



Annex 5
The National Civil Service Commission Act 2007
(unofficial translation)

Pursuant to Provisions of INC2005, the NA passed, and the President of the Republic signed, the following Act:-

Chapter 1

Preliminary Provisions **Title and Commencement**

- 1- This Act shall be cited as “the National Civil Service Commission Act 2007”, and shall go into force from the date of its signature.

Interpretation

- 2- In this Act, unless the context otherwise requires:
The Commission: Means the National Civil Service Commission established according to Article 3(1).
The Commissioner: Means the person who chaired the Commission and who shall be appointed according to Article 4(2).
Civil Service: Means the National Civil Service that consists of the employees at national governmental level.

Chapter 2

Establishment, Headquarters and Supervision of the Commission

- 3 (1) There shall be established a Commission called “the National Civil Service Commission”.
(2) The Headquarters of the Commission shall be in Khartoum State.
(3) The Commission shall be under the supervision of the Presidency of the Republic, and responsible before it on the implementation of its tasks, powers and privileges.

Formation of the Commission

- 4 (1) The Commission shall be constituted of a full-time Commissioner and ten part-time members.
(2) The President of the Republic, upon acceptance of the First Vice President, shall appoint the Chair and members of the Commission, provided that they must be known of their professionalism, probity/uprightness, experience and impartiality.
(3) The President of the Republic shall determine the privileges of the Commissioner and Bonus of the members.
(4) The Commission expires at the end of Interim period.

Vacant of the Commissioner or Member seat

5 (1)The seat of the Commissioner or any member shall fall vacant in the following cases:

- a) Resignation.
- b) Lost of the legal capacity.
- c) Expiration of the Commission.
- d) Expiration of the member term
- e) Death.

(2) Upon vacancy of seat, it shall be filled as quickly as possible, with the same procedures as provided for in Article 4(2)

Functions of the Commission

6 The Commission shall have the following functions:

- a) Provide advice to the National Government on setting and application of policies in connection with the employment and employees of Civil Service.
- b) Guarantee treatment of unbalances in the National Civil Service in order to enhance nationalism.
- c) Set policies for training and appointment in the National Civil Service that aim to allocate 20% to 30% of posts for qualified southern Sudan citizens, provided that this percentage shall be confirmed after conducting the census referred to in the INC.
- d) Ascertain the employment of minimum 20% of qualified Southern Sudan Citizens in the National Civil Service, in high and middle levels, including undersecretaries of the Ministries, within the first three years of the Interim Period. The percentage will be exceeded to 25% within the first five years. The highest percentage, which stated in sub-Article (c) will be reached after 6 years of the Interim Period.
- e) Conduct assessment for progress that may be achieved after the lapse of the first 3 years of the Interim Period, and then put new policies and goals, as the situation required; taking into consideration the result of the Census.
- f) Ally with current available organs which serve in the field of employment and training.

Powers and Privileges of the Commission

7 The Commission, for the sake of performing its functions, shall have the following powers and privileges:

- a) Supervise over all administrative and financial issues within the Commission.
- b) Encourage studies in connection with employment and civil service personnel.
- c) Obtain information and data in connection to its tasks.
- d) Prepare its organizational and administrative hierarchy and submit it to the Presidency of the Republic for approval.
- e) Form committees and determine their functions, jurisdictions and procedures of work.
- f) Follow-up and monitor implementation of its functions as set forth in this Act.

- g) Set its Regulations and procedures of its meetings.

Chapter 3 **Financial Rules** **Financial Resources**

- 8 The financial resources of the Commission shall consist of the following:
 - a) Governmental allocations.
 - b) Any other resources approved for by the President of the Republic.

Annual Budget

- 9 (1) The Commission shall have an annual budget presented by the Commissioner to the Commission for approval and referred by him to the competent authorities for ratification.
- (2) The Commission shall work in accordance with Financial and Accounting Procedures Act 1977 and Regulations thereof.

Chapter 4 **General Provisions** **Reports**

- 10 (1) The Commissioner shall submit periodic reports to the Presidency of the Republic every three month on the work of the Commission and progress in implementation of its functions.
- (2) The Presidency of the Republic shall have the right to ask for reports from the Commission on its performance and progress in implementation whenever it seems appropriate.

Secretary and its Duties

- 11 (1) The Commission shall have a secretary consist of secretariat and number of employees; and the Commission shall determine their terms of reference according to a recommendation the Commissioner.
- (2) The secretary shall perform administrative functions and daily work of the Commission under supervision of the Commission as detailed by the Regulations.

Confidentiality of Information

- 12 (1) The Commissioner, any member of the Commission or of the committees or any of its employees shall have no right to disclose, transfer or reveal any information come to his knowledge due to his work save by the approval of the Commission.

Power of Issuing Regulations

- 13 The Commissioner shall have the right to issue the required Regulations for the implementation of this Act.

Certificate

This is to certify that the NA has passed “National Civil Service Commission Act 2007” in its session No. (19) of the third sitting dated 21 Zo-el Higa 1427 being 10 Jan. 2007 and the Joint Permanent Committee of the two Assemblies decided in its meeting No. (7) on 25 Zo-el Higa 1427 being 14 Jan. 2007 that this Act shall not affect the interest of the states.