



# **Joint Monitoring and Evaluation Commission** (JMEC)

CONSTITUTIONAL AFFAIRS WORKING COMMITTEE

Report to H.E. Festus G. Mogae, Chairperson of JMEC

On

The Status of Implementation of **Chapter VI of the ARCSS**

And

**Chapter 1, Article 13 & 16** on the Tasks and Mandate of the  
**National Constitutional Amendment Committee (NCAC)**

September 2017  
Juba, South Sudan

## **Executive Summary**

This report covers Chapter 1, Article 13 and 16 of the Agreement on the Resolution of the Conflict in the Republic of South Sudan (ARCSS) on the mandate and tasks of the National Constitutional Amendment Committee (NCAC) and Chapter VI of the ARCSS on the Permanent Constitution-making Process.

Under Chapter 1, Article 13 -16, the Committee identified 10 key tasks and actions under the ARCSS. As of September 2017, 03 tasks are implemented, 04 are partially implemented and 03 are not implemented.

The implemented tasks include (1) the establishment of the NCAC, (2) the drafting by NCAC of the Constitutional Amendment Bill incorporating provisions of the Peace Agreement into the TRCSS, and (3) the presentation by the NCAC of the Amendment Bill to the Minister of Justice and Constitutional Affairs (MoJCA).

The partially implemented tasks include (1) the presentation by the MoJCA to the TGoNU and adoption by the Council of Ministers, (2) the establishment and reconstitution of institutions and mechanisms necessary to establish the TGoNU as provided for under Chapter 1, Article 13.7. (3) the review and amendment to relevant national security laws i.e. the SPLA Act (2009), National Security Act (2014), Police Service Act (2009), Prisons Service Act (2011) and the Wildlife Service Act (2011) and (4) the review and amendment of the election related legislation i.e the Political Parties Act and the National Elections Acts. These are still ongoing.

The non-implemented tasks consist (1) the ratification of the Constitutional Amendment by the TNLA, (2) transmission to the President of the Republic of South Sudan for signature and (3) presentation by NCAC of the revised Political Parties Act.

Under Chapter VI on the Permanent Constitution-making Process, the Committee identified 15 key tasks and actions to be taken in implementation of the ARCSS. None of these provisions have yet been implemented. A new Permanent Constitution is a pre-requisite for election at the end of the Transition Period.

Key pending tasks include the review of the National Constitutional Review Commission (NCRC), drafting and enactment of a legislation to guide the Constitution-making Process; consultation with all key stakeholders (political parties, CSOs, Faith based groups); and reconstitution of the NCRC to undertake the Constitution making process.

The Committee observed that the TGoNU has not adhered to the stipulated timeline for implementation of Chapter VI of the Agreement. Even the revised timeline set by the TGoNU after 29 April 2016 has not been adhered to, and is now way out of schedule.

In the Committees' assessment, the overall implementation is partial, comes after a very long delay, and way out of the timeline and schedule prescribed in the ARCSS. The tasks implemented so far, have been tasks undertaken by the NCAC only. TGoNU is yet to complete its tasks.

The Committee recommends that the TGoNU expedite and conclude the Constitutional and legislative amendments and initiate without further delay the Permanent Constitution-making Process.



## **A. Introduction**

1. The JMEC Constitutional Affairs Working Committee was established in March 2017 as one of the Six JMEC Thematic Working Committees. The Committee has seven (07) members and four (04) observers<sup>1</sup>. The Committee is chaired by representative of the EU Delegation and includes representatives of Transitional Government of National Unity (TGoNU), Uganda, Kenya, Civil Society, Youth and JMEC Legal and Constitutional Affairs Advisor. Observers to the Constitutional Affairs Working Committee are from UNMISS, Sudan embassy, United Kingdom embassy and AU Mission to Juba.
2. The JMEC Working Committees' task is to maintain a constant evaluation of progress in the implementation of the Agreement on the Resolution of the Conflict in the Republic of South Sudan (ARCSS), identify gaps and recommend remedial actions through the Chairperson of JMEC.<sup>2</sup>
3. Whereas the six JMEC Working Committees were established thematically and largely correspond to the different chapters of the ARCSS, the tasks of the Constitutional Affairs Working Committee overlap two chapters: Chapter 1, Article 13 and 16 on the mandate and tasks of the National Constitutional Amendment Committee (NCAC) and Chapter VI on the Permanent Constitution-making Process and

## **B. Methodology**

4. Since its establishment, the Constitutional Affairs Working Committee has held six Committee meetings and conducted several consultations pursuant to its mandate.<sup>3</sup> The Committee adopted its rule of procedure and a comprehensive monitoring and evaluation matrix in accordance with the Peace Agreement and TGoNU's revised Matrix.<sup>4</sup> In furtherance of this oversight role, JMEC Advisor engages with the key Agreement institutions and implementation mechanisms, and attends some of their meetings and deliberations.
5. The Committee also invited and was briefed by both the Chairperson of the National Constitutional Amendment Committee (NCAC) and the Secretary General of the National Constitutional Review Commission (NCRC).<sup>5</sup> These two institutions are key in the implementation of the constitutional aspects under the ARCSS.
6. The Chairperson, Advisor and members of the Committee frequently engaged with the TGoNU, either directly through bi-laterally meetings with relevant line ministers, including officials within the Ministry of Justice and Constitutional Affairs, or indirectly through the TGoNU representative in the Committee to

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<sup>1</sup>

<sup>2</sup> See approved final JMEC Working Committees Concept Paper, March 2017.

<sup>3</sup> See Minutes of Committee Meetings

<sup>4</sup> See Revised TGoNU ARCSS Implementation Matrix May 2016.

<sup>5</sup> See briefing notes from the Chairperson NCAC and Secretary General of NCRC.

assess progress and seek for updates. Additional information was gathered from the TGoNU's regular reporting to the JMEC plenary, other forums and key public pronouncements.

**C. Status of Implementation of Chapter 1, Article 13 -16 on the mandate and tasks of the National Constitutional Amendment Committee (NCAC)**

7. The ARCSS requires the establishment of a representative NCAC to incorporate provisions of the ARCSS into the Transitional Constitution of the Republic of South Sudan (TRCSS, 2011) to provide a constitutional basis for implementation of the Peace Agreement within 60 days.
8. The NCAC was partially established in November 2015 and held several meetings, even without a substantive Chairperson at the time.<sup>6</sup> There was also no representative of the Other Political Parties in the beginning. Nonetheless, led by the Deputy Chairperson, the NCAC had made considerable progress<sup>7</sup> by the time its work got halted in February 2016 due to disagreement over contentious issues which required a political decision.<sup>8</sup> The NCAC only got fully reconstituted and resumed meetings in March 2017.
9. The NCAC has now completed the first task of incorporating provisions of the Peace Agreement into the TRCSS and presented the draft Amendment Bill to the Minister of Justice and Constitutional Affairs (MoJCA) on April 13, 2017. The TGoNU confirmed in the May plenary that the NCAC has delivered the draft Amendment Bill.
10. On 28<sup>th</sup> August 2017, the MoJCA forwarded the Amendment Bill to the Minister of Cabinet Affairs for consideration by the TGoNU Council of Ministers. The Cabinet was expected to consider the Constitutional Amendment Bill on Friday 15 September 2017 but the Cabinet meeting did not take place. Once approved by Cabinet, the Bill will be forwarded to the Transitional National Legislative Assembly (TNLA) as mandated for

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<sup>6</sup> The first Chairperson nominated was rejected by the Government of South Sudan, the second nominee was delayed and later turned down the offer and it took time to get approval for the third and current Chairperson of the NCAC. Disagreement amongst the Other political parties affected their initial participation.

<sup>7</sup> The NCAC had held 24 meetings, finished first and second readings of the marked-up copy of the amended TRCSS and referred the 4 contentious issues to JMEC that required a political decision. See NCAC report to JMEC dated 11<sup>th</sup> February 2016.

<sup>8</sup> The four contentious issues were: Replacement of members of TNLA during the Transitional Period under Article 64, Who should Chair the First Sitting of the reconstituted TNLA under Article 68 (2) (b), What happens with the office of the Presidential Advisors under Article 107 since it's not contained in the Peace Agreement, and the issue of the number of States under Article 162? When the NCAC resumed its work in April 2017, some of these issues were overtaken by events and others were agreeable. On Article 68 it was agreed that there be no bi-election during the Transition Period and that each party appoints a replacement if need arises. On Article 68 (2) (b) TNLA had already sat and speaker appointed. On Presidential Advisors, the provisions of the TRCSS was left intact. On Article 162 and number of States provisions of the Peace Agreement prevailed.



ratification. This exercise was required by the Agreement to be completed within Seven (07) days.

11. The pending tasks include; adoption of the Bill by the TGoNU Council of Ministers, submission of the Bill to the TNLA for ratification and transmission to the President of the Republic of South Sudan for signing the amended constitution.
12. It is important to note that whereas the Constitutional Amendment process is distinct and separate from the Permanent Constitution-making Process, the two are sequential. The amended Constitution is to provide a Constitutional basis for the Transitional Government of National Unity during the Transition Period. The Amended Constitution will then be subjected to a national consultation process (constitutional review process) to review and draft a new Permanent Constitution for the Republic of South Sudan. The delayed conclusion of the amendment process therefore has had a direct impact on the initiation of the Permanent Constitution-making process as required by the ARCSS, for the conduct of elections, at the end of the Transitional Period.
13. Chapter 1, Article 13 (2) also requires the NCAC to draft amendment to relevant national security legislation that relate to the Peace Agreement.<sup>9</sup> This includes review and amendments of the SPLA Act (2009), National Security Act (2014), Police Service Act (2009), Prisons Service Act (2011), Wildlife Service Act (2011).
14. The NCAC has started work in amending the relevant national security laws. The Committee held an interdisciplinary experts meeting bringing together experts on defence, national security, police, and wildlife to map out necessary amendments and reforms. The NCAC also conducted wide consultations with different line ministries and stakeholders including women groups and civil society actors.
15. To fast-track its work, the NCAC sub-divided itself into two sub-committees – one on defence laws and another on policing laws. Both NCAC sub-committees have completed the first reading, identification and amendment to the relevant security and policing laws under their dockets. The sub-committees await further suggestions for amendment before their finalization.
16. Pending tasks include finalization of the amendments, presentation of the amendment bills to the MoJCA, tabling the amended laws before the TGoNU Council of Ministers, and to the TNLA for ratification and signature of the President. The ARCSS had provided a 12 months' period for the NCAC to complete the review and amendment of all relevant legislations. This too is now well behind schedule.

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<sup>9</sup> Chapter 1, Article 13.1.2 and 3 ARCSS.

17. The NCAC is further required under Chapter 1, Article 16 to review and amend the Political Parties Act, 2012 and the National Elections Act 2012. The Political Parties Act is to be reviewed to comply with international best practices for free and democratic registration of Political Parties in South Sudan. The National Elections Act shall be amended to conform with the terms of the Peace Agreement. Initial work has begun in this direction.
18. The NCAC has held preliminary consultations with both the Political Parties Council (PPC) and the National Election Commission (NEC). However, both institutions are not yet reconstituted. A governance experts meeting was held on August 17, 2017 convened by the NCAC to assess the scope of the issues for consideration in the amendment process of both pieces of legislation.
19. Pending tasks include finalization of the review and amendments of the relevant national security and governance related legislation, presentation to the TGoNU Council of Ministers, ratification by the TNLA and signing by the President. The conclusion of relevant amendment in conformity with the ARCSS will enable the reconstitution of the Political Parties Council and National Election Commission, to pave way for registration of political parties, preparation and conduct of elections at the end of the Transitional Period. These are all tasks that will require a considerable amount of time and resources to be credible.

**D. Status of Implementation of Chapter Six: on the Permanent Constitution-making Process**

20. The Peace Agreement provides for the making of a new Permanent Constitution during the Transitional Period under which an election should be held at the end of the Transition Period. No progress has yet been made in this direction, and significant time has elapsed. There is need to finalize the Constitutional Amendment process to embark on the Permanent Constitution-making Process.
21. Under Chapter VI of the ARCSS, the TGoNU is required to initiate and oversee a permanent Constitution-making Process within the first six (6) months. The process was expected to be completed within eighteen (18) months into the Transition Period and in accordance with the eight (08) agreed parameters.<sup>10</sup>

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<sup>10</sup> Supremacy of the people of South Sudan, a Federal and democratic system of government, guarantees good governance, constitutionalism, rule of law, human rights, gender equality and affirmative action; guarantee peace and stability, national unity and territorial integrity; promoting peoples participation through democratic, free and fair elections and the devolution of powers and resources to the states and counties; respecting ethnic and regional diversity and communal rights, including the rights of communities to preserve their history, language, promote their culture and expression of their identities; ensure provisions of basic needs through framework for fair and equitable economic growth and access to national resources and services; promote and facilitate regional and international cooperation, and commit the people of South Sudan to peaceful resolution of national issues through dialogue, tolerance, accommodation and respect of others opinion.



22. Key pending tasks include the review of the National Constitutional Review Commission (NCRC), drafting and enactment of a legislation to guide the Constitution-making Process; consultation with all key stakeholders (political parties, CSOs, Faith based groups) on reconstituting the NCRC; and reconstitution of the NCRC.
23. Other pending tasks include the NCRC conducting country wide consultations with the people and conduct civic education; preparing and dissemination of a draft Constitutional Texts; presenting of the draft Constitutional Text by the NCRC to the Executive accompanied by a report; convening of the National Constitutional Conference (NCC); and transformation of the TNLA into a Constituent Assembly to adopt the new Permanent Constitution. None of these activities have been implemented. The making of a permanent constitution remains a critical process for the democratization and sustainability of peace in the Republic of South Sudan.

#### **E. Challenges**

24. The TGoNU has not adhered to any of the stipulated timeline for implementation of the constitutional aspect in this Agreement. Even the revised timeline set by the TGoNU after April 29 has not been adhered to and is now way out of schedule.
25. Short timeline remaining for the NCAC as it only got fully reconstituted in March 2017.

#### **F. General Observation**

26. In the Committees' assessment, the overall implementation is partial, comes after a very long delay, and way out of the timeline prescribed in the ARCSS. The incorporation of the provisions of the ARCSS into the TCRSS has been completed by the NCAC for its part, but after nearly four months' delay with the MoJCA, it has been submitted to the Minister of Cabinet Affairs for consideration by the TGoNU's Council of Ministers.
27. The review of the relevant national security and governance related legislations has been initiated by the NCAC but this too still has a long way to go.
28. The Committee further observed that the tasks implemented so far, including the tasks of incorporation of the provisions of the ARCSS into the TCRSS and review of the other relevant legislations have been tasks undertaken by the NCAC. It is now up to the TGoNU to expedite its processes and forward the Bill to the TNLA.



29. The Permanent Constitution-making Process has not yet been initiated by the TGoNU. A new realistic timeline should be provided for this important task.
30. The Committee also took note of observations from briefings that a credible Constitutional-making process would require more time than initially provided for in the Peace Agreement.

### **G. Recommendations**

31. There is need for the TGoNU to expedite and conclude the Constitutional amendment process.
32. All Parties should cooperate to fast-track the review and amendment of all relevant legislation.
33. TGoNU should initiate the permanent constitution-making process without further delay and adhere to the provisions of Chapter VI of the ARCSS.
34. There is need to review and revise the timeline, determine a clear roadmap to a permanent constitution-making process and allocate sufficient time for the implementation of Chapter VI in the revitalized peace process.

**Signed by: H.E Ambassador Stefano De Leo**  
**Chairperson of the Committee**



**Annex A**  
**Constitutional Affairs Working Committee M&E Matrix September 2017**





# JMEC CONSTITUTIONAL AFFAIRS WORKING COMMITTEE M&E MATRIX

## CHAPTER 1 (13& 16) and CHAPTER 6 ARCSS Implementation Status

Article No.	Task	Party (s) Responsible	Timeline (ARCSS & TGoNU Revised Deadline)	Status (Action/Steps taken so far)	Remarks (Explanation/Rationale)	Recommendations (Next steps etc)
<b>Part 1</b>	<b>Chapter 1: Incorporation of the ARCSS into TCRSS 2011</b>					
<b>13.1</b>	Establishment of a representative NCAC to incorporate provisions of the ARCSS into the TCRSS and other tasks	IGAD/Parties	upon signing of ARCSS	<p><b>Implemented in March 2017 with appointment of OPP representatives.</b></p> <ul style="list-style-type: none"> <li>-The NCAC was first partially established in November 2015 and worked without a substantive Chairperson and without a representative of the Other Political Party.</li> <li>- The first proposed NCAC Chairperson rejected by GRSS. The second nominee rejected appointment due to delayed feedback and unfavorable terms.</li> <li>-Even the approval of the 3<sup>rd</sup> proposed Chairperson took over 3 months by the TGoNU.</li> <li>-The deputy NCAC Chairperson had commenced work in Nov 2015 but its work got halted in Feb. 2016 due to 4 key issues of disagreement that required a political decision.</li> </ul>	<p>The Committee has completed the first phase of its work and handed over the <i>Constitutional Amendment Bill (2017)</i> to the Minister of Justice and Constitutional Affairs on 13<sup>th</sup> April 2017.</p> <ul style="list-style-type: none"> <li>• The Bill incorporates the entire agreement into the Constitution.</li> <li>• Where there is conflict between provisions of the Agreement and the Constitution, the Agreement prevails</li> <li>• Incorporation was achieved through an overall clause that makes the agreement part and parcel of the Constitution, amendments to specific clauses and insertion of new clauses</li> </ul> <p>For a detailed explanation on the NCAC work see NCAC Chairpersons report to JMEC May 2017.</p>	<p>There is need to facilitate the NCAC to accelerate their work and compensate delays.</p>

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				<p>-When the NCAC resumed its work in Feb/ March 2017, some of the issues had been resolved or overtaken by events.</p> <p><b>Members</b> Chairperson - Mr. Gichira Kibara – IGAD Amb. Dr. Hassan Ali - IGAD Appointee <b>Government of Republic of South Sudan (GRSS)</b> Hon. Prof Deng Awur Wenyin Hon. Abraham Biar Deng Biar <b>SPLM/A-In Opposition (IO)</b> Hon. Dr. Richard K. Mulla Hon. John Clement <b>Former Detainees</b> Hon John Luk Jok <b>Other Political Parties</b> Hon. Prof. Ajang Bior Duot</p>		
13.1.1	NCAC to draft a Constitutional Amendment Bill to incorporate this ARCSS into the TCRSS 2011.	NCAC/JMEC	21 Days from Signing 05/20/16	Implemented	NCAC held 28 meetings and completed the incorporation of provisions of the ARCSS into the TCRSS 2011.	JMEC to follow up the process within TGoNU to ensure completion of the Constitutional Amendment process
13.4	NCAC to present the draft	NCAC/JMEC	After 21 days of	Implemented on April 13, 2017.	A Draft Amendment Bill to the TRCSS	MoJICA to expedite the presentation of the



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	Amendment Bill to the TCRSS to the MoJCA who shall receive the draft as prepared by NCAC		<b>signing</b> <b>05/20/16</b>		was handed over by the NCAC Chairperson to the MoJCA on April 13 <sup>th</sup> , 2017. -It's the responsibility of the MoJCA to present the Amendment Bill to the TGoNU Council of Ministers for endorsement and then forward the same to the TNLA.	Constitutional Amendment Bill to the Council of Ministers  There is need to follow up with the processes within the TGoNU regarding finalization of the amendment process.
<b>13.4</b>	<b>MoJCA shall present those Amendment to the Council of Ministers and to the TNLA within 7 days of receipt.</b>	<b>MoJCA/TGoNU</b>	<b>Within 7 Days of receipt</b> <b>05/28/16</b>	<b>Partially Implemented</b> The MoJCA confirmed that the NCAC has delivered the Amendment Bill on April 13, 2017 and that he was drafting the explanatory notes.  The explanatory note is an executive summary of the Bill to be shared with the Cabinet highlighting the tenets of the Amendment and implications.  -On 28 August 2017, the MoJCA submitted the Amendment Bill to the Cabinet to be tabled for consideration by the Council of Ministers.  The Cabinet was expected to	The MoJCA has finally submitted the Bill to the Cabinet Affairs Ministers for tabling before the TGoNU Council of Ministers. This was still pending at the time of the evaluation.  On July 12 <sup>th</sup> JMEC Plenary, while commending on the report by the NCAC Chair TGoNU informed JMEC that the Amendment Bill is undergoing redrafting to conform with South Sudan drafting style by the MoJCA. However Committee members observed that the ARCSS makes no provision for redrafting by the MoJCA.  -ARCSS provides only 7 days for TGoNU to consider the bill and forward to TNLA but not to redraft.	-TGoNU to expedite finalization of the Constitutional Amendment by undertaking the following immediate steps -Minister of Cabinet Affairs to ensure Bill is scheduled and discussed by TGoNU Council of Ministers as soon as possible. -MoJCA to present the Amendment Bill to TGoNU Council of Ministers -TGoNU Council of Ministers to adopt and forward the Bill without further delay. -CoM to forward the Bill to TNLA -TNLA to ratify the Amended Constitution and forward it to the President -Council of Ministers should expedite consideration and adoption of the Amendment Bill.

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				discuss the Amendment Bill on 15 September 2017 but the Council of Ministers did not sit.		
<b>13.5</b>	TNLA shall ratify the amendments to the TCRSS within 30 days upon receipt from the MoJ.	TNLA	Within 30 days of receipt Revised 06/27/16	<b>Not implemented</b>	TNLA tasks await submission from the TGoNU	Expedite the process upon receipt.
<b>13.6</b>	The President shall assent to the Amendments no later than 30 days after receipt of the ratified copy from TNLA.	President	Within 30 days of receipt 07/28/16	<b>Not implemented</b>	Subject to ratification by TNLA.	
<b>13.1.2</b>	Drafting of amendments to	NCAC	Within 45 days	<b>Partially Implemented</b>	The NCAC proposes to develop the	NCAC to press on with their work



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	relevant national security legislation – SPLA Act, NSS Act, Police Act, Prisons Service Act, Wild Life Act etc.		06/13/16	<p>-The NCAC has embarked on a series of consultations with experts and key stakeholders to discuss amendments and reviews to the relevant security related legislation.</p> <p>-The Committee has already held consultations with relevant line ministers, experts and institutions like the Law Review Commission and the Bar Association.</p>	<p>amendments of the security-related legislation through an inclusive and participatory process.</p> <p>As of August 14, meeting the NCAC had sub-divided itself into two sub-committee –one on Policing Laws and Defence laws and both sub-committees</p> <p>NCAC has largely completed review and amendment of the relevant national security legislations and is waiting for few remaining submissions to validate the amendments and submit to MoJCA</p>	
13.7	Establishment and reconstitution of institutions & mechanisms necessary to establish the TGoNU taking into account inclusivity and national diversity of the people of South Sudan.	Parties/I/GAD/Stakeholders	Within 90 days of signing 07/28/16	<p><b>Partially Implemented</b></p> <p>Some institutions and mechanisms have been reconstituted in accordance with the ARCSS namely; -TGoNU reconstituted but question of inclusivity persists since the July 2016 fighting.</p>	<p>Incremental progress under Chapter 1 and 2.</p> <p>Progress is being monitored directly by the Governance Working Group and Security Working Committee</p>	Need to expedite and complete reconstitution of all ARCSS institutions and mechanisms necessary for the establishment of the TGoNU.

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16.1	NCAC review of the Political Parties Act 2012 to comply with international best practices for free and democratic registration of Political Parties	NCAC	06 months after signing ARCSS	<b>Partially implemented</b> -NCAC has commenced public and stakeholder's consultation on the relevant election-related law. -NCAC conducted an expert consultative meeting on August 17 <sup>th</sup> to map out the scope of the review and amendment of both the Political Parties Act and the National Elections Act	Ongoing consultation and a timeline developed to complete review and amendment by October 2017. Stakeholders have been invited to submit proposals for considerations.	NCAC to expedite the process.
16.1	NCAC to present revised Political Parties Act to TNLA for adoption	NCAC/TGoNU/TNLA	Within 06 months after signing ARCSS	<b>Not implemented</b>	Once completed, this will pave way for the reconstitution of the Political Parties Council and National Election Commission, to conduct registration of political parties, preparation and conduct of elections at the end of the Transitional Period.	NCAC to expedite this process.
<b>Part 2</b>	<b>Chapter VI: Permanent Constitutional Making Progress</b>					
<b>1.0</b>	Initiation of a Permanent Constitution making Process, during the transition period (i.e. official statement, consultations, draft legislation, motion etc.)	TGoNU/TNLA	Within 6 months of TP 10/26/16	<b>Not implemented</b>	According to the TGoNU report presented to JMEC Plenary on May 24, 2017 no measures have been taken so far. That the process will start after the incorporation of the ARCSS into the TCRSS is finalized.	Need to review current timeline and develop a clear roadmap for permanent constitution making in the revitalization process.
<b>2.0</b>	Tabling of Bill to govern the	TGoNU/TNLA	Within 6 months of	<b>Not implemented</b>		TGoNU should take immediate step to



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	Permanent Constitution Making Processes		TP 10/26/16			initiate the Permanent Constitution-making Process.
2.0	Enactment of Legislation to govern the permanent Constitutional making process (i.e. any bill, etc.)	TNLA	Within 6 months of TP 10/26/16	Not implemented		
2.0	Review and Reconstitution of the NCRC in the new legislation (i.e. composition/mandate/TOR etc.)	TGoNU/NCRC Secretariat	Within 6 months of TP 10/26/16	Not implemented		Process of review and reconstitution should be expedited and the NCRC secretariat capacity should be enhanced immediately
5.0	Consultation on new nominees to the NCRC (Nominations/consultation on new list of Nominees etc.)	TGoNU	Within 6 months of TP 10/26/16	Not implemented		Process to be expedited
8.0	Appointment of the reconstituted NCRC by the Executive after consultation	TGoNU	Within 6 months of TP 10/26/16	Not implemented		Process to be expedited
5.1	Civic Education/Public Consultation by NCRC and dissemination of TCRSS, 2011	NCRC	Within 18 months of TP 10/21/17	Not implemented		Initiate public consultations and resume civic education.
5.1	Drafting & dissemination of the draft Constitutional texts for public reviews	NCRC	Within 18 months of TP 10/21/17	Not implemented		
5.2	NCRC presents the draft	NCRC/TGoNU	Within 18 months of	Not implemented		

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	Constitutional Texts to the Executive accompanied by a report on consultation/recommendations etc.		TP 10/21/17			
<b>5.3</b>	Convening of the National Constitutional Conference (NCC)	NCRC/TGoNU	Within 18 months of TP 10/21/17	Not implemented		
5.3	Presentation of the draft Constitutional Text to the NCC and adoption	TGoNU/NCRC	Within 18 months of TP 10/21/17	Not implemented		
5.4	Constitutional Texts adopted by NCC to be presented by the MoJCA to the Constitutional Assembly.	TNLA	Within 18 months of TP 10/21/17	Not implemented		
5.5	Transformation of the TNLA to the Constituent Assembly to adopt the Permanent Constitution	CA/TNLA	1st Date of the 27th month 07/01/18	Not implemented		Revise timeline
5.5	Dissolution of the TNLA and preparation for elections	TGoNU	After adoption of Permanent Constitution by TNLA	Not implemented		Revise timeline
5.5	Election of a Government for the	TGoNU/NEC	Before the end of	Not implemented		Need to revise timeline

**JMEC CONSTITUTIONAL AFFAIRS WORKING COMMITTEE M&E MATRIX**

**CHAPTER 1 (13& 16) and CHAPTER 6 ARCSS Implementation Status**

<b>Article No.</b>	<b>Task</b>	<b>Party (s) Responsible</b>	<b>Timeline (ARCSS &amp; TGoNU Revised Deadline)</b>	<b>Status (Action/Steps taken so far)</b>	<b>Remarks (Explanation/Rationale)</b>	<b>Recommendations (Next steps etc)</b>
	Republic of South Sudan under a Permanent Constitution		Transition Period 10/29/18			



