

Report of the half-Day Consensus Building Meeting for Civil Society Members and other Stakeholders on Constitution Making Process in South Sudan

Held on 19 January 2023,

Juba Conference Hall, UNMISS Thongping Compound

Introduction

The Revitalized Agreement on Resolution of Conflict in the Republic of South Sudan (R-ARCSS) is undoubtedly the only legal framework that for now provides for necessary reforms and transformation to steer the country towards peace and stability. However, since signing of the agreement, its implementation has been slow and sometimes intermittent with many challenges and extensions. This affected the timeline stipulated for the constitution making process among other reforms.

In May 2022, R-JMEC with support of Max Plank Institute convened a workshop for parties to R-ARCSS according to section 6.7, 6.8 and 6.9 of R-ARCSS with participation of representatives from stakeholder groups. The resolution of the workshop would be used to draft a constitution making process bill which was then deliberated by parliament and signed into law by the president in December 2022.

Civil society representative held a meeting last week to deliberate on engagement in the constitution making process as well as developing clear understanding of the Constitution Making Process Act 2022. However, the big question remains as to how best can the civil society and other stakeholders meaningfully engage in the constitution making process?

On the 19 January 2023 SSuDEMOP with support from FES and UNMISS facilitated a half-day conversation with civil society and stakeholders to agree on how to move forward in a coordinated way and meaningfully engaged in the constitution making process so as to enhanced inclusivity and legitimacy of the constitution making process and the constitutional text. The workshop was held in a hybrid format (25 in-person and 16 online). **In attendance were Civil Society Actors, media and representative from diplomatic community namely the USA, Netherlands, Swiss and German embassies. This was perceived by the civil society as a demonstration of commitment and eagerness to engage and support the constitution making process.**

The workshop was designed with broader objectives as following:

1. Provide space for civil Society and other stakeholders to build consensus among CSOs and other stakeholders on engagement in the constitution making process and nomination of representatives in the constitution mechanisms.
2. Provide proposals on how CSOs, other stakeholders and Development Partners can better contribute and meaningfully inform the constitution making process.

Welcoming Remarks

By Merekaje Lorna, Secretary-General of South Sudan Democratic Engagement, Monitoring and Observation Programme,

Merekaje Lorna, thanked and welcomed the participants to the half day meeting. She underscored importance of the constitution making process and the need for paying adequate attention to the process. She thanked UNMISS and FES for continuous support to the civil society groups to facilitate engagement

and meaningful contribution in the anticipated constitution making process.

By Mr. Jacob Bul, Program Officer, FES

Mr. Jacob, thanked the participants and gave a brief background of the organization. He emphasized that this is a very important conversation for the civil society to build consensus and meaningfully engage in the constitution making process. He said civil society play a key role in ensuring inclusivity of the process. Therefore, he urges civil society to organized themselves and work together for the interest of the larger South Sudanese. He further said FES is committed to wake the journey with civil society groups.

By Mr. Ndubisi Obiorah, Senior Political Affairs Officer, UNMISS

Mr. Obiorah, started his welcoming remarked by the thanking the participants for joining the half day conversation for civil society and other stakeholders to build consensus in the constitution making process. He stated this conversation is one of the key element of UNMISS mandate to the implementation of Revitalize agreement in South Sudan and civil society to amplify people's voices in the constitution making process. He therefore, reiterated UNMISS continues support in the implementation of the revitalize agreement and constitution making process in South Sudan.

Session One: Objective of the Meeting

The meeting was facilitated by Jacob and Lorna Merekaje. Lorna Merekaje highlighted the objectives and expected outcome of the meeting; as to provide space for civil society and other stakeholders to build consensus in the CMP.

Key Points Plenary Discussion

1. The constitution making process is highly political endeavor which will require civil society to organized themselves and re-groups to ensure overall credibility, legitimacy and robust engagement of civil society in the process and their representative in the various mechanisms in constitution process.
2. Media play valuable role in ensuring access to information, inclusion, civic education and public participation. This are critical for constitution making process however its important to recognize that the involvement of media requires clarity on the messaging and in-depth understanding operate and can contributes to the constitution making process.
3. There's was question, in regards to whether list of CSOs representative to various commission and committee for will be submitted collectively or separate? And if its separate list, what does it imply?
4. There was Question of shrinking of civic space. The constitution making process is an important national process which calls for people participation. However, shrinking of civic space is alarming which may a pose a challenge for people participation and contribution. Therefore, civil society and media should think of an approach to maneuver around existing shrinking civic space.
5. The Constitution Drafting Committee (CDC) is a body of professionals to be recruited based on merit which does not exclude the participation of civil society actors. Therefore, civil society individuals with all the required qualification and credentials has the opportunity to apply.
6. The Constitution Making Process Act 2022 is silence on inclusion of diasporas, refugees and victims of war. Hence; how can CSOs ensure they are included in the process?

Session Two:

Brief Background on previous civil society engagement in constitution making process by Gasper Amule, Law Society of South Sudan

Gasper Amule, began his presentation by giving a brief background about civil society resource team on constitution making process. The resource is a groups of civil society organization that came together with clear aimed and objectives as follows; 1) Civic education and awareness creation 2) Public Consultation and solicit recommendation 3) Research and Comparative Analysis 4) Consolidation of all people views and aspiration.

He further said as much as the body was active, their efforts faced couple of challenges as the country plunged into political turmoil and subsequent challenges.

Recommendation

- Civil society groups that are currently engaging in constitution making process should endeavor to facilitate and coordinate efforts with other civil society groups such as (women, youth, person with disabilities and faith based group). To develop strategy for effective engagement, inclusivity, build critical mass and consensus on issues of concerns so as to have one voice and coordinated approach towards the constitution making process.
- There is need to form a Civil Society Working Group on Constitution Making Process that will provide support to CSOs representatives who will be sent to different mechanisms of the constitution making process and steer the CSOs engagement in the CMP with other stakeholders and development partners.
- The group in attendance noted that; the previous civil resource team on constitution making process did substantial work. Therefore, it's important for the resource team to work together with other civil society actors to draw lesson from previous work that already done to inform engagement in the upcoming constitution making process.
- Media play a vital role in the constitution making process. Therefore, civil society should ensure adequate allocation of funds for media institution and houses to meaningfully contribute in the process.
- It was recommended for civil society to define the different roles they would like to play in the constitution making process and how they can complement each other's efforts, encourage development partners to join efforts so as to ensure effective and meaningful contribution.
- The developed proposition on constitution making process is a rich document. Therefore, CSO need to pay keen attention to its content so as to accelerate their action and preparation for the constitution making process.
- There is need to develop modalities for engagement of grassroots, victim of war, diaspora community and refugees in the constitution making process.
- Civil society should organize a meeting with development partners to strategize on how to effectively contribute toward constitution making process so as to avoid duplication of efforts and negative competition.

Action Points:

1. Develop criteria for civil society nominations to different R-NCRC and other mechanisms of constitution making process. **(Gasper)**
2. Consult with ministry of justice to understand when is the constitution making process likely to commence so as to inform civil society preparation. A team of volunteers **(Juma, Lorna, Gasper and Lam)** were tasked to reach out to the ministry of justice.
3. Identify individual that will coordinate and mobilize wider civil society groups that is inclusive of youth, women, PWD and faith based group and others' in the next upcoming meeting.
4. Develop engagement strategy and modalities to ensure views and contributions of South Sudanese in diaspora, grassroots and refugee camps are included in the constitution making process.
5. Develop modalities for strategic engagement and coordination with development partners.