

Permanent Constitution Making Process

Chapter VI 6.1. of the Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan provides for constitution making processes, which stipulates that such constitution making process shall be based on a number of basic principles, which include;

- Initiation of Federal and democratic system of government which reflects the character of South Sudan in its various institutions taken together, guarantees good governance, constitutionalism, rule of law, human rights, gender equity and affirmative action;
- Guarantee peace and stability, national unity and territorial integrity of the Republic of South Sudan;
- Promote people's participation in the governance of the country through democratic, free and fair elections and the devolution of powers and resources to the states and counties;
- Respect ethnic and regional diversity and communal rights, including the right of communities to preserve their history, develop their language, promote their culture and expression of their identities;
- Ensure the provision of the basic needs of the people through the establishment of a framework for fair and equitable economic growth and access to national resources and services;
- Promote and facilitate regional and international cooperation with South Sudan;
- Commit the people of South Sudan to peaceful resolution of national issues through dialogue, tolerance, accommodation and respect of others' opinions.

Progress made so far on the Permanent Constitution Making Process

On 26th August 2021, the Minister of Justice and Constitutional Affairs presented to the National Council of Ministers the Permanent Constitution Making Process Bill, 2022. The bill was discussed in the Cabinet, approved and passed to the TNLA for deliberation and passing. The TNLA approved the Bill and on 21 December, 2022, H.E. Gen. Salva Kir Mayardit, President of the Republic assented the Bill into law.

Phases of the Constitution Making Processes

- The Executive of the Revitalized TGoNU after adequate consultations with all stakeholders including the political parties, Civil Society Organizations, Women groups, youth and Faith-based groups, shall reconstitute the National Constitutional

Review Commission (NCRC) and appoints a preparatory sub-committee for convening a National Constitutional Conference (NCC) in accordance with the Act governing the constitution making process;

- The Commission shall carryout wide consultation with the people and conduct civic education and prepare the Draft Constitutional Text;
- The Commission shall present the Draft Constitutional Text to the Executive accompanied by a report;
- The Draft Constitution Text presented by the Commission to the Executive shall be presented to a National Constitutional Conference (NCC) composed of selected representatives from all levels of administrations and registered institutions as shall be stipulated in the legislation governing the Constitution-making process;
- The Constitutional Text adopted by the Constitutional Conference shall be presented by the Minister of Justice and Constitutional Affairs to a Constituent Assembly for deliberation and adoption;
- The law governing the constitution making mandates transformation of the TNLA into a Constituent Assembly on the 1st date of the 27th month of the Transition for purposes of adopting the Permanent Constitution after which it shall be dissolved preceding the elections.