him sign this document.

Section (15) In the event of any dissatisfaction and complaints concerning the life and conduct of a Bishop, these must be submitted to Diocesan Council through the Assistant to the Bishop. The Diocesan Council shall provide the Presiding Bishop with a copy. The case shall be heard and decided upon in the Church Council. The Bishop who is accused shall submit his defense in writing to the Church Council. He has also the right to choose an assistant who is known to be in good standing in the Church. If the Church Council will come to the decision that the Bishop can no longer remain in office, this decision must be confirmed by the Diocesan Pastors' Convention, which is to be convened by the Assistant to the Bishop.

Section (16) When a church servant has been dismissed because of misconduct in office or personal mis

conduct, the Bishop or a person or persons authorized by him shall investigate the needs of the servant's family and determine how the family can best be helped.

Section (17) The church shall continue the servant's salary/stipend for two months after the dismissal. If the Diocesan/Church Council determines that there is further need, the Diocesan/Church Council shall continue to provide the servant's salary for up to an additional two (2) months.

Section (18) If the dismissed servant promises not to interfere in the work of the congregation or damage the property of the congregation, the Bishop or a person or persons authorized by him may permit the family to stay in the congregational house for three months after the servant's dismissal. If the Diocesan/Church Council determines that there is further need, the Diocesan/Church Council shall allow the family to continue to live in the house for up to two (2) additional months. If the dismissed servant or his family fails to keep the promise, the dismissed servant and his family shall evacuate the house immediately and shall be required to pay for any intentional damages. The Diocesan/Church Council must always first consider the needs of the congregation and its servants and may not provide housing for a dismissed Servant's family after three months if housing is not available for the church servant. If it is possible for the Church Council to help the dismissed servant's family to find housing, the Church Council may do so.

ARTICLE THIRTY: AMENDMENT OF THE CONSTITUTION

Section (1) The general Convention shall have the authority to amend and adopt this Constitution.

Section (2) The amendment of the Constitution shall include inserting new provision, repealing of any provision or changing/altering the statement of any provision in the Constitution.

This Constitution has been adopted as the Constitution of the Evangelical Lutheran Church in South Sudan/Sudan (ELCSS/S) by the General Convention of the Church held at Yambio, Gbudue State, Republic of South Sudan on this _____ day of _____ in the year 2011.

Signed _____

Bishop, Evangelical Lutheran Church in South Sudan/Sudan (ELCSS/S)



**THE EVANGELICAL LUTHERAN CHURCH IN
SOUTH SUDAN/SUDAN (ELCSS/S)**

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