

Political Parties Council: A test for pluralism in South Sudan

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By Beny Gideon Mabor

February 24, 2013 - The Republic of South Sudan is the youngest and promising developmental state in the region with a lot of ambitions in the course of nation building including its Transitional Constitution passed in 2011. One ambitious provision under this law is Article 1 (4) which says 'South Sudan is established and governed on the basis of a decentralized democratic system and is an all-embracing homeland for its people. It is a multi-ethnic, multi-cultural, multi-lingual, multi-religious and multi-racial entity where such diversities peacefully co-exist'. In other words, South Sudan is very accommodative country with guaranteed freedoms under the supreme law of the land and other subsidiary legislation.

In realization to such peaceful co-existence of all these diversities including political settlement, Article 25 (1) of the Transitional Constitution confirm the birth of political pluralism in South Sudan to peacefully formed lawful assemblies, including the right to form or join political parties, associations and trade or professional unions'. More interestingly, the same political and civil rights are much more natured by the enactment of Political Parties Act, 2012 which in generality allows multiparty politics in South Sudan.

Section 3 of the Act entails the purpose of the Political Parties' legislation as a legal framework to register and regulate political parties and matters related thereof, as shall be implemented by Political Parties Council. As breaking news, the long awaited Council with one full-time Chairperson and part-time membership of eight persons of proven integrity, non-partisan character and with academic qualifications and experiences was decreed last week by President Gen. Salva Kiir, with one person missing and also pending swearing in to date. The Council is headed by Hon. John Onge, a renowned lawyer and former Justice of Supreme Court of South Sudan.

In practice, the Council is mandated by law under section 6 of the Act to register the already existing and registered political parties in the former united Sudan within stringent period of only 90 days from the date the Council commences its operations. In other words, if any political party fails to organise its basic documents and hold convention within the prescribed period to approve and elect its leadership, it will endanger them lose registration. Remember one of the most difficult requirements to have political party register is to recruit not less than 500 founding members in at least 8 States of South Sudan totalling to 4,000 persons or registered voters.

Unfortunately, the law is dubious or silent about criteria to be used for collection of names and signatures of the said registered voters in order to avoid manipulation.

What is the guarantee if one person or group of persons sits in a room or under tree and list down all registered voters in a manner required by law? The second dilemma is how to bring 4,000 delegates from the State into one Town Hall for a conference due to current economic crisis and above all none of the political party can afford to pay expenses of such huge conference within the said period, except SPLM party can do so considering its due advantage of being the referee of the government. When asked about this confusion, some opinion groups say more procedure will be stipulated in the regulation to be issued by the Council. Still, I am afraid that regulation will not be better than principal legislation, because it only specifies the implementation mechanism. Therefore, there still a need to be done by the competent authority about this ambiguity in the political parties' law.

To the credit of the government, these attempts are good move to ensure democratic governance and a commitment to the principles of constitutionalism in a multiparty democracy. But another question comes about political will and implementation of laws in later and spirit. It is noted with great dismay that South Sudan despite her infant age has handful of good laws compared to other African countries but there is no justice. This is evidenced by the continuous rampant killings, robbery, insecurity, and violations of administration of justice throughout the country. Law and justice are two different thing altogether and South Sudan must learn of this discovery.

In conclusion, I commended the job well done by the political leadership of the country and indeed the SPLM-led government to accept collective participation of nation building through multiparty dimensions as provided under the Transitional Constitution of the Republic of South Sudan, 2011 and the Political Parties Act, 2012 respectively. Nevertheless, I am of the opinion that enough has not been done to ensure correct application of the said legal instruments and would like to see the following being effected before or during the Council's operations: First, the Council should set clear procedure of collecting names and signatures of the founding members of the political party in a manner free of manipulation.

Second, the political leadership must allow the Political Parties Council discharges its duties independently as provided under the law. There are many institutions said to be independent but evidences shows both horizontal and vertical interferences from the government and should not be the case again in the political parties Council. The independence of the Council is a

real litmus test for political pluralism in South Sudan and the government must protect its records.

Finally, I urge the political parties' leaders to avoid culture of forming brief case political parties as the case being in the former united Sudan where there registered 68 political forces with duplicated political ideologies, manifestos and relevant basic documents. South Sudan must make difference from the past and it is marked now by raising the number of founding members to highest level. Before thinking to form a political party, a political leader is better to seek wisdom of others whether you can afford to be alternative leader on your own feet or else remain in a well-established political organization to have your supporters, acquire exposure and perhaps breakaway later with reasonable block if you want leadership. Remember all politics is local, because political foundation begins at home until you develop to the national character.

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