

DRAFT
**Mandate of the Southern Sudan Bureau for Community Security and
Small Arms Control**

Preamble

Whereas security is a foundation for development, democracy and good governance; and whereas community security is built from the premise of human security; and whereas the proliferation of small arms and light weapons threatens the stability and security of communities, the Government of Southern Sudan resolves to build a secure, just and peaceful society in which communities are free from the harmful impact of small arms, are protected from threats to their security, and are able to develop their livelihoods.

To achieve this objective, the Government of Southern Sudan adopts the provisions of the following mandate so as to establish the Southern Sudan Bureau for Community Security and Small Arms Control that will strive to build cooperation to address the threat posed by the proliferation of small arms and community insecurity to peace, confidence and development of Southern Sudan. Therefore, a mandate of the Southern Sudan Bureau for Community Security and Small Arms Control is enacted as stated hereinafter.

Chapter I

Preliminary Provisions

Section 1: Title and Commencement

This **Mandate** may be cited as “The Southern Sudan Bureau for Community Security and Small Arms Control Mandate, 2008,” and shall come into force on the date of its signature by the President of the Government of Southern Sudan.

Section 2: Repeal and Saving

Any provisions of existing legislation which is governed by this mandate are hereby repealed provided that any orders or relations issued in accordance with such provisions shall continue in force until repealed or amended in accordance with this mandate.

Section 3: Definitions

In this mandate, unless the context otherwise requires, the words and expressions shall have the meaning assigned to them respectively.

‘Small arms’ means and includes ‘small arms’ and ‘light weapons’ including ammunition, parts and explosives, where:

‘Small arms’ are weapons designed for personal use such as light machine guns, sub machine guns, machine pistols, fully automatic rifles, assault rifles, and semi-automatic rifles. ‘Small arms’ includes ‘firearms’, which means: a) any portable, barreled weapon that expels, is designed to expel or may be readily converted to expel a shot, bullet, or projectile by the action of an explosive. b) Any other weapon or destructive device such as an explosive bomb, incendiary bomb, or gas bomb, grenade, rocket launcher, missile, missile system or mine.

'Light weapons' are portable weapons designed for use by several persons serving as a crew, heavy machine guns, automatic cannons, howitzers, mortars of less than 100mm caliber, grenade launchers, anti-tank weapons and launchers, recoilless guns, shoulder-fired rockets, anti-aircraft weapons and launchers and air defense weapons.

'Ammunition' is the complete round or its component, including cartridge cases, primers, propellant powder, bullets or projectiles that are used in small arms or light weapons.

'Community Security' is the state or condition whereby community members feel secure and are protected from external and internal threats to their lives and livelihoods. Community Security Planning refers to the development of a holistic and collaborative approach to addressing insecurity in a particular geographic area, which may include range of measures, including strengthening security and justice provision, peace-building, small arms control, and service delivery to address the causes of insecurity.

'Small Arms Control' means the control and management of small arms including those that are acquired without a license or authorization from a competent authority. This includes 'stockpile management' which means and includes the safe and accountable management, recordkeeping, storage, transport, and disposal of small arms; the regulation of civilian possession and use of small arms including licensing; 'civilian disarmament' which means the collection, storage and/or disposal of small arms held by civilians; and measures to control and reduce 'illicit trafficking' which refers to the unauthorized import, export, acquisition, sale, delivery, movement or transfer of small arms inside and/or outside in the territory of Southern Sudan.

'Bureau' means the Southern Sudan Bureau for Community Security and Small Arms Control.

'CSSAC' is the abbreviation that refers to Community Security and Small Arms Control

'GoSS' means the Government of Southern Sudan

'GoNU' means the Government of National Unity

'Partners' means international and national donors, non-governmental organizations or other agencies providing financial, material or technical support for or implementing CSSAC activities.

'Regional and international small arms control agreements' means multi-lateral declarations, protocols, treaties or other instruments relevant to small arms control such as the 'Nairobi Protocol for the Prevention, Control and Reduction of Small Arms and Light Weapons in the Great Lakes Region and the Horn of Africa'.

'Local government' means and includes all of the organs of County, payam and boma administration and traditional authorities.

Section 4: Purpose

The purpose of this Mandate is to establish the Bureau under the Presidency of the GoSS and to provide its legal mandate.

Section 5: Authority and Application

- (1) This Mandate is drafted in accordance with the provisions of the Interim

Constitution of Southern Sudan, 2005 (“ICSS”), which grants the Government of Southern Sudan the authority to establish new internal administrative units within existing structures.

- (2) The provisions of this Mandate shall apply throughout Southern Sudan in all matters related to the functions and duties of the Bureau, as defined in this Mandate.
- (3) This Mandate will be reviewed in accordance with GoSS procedural rules and regulations at an agreed time deemed appropriate by those responsible and no later than one year after its adoption.

Chapter II

Establishment, Functions, Duties and Principles

Section 6: Establishment of the Bureau

- (1) “The Southern Sudan Bureau for Community Security and Small Arms Control” is hereby established as an independent government institution to coordinate small arms control activities and to promote comprehensive responses to community insecurity in Southern Sudan.
- (2) The Bureau shall report to the Presidency of GoSS and shall be accountable to the public.
- (3) The Bureau shall have its head office in Juba, the Capital of Southern Sudan, and may establish State and/or county offices, as it deems necessary, to fulfill its duties and functions under this Mandate.

Section 7: Objectives of the Bureau

The Bureau’s overall goal is to contribute to human security through building collaborative capacity and cooperation to address the threat posed by small arms and community insecurity to peace, confidence and development in Southern Sudan.

The objectives of the Bureau shall be to:

- (a) Lead and coordinate the development and review of Southern Sudan’s small arms control policies and laws.
- (b) Mobilize technical and financial support from international and local partners for a range of development, rule of law, security and small arms control interventions that together aim to enhance security at the community level
- (c) Enhance coordination and cooperation between GoSS ministries, commissions and law enforcement agencies; State and local government; civil society and partners so as to develop comprehensive strategies and plans to address community insecurity and the misuse of small arms.
- (d) Strengthen information-sharing and cooperation on small arms matters nationally, regionally and internationally.
- (e) Facilitate civil society and community involvement in developing and

- implementing strategies to address CSSAC concerns.
- (f) Enhance the capacity of government, law enforcement agencies, civil society and the public to implement CSSAC programmes.

Section 8: Functions and Duties of the Bureau

- (1) The functions and duties of the Bureau at the Government of Southern Sudan level shall include:
 - (a) Design a Community Security and Small Arms Control Programme (CSSACP) that will include a range of complementary interventions, including small arms control, development and rule of law, that together aim to improve community security.
 - (b) Coordinate and mobilize technical, financial and material support of partners and undertake joint planning with partners for CSSAC activities.
 - (c) Coordinate, monitor and report on the implementation of the regional and international small arms control agreements within Southern Sudan.
 - (d) Lead the development and review Southern Sudan's Small Arms Control Policy and Legislation, in coordination with concerned GoSS Ministries and stakeholders.
 - (e) Conduct research and assessments in collaboration with stakeholders at the State and county levels.
 - (f) Contribute to the provision of information and analysis of community security risks to GoSS.
 - (g) Develop an effective early warning and response system.
 - (h) Encourage coordination and integration of CSSAC Policy and Planning with other relevant security, peace-building, and development policies and programmes.
 - (i) Coordinate and collaborate with concerned GoSS ministries, commissions, law enforcement agencies, State and local government, and partners to support their actions to implement CSSAC Policies.
 - (j) Initiate and chair technical and working committees tasked with different aspects of CSSAC policy formulation, planning and implementation.
 - (k) Coordinate the review and development of stockpile management policies, plans and procedures, in collaboration with the SPLA and law enforcement agencies.
 - (l) Develop public information strategies and sensitization campaigns on CSSAC activities to raise awareness of GoSS policies, laws and plans and to promote change in public attitudes towards small arms.
 - (m) Develop concepts for holistic approaches to addressing insecurity in particular geographic areas.
 - (n) Develop and implement human resource, operational and technical policies, guidelines and procedures for the Bureau's operations and activities to ensure accountable and effective delivery to communities.
 - (o) Enter into memoranda of understanding between the Bureau and partners in order to fulfill this Mandate.
- (2) The functions and duties of the Bureau at the State and County level shall include:
 - (a) Facilitate the participation of civil society, community and other stakeholders in the development and implementation of State/County CSSAC Plans.

- (b) Coordinate and support State and local government, law enforcement agencies, and partners to implement Southern Sudan's Small Arms Control Policy and Legislation.
 - (c) Coordinate and support State and local government, law enforcement agencies, and partners to develop and implement State/County CSSAC Plans.
 - (d) Lead assessments and consultations as required developing, prioritizing, and monitoring responses to community insecurity.
 - (e) Monitor, evaluate and report on the development and implementation of State/County CSSAC Plans and on other issues pertaining to CSSAC as required.
- (3) The functions, duties and vested powers of the Bureau at the National, Regional and International level shall include:
- (a) Coordinate, with and represent Southern Sudan in the activities of the Sudan National Focal Point, National Focal Points in other countries, and the Regional Centre on Small Arms (RECISA).
 - (b) Recommend modalities for coordinating Southern Sudan's CSSAC activities with the GNU and northern States and for developing CSSAC Programming in the Three Areas, in accordance with the CPA.
 - (c) Report to relevant national, regional and international bodies on Southern Sudan's progress in addressing CSSAC issues and implementing regional and international small arms control agreements.
- (4) The Bureau may engage in such other functions and exercise such other powers as conferred upon it by or under the provisions of the ICSS, the Presidency, the provisions of this Mandate, and/or any other law.

Section 9: Principles and Values of the Bureau

The Bureau shall observe the following guiding principles and values when exercising its functions and duties. The Bureau shall:

- a) Ensure **fairness, tolerance, mutual respect and equitable** treatment of partners and communities.
- b) Grant **transparency** in all of its activities and processes.
- c) Operate according to a **rights-based approach** in order to ensure that the rights of communities are not violated during all phases of CSSAC civil population disarmament activities.
- d) Follow a **non-violent/non-coercive** approach to civilian disarmament that builds upon consultation and cooperation rather than confrontation and violence.
- e) Operate according to a **'do no harm'** approach to maximize benefit and minimize harm associated with efforts to improve the security of communities.
- f) Apply a **gender-sensitive approach**, which acknowledges that women and men, old and young, are affected differently by armed violence and insecurity, and have different requirements.
- g) Follow an approach that recognizes and addresses the **specific needs and requirements** of different communities as well as the specific national and regional needs and requirements, with particular attention to cross border issues.
- h) Follow a **process-driven approach** to respond to the emerging needs on the ground in an appropriate manner
- i) Recognise that a **long-term approach** is required in order to address the root causes of armed violence and conflict.

- j) Strive to create a gender-sensitive **working environment** that provides equal opportunities for women and men, and in which at least 25% of the staff are female.

Chapter III

Management and Staff

Section 10. Staffing: Eligibility and Appointment

- (1) The Chairperson and Deputy Chairperson shall be selected from persons of high moral reputation and integrity, and shall possess the necessary qualifications, expertise and experience in matters related to CSSAC issues having regard to gender balance.
- (2) Without prejudice to the generality of subsection (1), above, a person shall be eligible for appointment to serve as the Chairperson or Deputy Chairperson if he or she meets the following additional requirements:
 - (a) A Sudanese citizen;
 - (b) Be of sound mind and high character;
 - (c) Be of the age of majority (18yrs and above);
 - (d) Not a holder of a political office, or an employee of a political party;
 - (e) Not a holder of an elected position at any level of government;
 - (f) Possesses the skills and knowledge relevant to the work of the Bureau or qualifications deemed relevant to the position;
 - (g) Not an undischarged bankrupt or insolvent; and,
 - (h) Not been convicted of an offence involving dishonesty or moral or criminal turpitude.
- (3) Any individual appointed to serve as the Chairperson and Deputy Chairperson shall be given a reasonable time, if he /she is engaged in another institution, to take the necessary steps to meet the eligibility requirements, according to the provisions of this section.
- (4) All staff members of the Bureau, apart from the Chairperson and Deputy Chairperson, shall be civil servants and shall be employed in accordance with GoSS law and procedures.

Section 11: Declaration of Assets

The Chairperson and Deputy Chairperson of the Bureau shall, upon assumption of their offices, make confidential declarations of their assets in accordance with the existing law.

Section 12: Tenure

- (1) The tenure of office of the Chairperson and Deputy Chairperson shall be through appointment by the President.
- (2) The President may remove the Chairperson or Deputy Chairperson in accordance with power conferred on him by the Interim Constitution of Southern Sudan.
- (3) Reasons for removal under subsection (3) above shall include:

- (a) Ineligibility for appointment under section 15 of this mandate;
 - (b) Inability to perform the functions and duties of his or her office due to mental or physical infirmity;
 - (c) Gross misconduct;
 - (d) Incompetence and inefficiency;
 - (e) Extended absence without permission or sufficient cause; and,
 - (f) Conviction of an offence involving dishonesty, fraud or moral turpitude; and/or,
 - (g) Death.
- (4) Where the Chairperson or Deputy Chairperson is removed from office, resigns or dies, he or she shall be duly replaced under the same conditions, and in the same manner.

Section 13: Functions and Duties of the Chairperson

- (1) Management of the Bureau shall be the direct responsibility and duty of the Chairperson and Deputy Chairperson. The Chairperson shall be assisted in his or her day-to-day management, functions and duties by the Deputy Chairperson.
- (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 Bureau, including, but not limited to:
- (a) Representing the Bureau in official functions and occasions, in Southern Sudan, nationally, regionally and internationally;
 - (b) Initiating policies and framework documents of the Bureau;
 - (c) Approving project and programme activities proposed by the committees and/or Bureau;
 - (d) Monitoring the use of the funds of the Bureau;
 - (e) Appointing, within budgetary limitations, the staff of the Bureau in accordance with the law.
 - (f) Initiating internal policies and procedures including the job description of the staff members and the organizational chart;
 - (g) Monitoring and evaluating the performance of the Bureau; and,
 - (h) Performing any other functions as may be prescribed by the GoSS Presidency.
 - (i) Presenting a report to the GoSS Presidency within three months after each financial year with regard to the activities of the Bureau in the preceding financial year.

Section 14: Functions and Duties of the Deputy Chairperson

- (1) The Deputy Chairperson shall be the second highest authority in the Bureau and he or she shall assist the Chairperson in overseeing the day-to-day operations of the Bureau. He or she should assume function of Chairperson in his/her absence owing to sickness, absence, or leave.
- (2) Without prejudice to the generality of subsection (1), above, the Deputy Chairperson shall perform any other functions or duties that may be assigned to him or her by the Chairperson, including, but not limited to:
- (a) Serving as the Chief Executive Administrator responsible for the day-to-day

- (b) implementation of CSSAC activities and supervision of the staff;
- (b) Advising on matters pertaining to CSSAC programme activities nationally, regionally and locally;
- (c) Supervising generally the implementation of CSSAC activities;
- (d) Liaising with other GoSS or GoNU partners as required;
- (e) Submitting to the Chairperson, three months before the beginning of each new financial year, a work plan for the next financial year; and,
- (f) Providing periodic reports to the Chairperson;

Section 15: Remuneration

- (1) The Chairperson shall have the status of a State Minister and shall be entitled to all the rights, privileges and benefits accorded to that position by law.
- (2) The Deputy Chairperson shall have the status of the Undersecretary and shall be entitled to all the rights, privileges and benefits accorded to the law.
- (3) The other Staff members shall be entitled to all the rights, privileges and benefits accorded to that position, according to the law.

Section 16: Restriction on Outside Employment

The Chairperson and Deputy Chairperson shall not practice any private profession, transact commercial business, or receive remuneration or accept employment of any kind, from any source other than the Bureau.

Section 17: Organizational Chart and Support Staff

- (1) The Chairperson shall recruit other staff with the consent of the Ministry of Public Service and Human Resource Development 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 Bureau.
- (2) On an annual basis, the Chairperson shall prepare a detailed organizational chart reflecting the Bureau's staffing requirements for the next financial year, which shall be subject to the approval of the GoSS Presidency.
- (3) The organizational 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 Bureau and the Bureau's funding.
- (4) All aspects of employment of the Bureau Staff, including but not limited to recruitment, employment, payment, promotion, and termination, shall be governed by the law.

Section 18: Oath

The Chairperson and Deputy Chairperson of the Bureau shall, before assuming his or her duty, take the following oath or affirmation before the GoSS Presidency:

"I....., do hereby swear by the Almighty God/solemnly affirm that as the Chairperson/Deputy Chairperson of the Bureau for Community Security and Small Arms Control, I shall be faithful, and shall diligently and honestly discharge my functions and duties as vested upon me by GoSS Presidency and the Mandate of the Bureau for Community Security and Small Arms Control with integrity and dignity in the best interest of the people of Southern Sudan; and shall respect and abide by all the rules, regulations and instructions hereunder; 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 Bureau."

Chapter IV

Finance, Audit and Reporting

Section 19: Operational Principle

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

Section 20: Sources of Funding

- (1) The Bureau's main source of funding shall be an annual budget, approved in accordance with the budget procedures established by the GoSS.
- (2) Each year, the Bureau shall prepare and submit a budget to the Ministry of Finance and Economic Planning (MoFEP), and in turn to the Council of Ministers, in accordance with the Government budget process, for the following financial year. Such budget shall be subject to the review, revision and approval of the Assembly.
- (3) Without prejudice to the provisions of subsection (1), above, the Bureau may obtain additional funds from the following sources:
 - (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 Mandate;
 - (d) Any other source that may be approved by the GoSS Presidency.

Section 21: Bank Accounts

- (1) The Bureau may open and maintain bank accounts as may be necessary for the performance of its functions.
- (2) The Chairperson shall ensure that any money received by or on behalf of the Bureau is safely kept and deposited in a bank account as soon as practicable.
- (3) The Chairperson shall ensure that no money is withdrawn from, or paid out of, any of the bank accounts of the Bureau without proper authorization.

Section 22: Accounts

- (1) The Chairperson shall keep and maintain proper books of accounts and records of all funds received and spent by the Bureau during the financial year.
- (2) The Chairperson shall prepare and submit a financial report to the GoSS Presidency, 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 Bureau for the financial year, prepared in accordance with generally accepted accounting principles and standards, submitted to and audited by the Auditor-General;

Section 23: Annual and Other Reports

- (1) In addition to the Annual Financial Report, required by section 22 above, and within three months after the end of each financial year, or such other period as designated by the GoSS in writing, the Bureau shall prepare an Annual Report of its activities during that financial year.
- (2) The Annual Report shall, inter alia, include the following information:
 - (a) A statement and detailed account of financial performance and of cash flows;
 - (b) The budget for the coming financial year;
 - (c) A description of the activities of the Bureau during the previous year;
 - (d) An analysis of the extent to which it has met its objectives of the previous year;
 - (e) An evaluation as to the extent to which the advice and directives of the Bureau have been complied with;
 - (f) Highlights its objectives for the coming year; and,
 - (g) Any recommendations on the matters governed by this Mandate.
- (3) The Bureau shall publish and disseminate widely the Annual Report, along with its audited accounts. In the event the Bureau fails to distribute the Annual Report, it shall be distributed by the MoFIP.
- (4) The Bureau shall submit to the GoSS Presidency such other reports on its activities or any other matter that may from time to time be required.

Chapter V

Miscellaneous Provisions

Section 24: Official Seal and Logo

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

Section 25: Confidentiality

To protect the confidentiality of its activities, the Deputy Chairperson, Staff members and support staff of the Bureau shall not divulge or publish any information about the Bureau without a prior written authorization by the Chairperson.

Section 26: Regulations

The GoSS Presidency shall make such rules and regulations as may be necessary for the effective and efficient implementation of the provisions of this Mandate.