



STATEMENT ON
THE RULE OF LAW AT THE NATIONAL AND INTERNATIONAL
LEVELS.

THE 67TH SESSION
UNITED NATIONS GENERAL ASSEMBLY
COUNSELLOR
AMANUEL YOANES AJAWIN
NEW YORK,
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Mr. Chairman,

As it is the first time my delegation is taking the floor, allow me to congratulate you on your assumption of the chair of this committee, during its 67th session and the members of the bureau. Although the challenges ahead are enormous, nevertheless, my delegation is confident that under your stewardship tangible progress would be achieved. South Sudan aligned itself with statement made by Egypt on behalf of the African group.

Mr. Chairman,

The Republic of South Sudan is the newest member of the United Nations family, which attained its sovereign independence on the 9th July 2011. The independence of South Sudan came as a result of peaceful, democratic and internationally monitored national referendum held in January last year. The outcome of the referendum was 98.7% in favor of creation of a new independent state. The people of South Sudan have chosen peace and freedom instead of costly and perpetual civil wars and conflicts with the people of northern Sudan, which is now the Republic of Sudan.

Mr. Chairman,

As South Sudan embarks on the enormous dual task of state and nation building and as peace-loving member of the African Union and the United Nations, the notion of rule of law will be the bedrock foundation upon which our country's legal institutions shall rest. We are committed to promoting justice, freedom, human dignity and the rule of law not only at the national level but also at the international level together with other members of the United Nations.

Mr. Chairman,

Upon the independence on July 9, 2011, South Sudan promulgated a Transitional Constitution under which our country is currently being governed until 2015, when a new Constitution shall be promulgated through a democratic, inclusive and participatory process. Currently, the National Constitutional Review Commission is at work collecting views and suggestions from all stakeholders on

the content of the future Constitution. It is worth noting that the Commission was established with due regards to gender, political, social and regional diversity of South Sudan in recognition of the need for inclusiveness, transparency and equitable participation.

Mr. Chairman,

The principles of rule of law are enshrined in the Transitional Constitution of the Republic of South Sudan 2011, which is the supreme law of the land from which authority at all levels of government derives and to which all state constitutions must conform, Article 3. The Constitution vests sovereignty in the people and the state exercises this sovereignty through its democratic and representative institutions established under the Constitution and the law. Importantly, the Constitution proclaims that South Sudan is founded on justice, equality, respect for human dignity and advancement of human rights and fundamental freedoms.

The Consistent with International Human Rights Law, the Constitution embodies a Bill of Rights that guarantees the sanctity of rights and freedoms, life and human dignity, personal liberty, freedom from slavery, servitude and forced labor, equality before the law, right to establish a family, rights of women, rights of the child, freedom from torture, fair trial, right to litigation, restriction on death penalty, right to privacy, religious rights, freedom of expression inter alia.

Mr. Chairman,

South Sudan has embarked on building its legal system from ground after disconnecting from the old Sudan legal system. While, building these legal frameworks, we are also currently engaging in a process of identifying multilateral and regional treaties and agreements for the purpose of their ratifying or acceding to them in accordance with procedures and requirements of the Constitution. This process will facilitate the incorporation into domestic law of the relevant international treaties and to ensure their national enforcement. In this regard, South Sudan has so far acceded to a number of important international treaties and agreements including the four Geneva Conventions of 1949 and their additional Protocols, the International Monetary Fund and World Bank Group

Institutions and has incorporated the instruments into our domestic laws. Equally, there is an ongoing work between the Ministry of Foreign Affairs and International Cooperation and Ministry of Justice to update the situation so that our country accedes to all Human Rights Conventions and treaties in the next coming months.

Mr. Chairman,

The Republic of South Sudan is already working with the United Nations Mission in South Sudan [UNMISS] and other multilateral bodies in the development of strong and effective institutions in the area of rule of law by providing training to the rule of law sectors such as judiciary, Ministry of Justice, Prison Service and Police Service. This support of the UNMISS though limited in nature, is greatly appreciated. The building and consolidation of rule of law institutions remains as one of the most challenging tasks our nation is undertaking.

South Sudan recognizes the importance of international dispute resolution mechanism as such it is committed to utilizing the forum of the International Court of Justice and other adjudicative bodies for resolution of disputes peacefully. The comprehensive Peace Agreement which led to independence of South Sudan was brokered through such international effort. South Sudan prior to independence from Sudan agreed to the settlement made by Permanent Court of Arbitration at The Hague on Abyei area boundary dispute between it and Sudan. Furthermore, South Sudan fully accepted UN Security Council Resolution 2046 and agreed to peaceful negotiations facilitated by the African Union High Level Implementation Panel [AUHIP] on post-independence issues. Therefore, as part of commitment to the noble notion of rule of law at international level, South Sudan shall pursued settlement of international disputes through peaceful means.

Mr. Chairman,

The Government of South Sudan recognizes the role of customary law and traditional institutions, which function alongside formal justice sector institutions. The traditional and informal sector is functioning in accordance with the Constitution and the law. Under the Local Government Act, customary law courts

are established with appointed judges. However, there are still major conflict areas between the traditional justice mechanisms and the formal justice sector. There are harmful customary rules and practices which need to be modified or eliminated through legislation to avoid conflict with provisions of the Constitution. The Ministry of Justice under its strategic framework is pursuing rule of law sector wide approach that will identify those conflict areas and strengthen the links across the entire justice system. Additional work is needed to ensure effectiveness and efficiency in policy development and implementation. In order to facilitate research in this area the government has established a Customary Law Research Centre. The Government of South Sudan is committed to combating all harmful customs and traditions which undermine the dignity and status of women. Basic reforms of the traditional justice system will be implemented on a continuing basis without undermining positive social norms of traditional societies.

Mr. Chairman,

In conclusion South Sudan is committed to strengthening the nexus between the rule of law at the national, regional and international levels with respect to ensuring accountability for international crimes and other gross violations of human rights.

Thank you