

HUMAN RIGHTS SOCIETY CALLS FOR EXTENSION OF THE CONSTITUTIONAL COMMISSION'S MANDATE, URGES FOR THE AMENDMENT OF THE CONSTITUTION AND RESOURCING OF THE COMMISSION

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SSHURSA

SOUTH SUDAN HUMAN RIGHTS SOCIETY FOR ADVOCACY

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The South Sudan Human Rights Society for Advocacy (SSHURSA) calls upon the office of the President of South Sudan Salva Kiir Mayardit to cause an amendment to the Transitional Constitution of South Sudan 2011 by at least inserting a provision in Article 202 so as to allow the extension of the mandate of the National Constitutional Review Commission (NCRC) whose mandate in two months' time comes to an end. The Commission was established on January 9, 2012 and was supposed to have started and carried on its work for one year from its establishment up to the 9th of January 2013 as provided for under Article 202(1) and(4) of the Transitional Constitution. Under Article 202(6) of the Transitional Constitution; it states;

“The Commission shall review the Transitional Constitution and collect views and suggestions from all the stakeholders including any changes that may need to be introduced to the current system of governance”

Whereas Article 202(8) equally states; “The Commission shall conduct a nation-wide public information programme and civic education on constitutional issues”

And 202(10) provides that; “The commission shall adopt and present the Draft Constitutional Text and Explanatory Report to the President one year after its formation”

Since its establishment on 9th January 2012, the commission's membership wasn't complete and until six months thereafter.

Members were not appointed at ago and according to relevant sources of information SSHURSA has obtained, the Commission hasn't been properly financed and never been allocated direct budget of its own from January 9, until July 2012.

This is, in SSHURSA's analyzed view, a serious blow to the smooth functioning of the Commission and a factor which has crippled its supposedly constitutionally proclaimed independence. Though the commission 's tructures have so far been set up, given some of the challenges mentioned which it faces, however, it has neither reviewed the Transitional Constitution; nor having collected views and suggestions from not only stakeholders within capital Juba but also from the South Sudanese citizens in the ten states' grassroots. With two months remaining for its mandate to come to an end, it is obviously that the Commission has done nothing as provided for under the purposes for which it was established.

SSHURSA therefore, recommends the following to the office of the President of the Republic and National Legislative Assembly and Council of states and the international Community:

1. The President of South Sudan is mandated by the Transitional Constitution of South Sudan 2011 under Article 101(f) which states; “The President shall initiate Constitutional amendments and legislation and assent to and sign into law bills passed by the National Legislature”. This Constitutional provision allows the current President Salva Kiir Mayardit to cause amendment to the Transitional Constitution before the National Legislature in order to extend the important mandate of the Commission.
2. The Members of the National Legislature urgently and in good should receive from the president and pass the amendment of allowing the extension of the mandate of the commission. The amendment requires only introduction to the Assembly at least one month prior to the deliberations by the National Legislature as stipulated under Article 199 of the Transitional Constitution 2011.
3. SSHURSA recommends that, Commission's mandate should be extended for one additional year from November 2012 to

November 2013.

4. SSHURSA calls upon the international community to assist the commission both technically and financially and we urge the commission to receive any genuine help that facilitates its work towards achieving its goals of drafting a pro-people's document that will set South Sudan into right path.
5. Finally, we call upon the Presidency to show more political will and commitment towards the mandate and purpose for which the commission has been established. "A constitution is the very heart on which people's leadership is centred, peace, democracy and rule of law lie and if its making is rushed and its sacred value is overshadowed by shortsighted politics of the day, then nobody should fail to predict the dire and dangerous consequences as a result of undiscussed contents of a constitution".

No matter how the amendment will affect other events within the Transitional period, but no one should make a mistake that things would go right without a pro-people supreme law. The leadership of South Sudan should be warned that South Sudan is not ready for a gentleman's constitution or a constitution that would be rushed later by a few elites and to only claim thereafter represent the views of South Sudanese people. SSHURSA strongly calls upon the presidency to hit the noble call for the extension of the Commission for one year, show political will and commit more resources to its effective functioning. Finally, SSHURSA urges the South Sudanese people to be vigilant and give their views as to what they think must be the content of highest law for their governance.

SSHURSA has been disseminating the contents of Transitional Constitution of South Sudan 2011 in Unity and Jonglei states and the intention is to collect citizens' views for the Commission. For comments and queries on the above press release, contact us through the following contacts:

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