

**LAWS OF SOUTHERN SUDAN**

*The Southern Sudan Civil Service  
Commission Provisional Order, 2011*

# LAWS OF SOUTHERN SUDAN

## The Southern Sudan Civil Service Commission Provisional Order, 2011

In exercise of powers vested upon him under Article 86 (1) of the Interim Constitution of Southern Sudan, 2005, the President of the Government of Southern Sudan hereby issues this Provisional Order.

### Chapter I

#### Preliminary Provisions

##### 1. Title and Commencement

This Provisional Order may be cited as “The Southern Sudan Civil Service Commission Provisional Order, 2011” and shall come into force on the date of its signature by the President.

##### 2. Repeal and Saving

Any provisions of existing legislation in Southern Sudan, which are governed by this Provisional Order, are hereby repealed; *provided that*, all proceedings taken, or orders issued thereunder, except to the extent they are cancelled by or are otherwise inconsistent with the provisions of this Provisional Order, shall remain in force or effect, until they are repealed or amended in accordance with the provisions of this Provisional Order.

##### 3. Purpose

The purpose of this Provisional Order is to provide for the establishment and governance of an independent commission to advise the Government of Southern Sudan on the formulation and execution of policies related to the Civil Service, civil service employment and employees, and any matters related thereto.

##### 4. Authority and Application

(1) This Provisional Order is drafted in accordance with the provisions of Articles 143 and 144 of the Interim Constitution of Southern Sudan, 2005, which provides for the establishment of the Commission.

(2) The provisions of this Provisional Order shall apply throughout Southern Sudan in all matters related to the functions and duties of the Southern Sudan Civil Service Commission as provided in this Provisional Order.

##### 5. Interpretations

In this Provisional Order, unless the context otherwise requires, the following words and expressions shall carry the meanings assigned to them respectively—

**“Assembly”** means the Southern Sudan Legislative Assembly;  
**“Auditor-General”** means the head of the Southern Sudan Auditor General’s Chamber;  
**“Board”** means the Commission Board of Directors;  
**“Chairperson”** means the Chairperson of the Board who is also the Chief Executive of the Commission;  
**“Civil Service Laws”** means the laws and regulations concerning the civil service as may be in effect from time to time in Southern Sudan;  
**“Civil Service”** means the Civil Service of Southern Sudan established in accordance with Article 141 of the Constitution and shall include: the Government civil service proper, the Government public education service, Government Commissions and other Government public institutions and corporations; *but shall exclude* the executive, the legislature, the judiciary, the disciplined forces, the State and local government services, and public universities except as set forth in this Provisional Order;  
**“Commission”** means Southern Sudan Civil Service Commission;  
**“Constitution”** means the Interim Constitution of Southern Sudan, 2005;  
**“Deputy Chairperson”** means the second highest authority of the Commission, who is also the Chief Administrator of the Commission;  
**“Government”** means the Government of Southern Sudan;  
**“Member”** means a Member of the Board, appointed in accordance with the provisions of this Provisional Order, and unless the context otherwise requires, shall include the Chairperson and Deputy Chairperson;  
**“Ministry”** means Ministry of the Public Service, Labour and Human Resource Development;  
**“President”** means the President of the Government;  
**“Public Official or Official Person”** means an employee of the Civil Service;  
**“Public Service-wide Employment and Workplace Policies of the Commission”** means policies, other than those enacted in Civil Service laws, in development, produced or implemented pursuant to Article 144 of the Constitution;  
**“State”** refers to any of the ten states established by the Constitution; and  
**“Support Staff”** means the supporting staff employed by the Commission.

## Chapter II

### Establishment, Functions and Principles of the Commission

#### 6. Establishment of the Commission

- (1) “The Southern Sudan Civil Service Commission” (hereinafter called “the Commission”) is hereby established as an autonomous commission in Southern Sudan to advise Government Institutions on the formation and execution of policies related to the public service, employment and employees in Southern Sudan.
- (2) The Commission shall operate as an integral part of the Government. It shall be independent and impartial, and shall exercise its powers and perform its functions and duties without fear or favour.

- (3) The Commission shall be a body corporate and shall have the right to—
  - (a) acquire, hold and dispose of movable and immovable property;
  - (b) sue and be sued; and,
  - (c) do all acts and things a body corporate may lawfully do.
- (4) The Commission shall be accountable to the public through the Assembly and the President.
- (5) The Commission shall have its head office in the capital of Southern Sudan, and may establish branch offices, as it deems necessary, to perform its functions and duties pursuant to the provisions of the Constitution and this Provisional Order.

## **7. Functions and Duties of the Commission**

- (1) The functions and duties of the Commission shall be to—
  - (a) investigate, monitor and evaluate the organization, administration and personnel practices of the public service;
  - (b) propose measures to ensure effective and efficient performance within the public service;
  - (c) give directions aimed at ensuring that personnel procedures relating to recruitment, transfers, promotions and dismissals comply with the values and principles of public service, as set forth in the Constitution and section 12 below of this Provisional Order;
  - (d) advise all Government Institutions on personnel practices, recruitment, appointment, transfer, discharge and other aspects of the public service;
  - (e) review the terms and conditions of service, standing orders, training and qualifications for public offices, personnel management, development of the public service and to make recommendations to the Government on the same;
  - (f) guide and assist in the coordination of State civil service commissions;
  - (g) address any imbalances in the public service;
  - (h) scrutinize and evaluate, in conjunction with education authorities, foreign academic qualifications to determine their standards and authenticity;
  - (i) make recommendations regarding uniform laws governing the civil service;
  - (j) make recommendations designed to ensure that the policies connected with the terms of service, privileges and salary structure in civil service employment are implemented objectively and justly;
  - (k) coordinate with the Ministry, other commissions; and other interested parties, in order to achieve the equitable quality standards of performance needs in the civil service;
  - (l) to recommend the principles and general policies connected with conditions of service and privileges and to submit proposals thereon to the President;
  - (m) follow-up on the implementation of relevant policies, recruitment laws and regulations;

- (n) undertake research and studies on job evaluation, job grades, job specification, and performance evaluation and to issue the necessary questionnaires and forms for such purposes; and,
  - (o) publicize studies, reports, and recommendations accepted by the President in respect to the public service reform in Southern Sudan.
- (2) The Commission may engage in such other functions and duties, and exercise such powers, as may be conferred upon it by or under the Constitution, the President, the provisions of this Provisional Order, and any other law.

## 8. Inspections

- (1) The Commission shall have the authority to inspect ministries, commissions and departments and other units of the public service, and may have access to such official documents, or may obtain such information from heads of those departments or units or from other officers in the service of those ministries, commissions and departments or units, as may be necessary for the performance of its functions and duties.
- (2) The Commission shall adopt regulations governing the process for conducting inspections and securing official documents, which do not unduly interfere with the operations of the ministry, commission, department or unit.

## 9. Inquiries

- (1) The Commission may conduct inquiries into any matter over which it has authority pursuant to the provisions of the Constitution, this Provisional Order, and any other law.
- (2) For the purposes of conducting an inquiry, the Commission may—
- (a) summon any person who may be able to give information of material importance concerning the subject of the inquiry or who has in his or her possession or custody or under his or her control any book, document or object which may have a bearing on the subject of the inquiry, to appear before the Commission;
  - (b) call upon and administer an oath to, or accept an affirmation from, any person present at the inquiry who has or might have been summoned pursuant to subparagraph (a), above;
  - (c) examine or require any person who has been summoned to produce any book, document or object in his or her possession or custody or under his or her control which may have a bearing on the subject of the inquiry.
- (3) A summons for a person to appear before the Commission shall be—
- (a) in the prescribed form established by the Commission;
  - (b) signed by the Chairperson or any other person duly authorised by the Chairperson;
  - (c) served in the prescribed manner.
- (4) Any person who—

- (a) has been duly summoned under this section and who fails, without sufficient cause to—
    - (i) attend at the time and place specified in the summons; or
    - (ii) remain in attendance until excused by the Commission from further attendance;
  - (b) has been called upon in accordance with the provisions of subsection (2), above, and who refuses to be sworn or affirmed as a witness; or
  - (c) fails, without sufficient cause to—
    - (i) answer fully and satisfactorily any questions lawfully put to him or her; or
    - (ii) produce any book document or object in his or her possession or custody or under his or her control which he or she was required to produce, shall be deemed to have committed the relevant offense or offences stated in Chapters IX and X of the Penal Code Act, 2008.
- (5) In connection with the examination of any person by, or the production of any book, document or object before the Commission, the law relating to privilege, as applicable to a witness summoned to give evidence to produce any book, document or object before a Court, shall apply whenever applicable.

#### **10. Authority to Hear Grievances**

- (1) The Commission shall have the power to hear and determine grievances from Public Officials and appeals against the decisions of State Civil Service Commissions without prejudice to the right of the parties to resort to Courts.
- (2) The Commission shall hear and determine grievances from Public Officials only on matters that relate to the Public Service-wide employment and workplace policies of the Commission.
- (3) The Commission shall adopt rules governing the process for hearing and determining grievances and appeals pursuant to subsections (1) and (2), above.
- (4) For the purposes of hearing such grievances, the Commission's power to summon and the rights of witnesses set forth in Section 9 above, of this Provisional Order, regarding inquiries, shall apply.
- (5) The Commission shall give a reasonable opportunity for a person giving evidence at a grievance hearing, including any party, to be legally represented. A person or a person's representative may, with the leave of the Commission, examine or cross-examine any witness on any matter that the Commission considers relevant.
- (6) The Commission shall from time to time coordinate with the Southern Sudan Employees Justice Chamber on matters pertaining to Public Officials' grievances that may impact on the Public Service-wide employment and workplace policies of the Commission.

- (6) The Employees Justice Chamber shall transfer to the Southern Sudan Civil Service Commission all matters that fall within the agreed matters in subsection (5) above.
- (7) The Chamber shall meet with the Southern Sudan Civil Service Commission, on a basis mutually agreed, to carry out the following—
  - (a) to table the list it is required to maintain detailing the transfers and the matters transferred under subsection (6) above;
  - (b) refine and update the matters that may impact on the Public Service-wide employment and workplace policies of the Southern Sudan Civil Service Commission as agreed under subsection (5) above; and
  - (c) resolve any concerns over the mechanisms for transfer of grievances from the Chamber to the Southern Sudan Civil Service Commission and the status of specific transfers.
- (8) Except as provided in this Provisional Order, once a grievance from a Public Official is accepted by the Commission, no other court has jurisdiction in relation to matters claimed in the grievance that may impact on the Public Service-wide employment and workplace policies of the Commission, until those matters are determined by the Commission or otherwise settled.
- (9) No proceedings, determination or order of the Commission is to be held bad for want of form, or be void or in any way vitiated by reason of any informality or error of form, or by reason that such proceedings should have been taken by or before the Employees Justice Chamber; *provided that*, such actions were taken in good faith.
- (10) A party to a grievance proceeding who is dissatisfied with a determination delivered by the Commission may appeal to the High Court.

#### **11. Oversight, Promotion and Maintenance of the Code of Conduct for the Public Service**

- (1) The Commission shall oversee, promote and maintain the observance of the Code of Conduct for the Public Service of Southern Sudan (“Code of Conduct”) promulgated by the Government through the ministry responsible for the civil service.
- (2) The Commission shall meet regularly to review general compliance with the Code of Conduct by Civil Service staff and any specific petitions and appeals and shall collaborate and cooperate with other institutions in accordance with the provisions of the Code of Conduct.
- (3) The Commission shall act in accordance with the provisions of the Code of Conduct to—
  - (a) receive, investigate, institute formal hearings, consider, determine, make recommendations or take other actions in relation to complaints alleging breach of or non-compliance with the Code of Conduct against a ministry or public institution as a whole;

- (b) hear and make decisions in relation to appeals from decisions by ministerial or departmental disciplinary boards on allegations of breach of or non-compliance with the Code of Conduct; and
  - (c) receive reports in relation to failure of a ministry to address allegations of breach of or non-compliance with the Code of Conduct.
- (4) The Commission shall provide annual reports on the general state of complaints alleging breach of or non-compliance with the Code of Conduct for submission to the President and the Assembly.

## **12. Promotion of Civil Service Principles**

The Commission shall observe and promote the following guiding principles and values when exercising its functions and duties—

- (a) a high standard of professional ethics shall be promoted and maintained through focusing on merit and training;
- (b) the efficient, economic and effective use of resources;
- (c) public service shall be development oriented;
- (d) services shall be provided to all persons impartially, fairly, equitably and without bias or discrimination on the basis of religion, ethnicity, region, gender, health status or physical disability;
- (e) the needs of the people shall be appropriately addressed, and the public shall be encouraged to participate in policy-making;
- (f) public service shall be accountable to the appropriate level of government;
- (g) transparency shall be fostered by providing the public with timely, accessible and accurate information;
- (h) good human-resource management and career-development practices shall be cultivated to maximise human potential;
- (i) public service shall be broadly representative of the people of Southern Sudan, with employment and personnel management practices based on ability, objectivity, fair competition for jobs, and the need to redress any imbalances of the past to achieve broad representation through affirmative action;
- (j) persons with special needs shall be provided with specialized and appropriate training opportunities;
- (k) the public service shall function, and be structured, in accordance with the law; it shall execute policies of the government;
- (l) public officials shall not engage in party politics; no public official may be favoured or victimized because of his or her political opinion; any public official seeking an elective office shall resign from the public service; and,
- (m) all levels of government in Southern Sudan shall be responsible for the recruitment, appointment, promotion, transfer and dismissal of employees of public service in their administrations guided by uniform norms and standards set out in the Constitution, this Provisional Order, and any other law.



## **Chapter III**

### **The Board and Governance of the Commission**

#### **13. The Board and Functions**

- (1) The legal authority of the Commission shall vest in the Commission's Board (hereinafter called the "Board"), which shall be the highest administrative and executive authority of the Commission.
- (2) Decisions of the Board shall be made in a transparent manner, independent of political, industrial and any other influences.
- (3) The functions and duties of the Board shall be to—
  - (a) set policies, objectives and guidelines;
  - (b) set priorities and annual performance targets for the Commission;
  - (c) review and evaluate the performance of the Commission;
  - (d) assess and approve the annual reports and accounts of the Commission;
  - (e) oversee the process of realising the vision and strategic goals of the Commission;
  - (f) mobilise resources for the activities of the Commission as set out in this Provisional Order;
  - (g) protect the independence and autonomy of the Commission;
  - (h) co-ordinate the public service systems in Southern Sudan;
  - (i) consider proposals to conduct inspections and hold inquiries; and,
  - (i) approve the annual budget of the Commission for submission to the Assembly in the Government Annual Budget.

#### **14. Composition of the Board**

- (1) The Board shall comprise of the Chairperson, Deputy Chairperson and three additional Members, who shall be appointed by the President subject to the approval of the Assembly by a simple majority vote.
- (2) In the composition of the Board and the Commission at least twenty-five percent of the aggregate membership shall be women.

#### **15. Eligibility and Appointment**

- (1) The Chairperson, Deputy Chairperson and Members shall be selected from persons of high moral reputation and integrity and shall possess the necessary qualifications, expertise and experience in matters related to public service having regard to the provisions of section 14(2) above.
- (2) Without prejudice to the generality of subsection (1), above, a person shall be eligible for appointment to serve as the Chairperson, Deputy Chairperson or a Member if he or she meets the following additional requirements—
  - (a) a Sudanese citizen;
  - (b) be of sound mind and high character;
  - (c) be at least thirty years of age;

- (d) not employed in the public service or any other branch of government;
  - (e) not a holder of an official office in, or is an employee of a political party;
  - (f) not a holder of an elected position at any level of government;
  - (g) possesses the skills and knowledge relevant to the work of the Commission or qualifications deemed relevant to the position;
  - (h) not an undischarged bankrupt or insolvent; and,
  - (i) not been convicted of an offence involving dishonesty or moral turpitude.
- (3) Any person appointed to serve as the Chairperson, Deputy Chairperson or a Member while in another service shall be given a reasonable opportunity to take any necessary steps to meet the eligibility requirements of the provisions of this section.

#### **16. Declaration of Assets**

The Chairperson, Deputy Chairperson, Members, and any senior public service officials employed by the Commission shall, upon assumption of their offices, make confidential declaration of their assets and liabilities including those of their spouses and children in accordance with the applicable law.

#### **17. Tenure, Resignation and Removal**

- (1) The tenure of office of the Chairperson and Deputy Chairperson shall be five years, and the tenure of office of a Member shall be four years, subject to renewal for one additional term.
- (2) A Member may resign by a letter addressed to the President through the Chairperson. In case of the Chairperson, he or she shall submit his or her letter of resignation directly to the President.
- (3) The President may remove the Chairperson, Deputy Chairperson or a Member from the Commission or upon a resolution passed by a two-thirds majority vote of the Assembly, after a hearing. A hearing under this section shall be held in accordance with the Assembly's Conduct of Business Regulations; provided that the concerned Member shall be given an opportunity to respond to the allegations.
- (4) Reasons for removal under subsection (3) above shall include—
  - (a) ineligibility for appointment under section 14 above of this Provisional Order;
  - (b) inability to perform the functions of his or her office due to mental or physical infirmity;
  - (c) gross misconduct;
  - (d) incompetence and inefficiency;
  - (e) absence without permission or sufficient cause from three consecutive meetings of the Board; and,
  - (f) conviction of an offence involving dishonesty, fraud or moral turpitude; and/or,

(g) death.

- (5) Where the Chairperson, Deputy Chairperson or a Member is removed from office, resigns or dies, he or she shall be duly replaced under the same conditions, and in the same manner, as he or she was appointed under section 15 above, of this Provisional Order.

## **Chapter IV**

### **Board Procedures, Committees and Directorates**

#### **18. General Policies**

The Board shall lay down the general policies, principles and institutional relationships of the Commission with other Government Institutions and the States.

#### **19. Proceedings of the Board**

- (1) The Board shall meet as often as it deems necessary and shall, in any case, meet for the discharge of its functions and duties at least four times a year.
- (2) The Chairperson may, at anytime, convene an extraordinary meeting of the Board and shall also call a meeting within ten calendar days upon a request for an extraordinary meeting by at least two Members.
- (3) The Chairperson, and in his or her absence the Deputy Chairperson shall convene and preside at all the meetings of the Board, and in the absence of both, the Members present shall elect one of their members to convene and preside at that meeting.
- (4) Notice of a Board meeting shall be served to each Member in writing, by post or e-mail. When necessary, notice may also be made by phone, provided that, the verbal notices are followed by a notice in writing.
- (5) The quorum for meetings of the Board shall be a simple majority (half of all the members plus one).
- (6) For determination of quorum, a member withdrawing from a meeting under section 20(3) below, shall be considered as present.
- (7) The decisions of the Board shall be by consensus and in lieu of that, by simple majority of the members present and voting and in case of a tie, the chair shall have a casting vote.
- (8) The Board may, whenever necessary invite any person to provide specific expertise during its meeting, but he or she shall have no right to vote on any matter considered at the meeting.
- (9) The meetings of the Commission shall not be open to the public unless decided otherwise by the Chairperson on ad hoc basis.

## **20. Disclosure of Interests**

- (1) A Member of the Board who has a direct or indirect interest in a contract made or proposed to be made by the Board or in any other matter to be considered by the Board, shall disclose the nature or extent of his or her interest at the meeting of the Board, before the matter is discussed or considered.
- (2) A disclosure made under subsection (1), above, shall be recorded in the minutes of the meeting.
- (3) A Member who makes a disclosure under subsection (1) above, shall not participate in the deliberations or take part in any decision of the Board with respect to that matter.

## **21. Validity of Proceedings**

The validity of any proceedings of the Board shall not be affected by a vacancy in its membership or by any defect in the appointment or disqualification of a member.

## **22. Board Committees and Directorates**

- (1) The Board may set up committees and/or directorates to facilitate the operations of the Commission, and to advise the Board on matters as it may determine.
- (2) The Board may also dissolve any committee and/or directorate which have fulfilled its functions.
- (3) Any committee or directorate set up under subsection (1) above, shall be headed by a Member and shall comprise of such persons as the Board may determine.
- (4) The terms and conditions of service of members of any committee or directorate set up under this section shall be subject to the Civil Service Laws and regulations.
- (5) The Board may delegate any of its functions to a committee or directorate set up by it subject to limitations as it may deem appropriate.
- (6) Subject to any directives by the Board, a committee or directorate set up under this section may regulate its own proceedings.

# **Chapter V**

## **Management and Staff**

### **23. Functions and Duties of the Chairperson**

- (1) Management of the Commission shall be the direct responsibility and duty of the Chairperson as its Chief Executive. The Chairperson shall be assisted in

his or her day-to-day management functions and duties by the Deputy Chairperson and Executive Director.

- (2) Without prejudice to the generality of subsection (1) above, the Chairperson shall have administrative, financial and technical powers required for the performance of the work of the Commission, including, but not limited to—
- (a) representing the Commission in official functions and occasions, in Southern Sudan, nationally, regionally and internationally;
  - (b) initiating policies and framework documents of the Commission;
  - (c) approving project and programme activities proposed by the committees and/or directorates;
  - (d) overseeing the use of the funds of the Commission;
  - (e) providing periodic reports to the President and the Assembly;
  - (f) appointing, within budget limitations, the officers and support staff of the Commission in accordance with Civil Service Laws and regulations;
  - (g) initiating internal policies and procedures including job-descriptions of the support staff and the organisational chart referred to in section 27 of this Provisional Order;
  - (h) monitoring and evaluating the performance of the Commission; and,
  - (i) performing any other functions and duties as may be prescribed by any other law.

#### **24. Functions and Duties of the Deputy Chairperson**

- (1) The Deputy Chairperson shall be the second highest authority in the Commission who shall assist the Chairperson in overseeing the day-to-day operations of the Commission.
- (2) Without prejudice to the generality of subsection (1), above, the Deputy Chairperson shall perform any other functions and duties that may be assigned to him or her by the Chairperson, including, but not limited to—
- (a) serving as the Chief Administrator responsible for the day to day implementation of the decisions of the Board and supervision of the staff;
  - (b) supervising generally the implementation of the provisions of this Provisional Order, control the operations and staff of the Commission;
  - (c) submitting, three months before the beginning of each new financial year, to the Board a work plan for the next financial year, setting out as a minimum all major objectives and activities of the Commission for the year, as well as estimates of expenditure and revenue related to the work plan for the next financial year;
  - (d) presenting a report within three months after each financial year to the Board with regard to the activities of the Commission in the preceding financial year; and
  - (e) performing any other functions and duties that may be assigned to him or her by the Chairperson.

## **25. Remuneration of the Chairperson, Members and the Executive Directors**

- (1) The Chairperson shall have the status of a State minister, but shall, for the purposes of protocol, be senior to the State minister, and shall be entitled to all the rights, privileges and benefits accorded to that position.
- (2) The Deputy Chairperson shall have the status of the Secretary General of the Government, and shall be entitled to all the rights, privileges and benefits accorded to that position.
- (3) The other Members of the Commission shall have the status of an undersecretary, and shall be entitled to all the rights, privileges and benefits accorded to that position.

## **26. Restriction on Outside Employment**

The Chairperson, Deputy Chairperson, Members of the Board and support staff shall not practice any private profession, transact commercial businesses, or receive remuneration or accept employment of any kind from any other source than the Commission.

## **27. Organisational Chart and Support Staff**

- (1) The Chairperson shall engage, within budgetary limits, such other senior officers and support staff with the consent of the Board on such terms as he or she may consider necessary or desirable for the efficient and effective performance of the functions and duties of the Commission.
- (2) The Chairperson shall on annual basis, prepare a detailed organisational chart reflecting the Commission's staffing requirements for the next financial year, subject to the approval of the Board and the President.
- (3) The organisational chart shall be developed in consultation with the Ministry of Finance and Economic Planning and the Ministry of Public Service and Human Resource Development, and shall take into consideration the needs of the Commission and the financial limitations of the Commission's funding.
- (4) All aspects of employment of the support staff of the Commission, including but not limited to recruitment, employment, payment, promotion, and termination, shall be governed by the provisions of Civil Service Laws and regulations.

## **28. Oath**

The Chairperson, Deputy Chairperson and any Member of the Commission shall, before assuming his or her duty, take the following oath or affirmation before the President:

*"I....., do hereby swear by the Almighty God/solemnly affirm that as the Chairperson/Deputy Chairperson/Member of the Southern Sudan Civil Service*

*Commission, I shall be faithful, and shall diligently and honestly discharge my functions and duties and shall strive to exercise the powers vested upon me by the Southern Sudan Civil Service Commission Act, with integrity and dignity in the best interest of the people of Southern Sudan; and that I shall respect and abide by all the rules, regulations and instructions thereunder; and that I shall not without due authority disclose or make known any information, matter or thing that comes to my knowledge by reason of my employment in the Commission so help me God/God is my witness".*

#### **29. Exemption from Liability**

No Member of the Board, nor any officer or support staff of the Commission, shall be subject to liability for any act or omission committed by him or her in the exercise or performance of his or her functions and duties with the Commission; *provided that*, such acts or omissions were committed in good faith.

## **Chapter VI**

### **Finance, Audit and Reporting**

#### **30. Operational Principle**

The Commission shall manage its finances in accordance with sound financial principles and best practices and shall in that respect and ensure that its revenues are sufficient to meet its expenditures, including payment of operational cost.

#### **31. Sources of Funding**

- (1) The Commission's operations shall be funded by an approved and allocated budget approved in accordance with the *Public Finance Management and Accountability* law and other sources and shall include, but not limited to—
  - (a) grants, donations and bequests from local or foreign bodies;
  - (b) financial support from international donor agencies;
  - (c) monies received for goods and services provided under this Provisional Order;
  - (d) sums as may be appropriated by the Assembly in the Government Annual Budget; and,
  - (e) any other source that may be approved by the President.
- (2) The Commission shall prepare and submit for approval and annual budget proposal, in accordance with Public Finance Management and Accountability law and respect to the Government budget process, for the following financial year. Such budget proposal shall be subject to review, revision and approval by the Assembly.

#### **32. Bank Accounts**

The Commission shall open and maintain bank accounts as may be necessary for the performance of its functions and duties in accordance with the Public Finance Management and Accountability law.

### **33. Surplus Funds**

Funds belonging to the Commission, not immediately required for any purpose provided for in this Provisional Order, may be invested in accordance with the Public Finance Management and Accountability law.

### **34. Accounts**

- (1) The Chairperson shall keep and maintain proper books of accounts and records of all funds received and spent by the Commission during the financial year.
- (2) The Chairperson shall prepare and submit a financial report to the Board, not later than three months from the end of the previous financial year. The report shall include—
  - (a) a financial statement of income and expenditure during the financial year;
  - (b) a statement of assets and liabilities of the Authority for the financial year, prepared in accordance with generally accepted accounting principles
  - (c) a financial audit report.

### **35. Audit**

- (1) The Chairperson shall ensure that, for each financial year the accounts of the Commission are audited by the Auditor-General or such other audit firm approved by the Auditor-General in writing and authorised by the Board.
- (2) The Board shall ensure that within four months from the end of the financial year, or such other period as the Government may require in writing, an audited statement of accounts, in accordance with the provisions of section 34 above, is submitted to the President and the Ministry of Finance and Economic Planning.
- (3) The Auditor-General shall have access to all the books of accounts, vouchers and other records, and shall be entitled to any information and explanation required in relation to those and any other records of the Commission.

### **36. Annual and Other Reports**

- (1) In addition to the Financial Audit Report, required by section 34 above, when required by the Ministry of Finance, the Commission shall also prepare a report of its activities during that financial year. The report required under this subsection shall be known as the Annual Report.
- (2) The Annual Report shall, inter alia, include the following information—
  - (a) a copy of the auditor's report;
  - (b) a statement of financial performance and of cash flows, budget performance and balance sheet;
  - (c) the budget for the coming financial year;



- (d) a description of the activities of the Commission during the previous year;
  - (e) an analysis of the extent to which it has met its objectives of the previous year;
  - (f) an evaluation as to the extent to which the advice and directives of the Commission have been complied with;
  - (g) its objectives for the coming year; and,
  - (h) any recommendations on the matters governed by this Provisional Order.
- (3) The Commission shall publish and disseminate widely the Annual Report, along with its audited accounts. In the event the Commission fails to distribute the Annual Report, it shall be distributed by the Ministry of Finance and Economic Planning.
  - (4) The Board shall submit to the Office of the President and the Assembly such other reports on its activities or any other matter that may from time to time be required.

## Chapter VII

### Miscellaneous Provisions

#### **37. Right to Collect and Maintain Information**

- (1) The Commission shall collect and maintain information that it requires from the Southern Sudan Centre for Census, Statistics and Evaluation in order to perform its functions and duties under this Provisional Order or any other relevant legislation.
- (2) The Commission shall collect personal data from the centre only pursuant to the Constitution and any other law. In handling information collected, the Commission shall safeguard commercial secrets, other confidential information, and the right to Privacy enshrined in the Bill of Rights contained in the Constitution.

#### **38. Collaboration and Coordination with the Police and the Ministry of Legal Affairs and Constitutional Development**

- (1) The Commission shall collaborate with the appropriate police service and the Ministry of Legal Affairs and Constitutional Development in the enforcement of the provisions of this Provisional Order.
- (2) At such time as the Commission identifies a violation of the provisions of this Provisional Order, it shall coordinate with the appropriate police service and the Ministry of Legal Affairs and Constitutional Development to facilitate the issuance of a citation, effect an arrest, or to take any other appropriate action.

**39. Official Seal and Logo**

- (1) The official seal and logo of the Commission shall be in a form to be decided and determined by the Board.
- (2) The official seal when affixed to any document shall be authenticated by the signature of the Chairperson or any other person whom he or she may authorise.

**40. Confidentiality**

To protect the confidentiality of its activities, the Deputy Chairperson, Members, officers and support staff of the Commission shall not divulge or publish any information about the Commission without a prior written authorisation by the Chairperson.

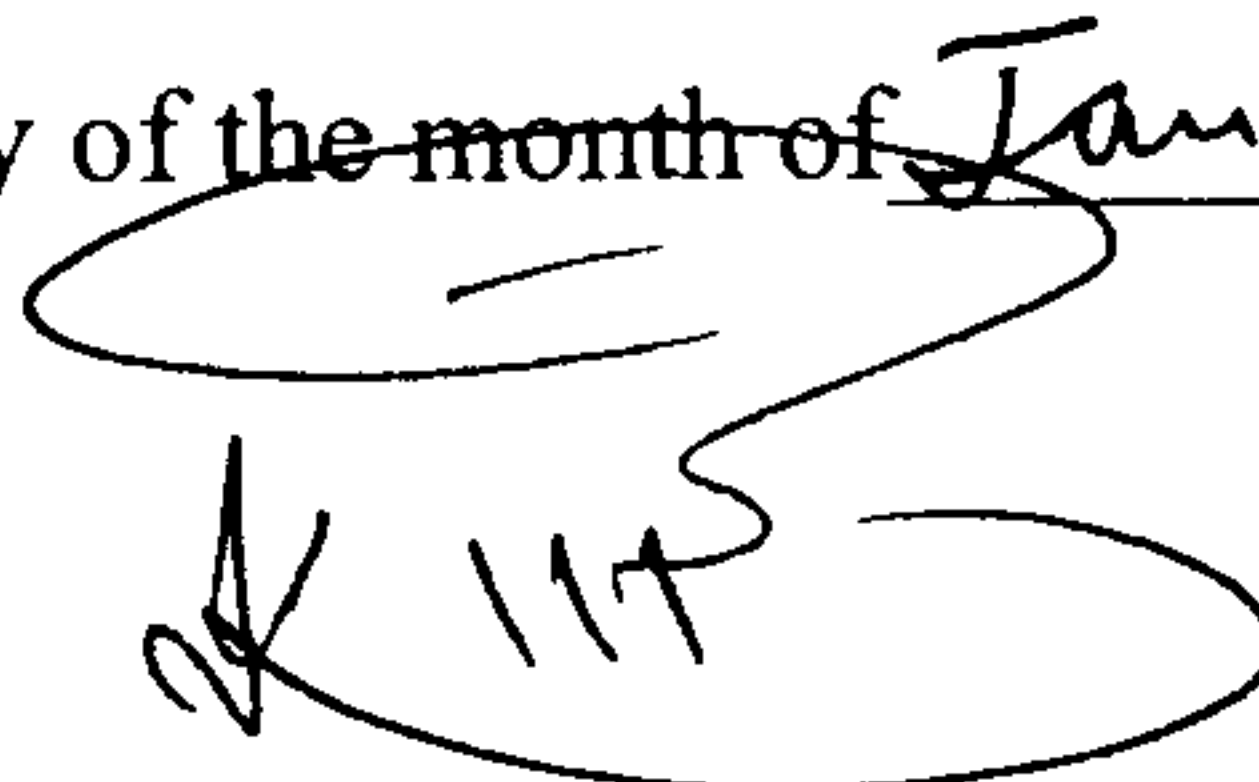
**41. Regulations**

The Commission shall make such rules and regulations as may be necessary for the effective and efficient implementation of the provisions of this Provisional Order.

**Presidential Order**

In Accordance with the provision of Article 86 (1) of the Interim Constitution of Southern Sudan, 2005, I, Gen. Salva Kiir Mayardit, President of the Government of Southern Sudan, hereby Issue the Southern Sudan Civil Service Commission Provisional Order, 2011 and sign into law.

Signed in Juba this 7<sup>th</sup> day of the month of January in the year 2011



**Gen. Salva Kiir Mayardit**  
**President**  
**Government of Southern Sudan**  
**Juba.**