

Judicial Reform- Article 1.17 R-ARCSS

The process of Judicial reform is embedded in Article 1.17 of the R-ARCSS, which mandates for the establishment of a committee to be known as Judicial Reform Committee (JRC). The JRC is tasked to reform the Judiciary of South Sudan to be independent and subscribe to the principle of the separation of powers and the supremacy of the rule of law.

The reforms as per Article 1.17.2. shall include but not be limited to the review of the Judiciary Act during the Transition. Notwithstanding, efforts shall be made to build the capacity of the judicial, personnel and infrastructure.

The Agreement mandates the R-TGoNU and IGAD Secretariat, to establish the JRC to study and make recommendations to the RTGoNU for consideration. The JRC shall be chaired by an eminent and independent jurist and its members shall be drawn by the stakeholders from the legal profession. The ad hoc JRC shall be composed of: TGoNU: five (05); SPLM/A-IO: two (02); SSOA: one (01); FDs: one (01); OPP: one (01); and IGAD Representatives: two (02).

Progress Achieved

On 29th June 2021, the Ministry of Justice and Constitutional Affairs and the Office of the Special Envoy of the Intergovernmental Authority on Development (IGAD) developed the Terms of Reference (TOR) for the Judicial Reform under which the process for the selection of the Chairperson, Deputy Chairperson and the other ten (10) members of the Judicial Reform Committee (JRC) were made.

Then on 20th May 2022, the Ministry of Justice and Constitutional Affairs received the list of nominated members of the JRC from IGAD. The list was subsequently forwarded to the National Council of Ministers for approval. The Council of Ministers gave its approval and, on the 28th July 2022, the JRC was officially launched. The Committee commenced its work almost immediately, with the full support of the Ministry of Justice and Constitutional Affairs.

The JRC is currently conducting public consultations in the ten (10) States and three (3) Administrative Areas. Much progress has already been made and the reform process is already entering its final stages where the JRC will be ending its work by January 2024. Some of the anticipated recommendation for the reform in the Judiciary may include:

- Amendment of the Judiciary Act, 2008
- Amendment of the Judicial Service Commission Act, 2008
- Training of Judges
- Formation of independent Constitutional Court.