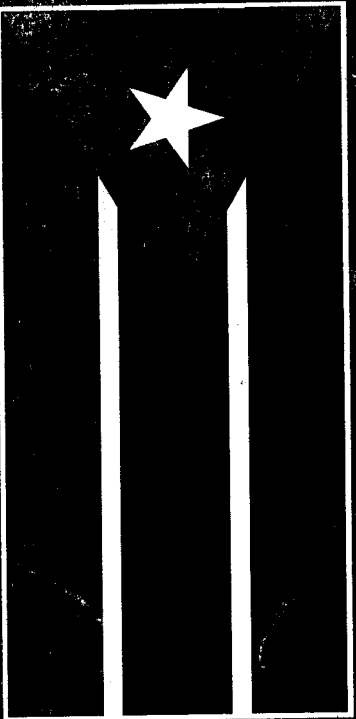


**REPUBLIC OF SUDAN**  
**GOVERNMENT OF SOUTHERN SUDAN**



**A POLICY FRAMEWORK**  
**FOR**  
**THE PUBLIC SERVICE**  
**OF SOUTHERN SUDAN**

The Ministry of Labour, Public Service and Human Resource Development  
of the Government of Southern Sudan

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Ministry of Labour, Public Service and Human Resource Development  
Government of Southern Sudan

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## FORWARD

With the signing of the Comprehensive Peace Agreement (CPA) in January 2005 and the subsequent formation of the Government of Southern Sudan and State Governments of Southern Sudan, it is necessary to now provide a Public Service Policy that sets out the framework of the terms and conditions of civilian employees of the Government of Southern Sudan (GOSS)

Although the Policy addresses a wide range of issues concerning the public service it is not totally comprehensive and does not attempt to include all matters. Among those matters not included are the compensation and benefits of elected or appointed political leaders in the executive or legislative branches of the GOSS and States of Southern Sudan. A second area not covered is that of the compensation levels and responsibilities of members of the Judiciary. These are yet to be determined, although the framework provided by this Policy should provide a useful guide. Supplemental policies in these and other areas will be formulated in due course.

Similarly, decisions on the disarmament/demobilisation and reintegration of former SPLA soldiers is consequent upon the transformation of the SPLA into a professional defence force for the Government of Southern Sudan as specified in the CPA. A separate authority will take these decisions. However, the key principles and criteria governing the possible absorption of some former SPLA soldiers into the civilian public service are set out in section 3 of this document.

This Policy establishes the framework for the principles, standards and processes for all government employment decisions in the GOSS. However, States in Southern Sudan will, as a natural part of their autonomy granted in the CPA and Interim Constitution, have flexibility to set policies on the levels and terms of employment and other matters of personnel management which are best suited for their particular responsibilities and circumstances. Such considerations may be different from those prescribed in this Policy. However, State policies must fully conform to the standards contained in this

Policy Framework and particularly those set out in section 12 of this document.

The provisions of this Policy shall form the basis for the formulation of new laws and regulations on the subjects covered. Any law or regulation in conflict or inconsistent with the provisions of this Policy is abrogated and is to be considered null and void. In so far as other aspects of public service policy or practice are not covered by this Policy, they may be deemed to remain operative provided they do not conflict or are inconsistent with this Policy.



**David Deng Athorbei**  
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Juba, January 2007

## INTRODUCTION

Since the adoption of resolutions by the Sudan People's Liberation Movement (SPLM) at their first convention in Chukudum in 1994, efforts have been on-going to bring about the establishment of a public service and civil governance structures for Southern Sudan. With the signing of the Comprehensive Peace Agreement (CPA) and the formation of the Government of Sudan subsequent to the Interim Constitution, the stage has been reached wherein a formal, organised, well managed, transparent and accountable public service can be established. The mission of the public service is to promote good governance to provide for the efficient delivery of social and economic services leading to the development of our society and the implementation of a peaceful interim period in Southern Sudan.

The position today, after the signing of the CPA in early 2005, differs from that in 1972 when Anyanya freedom fighters were absorbed into the government civil service. The current situation is one in which the SPLM, the Civil Administration for the New Sudan (CANS) and staff of Government of Sudan (GoS) who were in 'garrison towns' will form the backbone of the transition to peace. Therefore, to oversee the smooth transition of our public service from institutions of resistance to institutions of governance, the government has established the Ministry of Labour, Public Service and Human Resource Development. The Ministry will act as the central coordination agency with responsibility for developing the overall public service system, structure and organisation in Southern Sudan.

The Public Service of Southern Sudan is made up of various services, each with its own terms and conditions that reflect its distinctive nature and purpose. The following elements make up the Public Service for Southern Sudan:

- i. The Civil Service of the Government of Southern Sudan
- ii. The Civil Services of the States of Southern Sudan
- iv. The Judiciary Service
- v. The Parliamentary Service
- vi. Police

## 1. CORE VALUES OF THE PUBLIC SERVICE

- 1.1. The new public service must be efficient, effective and responsive to the people. Aside from appropriate compensation and personnel management procedures, discussed later, this goal requires, among other things, that certain core values be disseminated and internalized by all public servants, public managers, politicians and leaders. In light of this, the Southern Sudan Public Service will embody the following core values in accordance with Article 142(1) of the Interim Constitution of Southern Sudan:
  - i Impartiality
  - ii Integrity
  - iii Professionalism
  - iv Transparency and Accountability
  - v Responsiveness to the client
  - vi Inclusiveness (non-discrimination)
  - vii Equity and affirmative action (including gender and minority ethnic groups)
  - viii Efficiency
- 1.2. All aspects of the new government procedures, systems, regulation, and individual behaviour will be continuously tested and evaluated against these core values. The effective embodiment of these core values into the new public service will lead to administrative efficiency and effectiveness. Equally important, it will also produce the right balance between the need for administrative continuity and independence from undue political pressures, on the one hand, and the requirement of loyal responsiveness to the government leadership of the day and faithful implementation of its policy decisions.
- 1.3. A code of conduct is to be formulated for all employees of the Public Service of Southern Sudan, conforming with and giving explanation of the above core values.

## 2. RECRUITMENT

2.1. Consistent with the specific provisions detailed below, the overall recruitment and appointment policy shall be mindful of the social goal of broad representativeness of the various population groups in Southern Sudan, and gender considerations, and of the criteria of equity and affirmative action mentioned in the core values of the public service. However, individual recruitment into the new public service of GOSS shall be based exclusively on individual merit and qualifications directly relevant to performance under the job for which the individual is being considered.

2.2. In the current period in Southern Sudan, there exist five groups that require particular consideration when undertaking recruitment. These are:

- i. Current civilian employees of the SPLM;
- ii. Current Southern Sudanese civilian employees of the Government of Sudan (GOS) who were employed in the Coordinating Council for Southern Sudan and State administrations
- iii. SPLA soldiers demobilized from the armed forces
- iv. New regular employees to be recruited; and
- v. Specialized temporary employees – Southern Sudanese experts from the Diaspora.

### Policies for the treatment of each of these groups are described below.

2.3. Current civilian CANS employees are expected to form the bulk of the Public Service of Southern Sudan workforce. In principle, current CANS civilian employees with appropriate qualification and/or sufficient experience should be automatically entered into regular government employment, and given priority for additional or ad hoc training they may require to perform their functions effectively.

2.4. Former CANS personnel wishing to join the Public Service but lacking formal qualifications and job experience because they were en-

gaged in the struggle will be given special consideration. A policy catering for their particular circumstances will be developed so they are provided equal opportunities for employment. A special in-service programme to provide for their training needs and build their capacities will be designed and implemented without delay.

2.5. Special assistance to aid their return to the private sector should be considered for CANS staff not accepted as employees of the new public service of Southern Sudan. Among other steps, such individuals should be given priority for vocational training courses.

2.6. The integration into the new public service of current Southern Sudanese GOS employees should be handled on the following principles:

- i. There should be no automatic integration into the new public service of Southern Sudan
- ii. All suitability of all senior ex-GOS employees for employment in the new public service will be verified by the Ministry of Labour, Public Service and Human Resource Development in conjunction with the relevant Ministry based on various criteria, including human rights violations, but also their qualifications and record of competent service.
- iii. Persons who are accepted as employees of the Public Service of Southern Sudan shall have the same terms and conditions of employment and responsibilities as all other employees of the new public service.
- iv. Special transitional assistance should be considered for persons not retained in GOS nor accepted as employees of the new public service of Southern Sudan, with individual exceptions and in a manner and with funding to be determined but not to include resources of the Government of Southern Sudan.

2.7. New employees (below the level of Deputy Director) will be selected and recruited by each concerned Ministry in accordance with general criteria and procedures established by the Ministry of Labour, Public Service and Human Resource Development (MLPSHRD). The Min-

istry has issued instructions on interim selection and appointment procedures (Circular PS01/2006 of 23rd January 2006) that are to be utilized until permanent arrangements can be adopted under the new Public Service legislation. These procedures are outlined in Section 4 below.

2.8

As a general principle, selection and appointment of personnel into the public service will be through free and fair competition and merits and in accordance with approved criteria. However, given the particular post-conflict circumstances of the current situation in Southern Sudan, interim procedures have been adopted that may be less exacting in requirements for competitive appointment processes than international best practice would usually demand. The criteria for selection are laid out in descending order of importance; that is criteria 1 is to be given the highest priority and criteria 7 the least.

- i. Years of experience in the post (or its equivalent) or service in the SPLA/M to be filled
- ii. Satisfactory references or other assessment of past performance
- iii. Education (as appropriate to the post to be filled)
  - Degree
  - Vocational
  - Secondary
  - Primary
  - Informal training
- iv. Functional literacy in English
- v. Gender balance
- vi. Geographic balance
- vii. Computer literacy

2.9 Without prejudice to Article 2.8 above, it is important that less 'quantifiable' criteria and personal attributes are also taken into consideration. These would include factors such as enthusiasm, commitment,

desire to bring about change, flexibility, and a broader understanding of the needs of Southern Sudan and the particular jobs that are demonstrated by the candidates.

2.10

Specialist skills will be required during the post-conflict transition. Foreign experts financed by external aid will provide some special skills and others will be made available by Southern Sudanese experts residing abroad. Foreign experts will be invited to work within the new Public Service to fill recognized gaps in expertise for a limited time period. They will be expected to be adept at passing skills and expertise to their Southern Sudanese counterparts. Their performance will be evaluated, partly on the basis of their capacity and success in transferring skills to their Southern Sudanese counterparts.

2.11

The recruitment and handling of Southern Sudanese experts with permanent residence in a foreign country will be guided by the following criteria:

- i. Foreign-resident Southern Sudanese experts will be recruited on a strictly temporary basis and on fixed-term contracts, negotiated on a case-by-case basis but following uniform criteria to be established
- ii. They will receive preference over foreign experts with the same expertise and qualifications (owing to greater familiarity with local conditions and culture)
- iii. They will not receive special treatment compared to Southern Sudanese experts resident in Sudan – except as may be unavoidable owing to the higher compensation in their country of residence. However, they should be expected to make some sacrifice compared to their normal remuneration in their country of residence, and their compensation should therefore be at some intermediate point between that of Southern Sudanese resident experts and that of foreign experts.

iv. If on expiration of their temporary contract such specialists should decide to remain permanently in government employment in Southern Sudan, they should be converted to regular government employment at the same terms of employment and compensation as anyone else at the same grade.

2.12 External assistance will be requested to establish a special fund of adequate size, from which foreign-resident Southern Sudanese specialists can be recruited and paid. This will be necessary not only in order to finance the temporary cost of hiring such specialists, but also to assure the integrity of the recruitment process, and to provide for an appropriate mix of Southern Sudanese and foreign specialists.

### 3. **DEMOBILIZED SPLA SOLDIERS**

3.1 There are many international precedents of disarmament/demobilization/ reintegration (DDR) programmes. Although, the issues involved are highly complex and must be resolved in the context of a separate DDR programme, there are important points of contact between the two agendas of this Policy Framework and the nascent DDR programme. In particular is the issue of whether and to what an extent demobilized soldiers are to be employed in civilian government jobs.

3.2 The treatment of demobilized soldiers should be viewed mainly as an aspect of the transformation of the SPLA into a professional army. Such transformation calls for thorough restructuring of the SPLA, which in turn entails, among other things: (i) the establishment of a new regulatory framework suitable for the new professional army, including the definition of appropriate salaries for the various military grades; and (ii) the reintegration of demobilized soldiers into civilian life.

3.3 The guiding principle for the reintegration of demobilized SPLA soldiers should be to provide compensation, other forms of assistance,

and new opportunities commensurate to their contribution and sacrifices, but without compromising the integrity, effectiveness, and financial viability of the new public service of Southern Sudan.

3.4 This guiding principle for reintegration rules out the automatic employment of former soldiers in civilian public service jobs, but facilitates their employment based on the following steps:

- i. Identifying those who will not remain in the new restructured SPLA;
- ii. Defining for those persons a menu of assistance options, based on the lessons of international experience (options which would include the possibility of a government job for qualified persons);
- iii. Giving suitable living allowances on a temporary basis, pending the realization of the assistance or of the new opportunities;
- iv. Assessing the former soldiers' preferences, and identifying their skill and approximate education level; and
- v. Providing, when necessary, targeted training to permit their recruitment into government jobs without diluting standards and quality of performance in the new public service.

3.5 Regarding the training of demobilized SPLA soldiers, among demobilized soldiers who are interested in civilian government jobs three groups should be distinguished:

- i. The small group who are already well qualified for equivalent jobs in civilian government (e.g. military engineers, doctors, etc.). For these persons, little or no training is necessary and should be hired into civilian government jobs suitable to their qualifications and experience;
- ii. The larger group of less skilled persons, who could perform well a number of lower-level government jobs provided they receive specific and quick training for those jobs (i.e., literacy refreshers, simple construction skills, etc.); and

iii. The ex-soldiers who would require longer and more expensive training in order to become qualified and eligible for specific government jobs (e.g. law enforcement).

3.6 Aside from the definition of the menu of assistance and other options offered to demobilized soldiers, a number of critical criteria for their reintegration into civilian life emerge from international experience as well as Southern Sudan's own experience:

- i. Assure clear and realistic expectations (including on the difficult transition, practical and psychological, from a life of military combat to a life of civilian pursuits);
- ii. Take into account the diversity of experience, education levels, and adaptability to civilian employment and rules; and
- iii. Assure complete uniformity of treatment between former soldiers absorbed into civilian government and the other government employees.

#### 4. ESTABLISHING GRADE AND SALARY STRUCTURES

##### Establishing the grade structure

4.1 The old administrative structure of the Sudan Public Service included four grade categories:

- (i) Administrative/ professional;
- (ii) Technical/sub-professional;
- (iii) Clerical;
- (iv) "unclassified" (manual labourers, messengers, etc.)

This structure is similar to other countries, and there is no reason to significantly modify it, except for adding a 'Super Grade' category consisting of a small group of senior managers. Subject to review, the grade structure adopted for the new Public Service will be made up of 17 grades:

#### JOB GRADES

Grade	Grade Category	Title or Position
1	Super Grade	Secretary General Under Secretary
2		Director General
3		Director
4		Deputy Director
5		Chief Technical Officer/Expert
6		Assistant Chief Technical Officer
7	Administrative and Professional	Senior Inspector/Officer
8		Inspector/Technical Officer
9		Assistant Inspector/Officer and Graduate Entry
10	Sub-Professional & Technical	Head Staff Clerk/Accountant, Primary Teacher etc
12		Senior Clerk/Book Keeper, Medical Assistant etc
14		Clerk/Book Keeper, Secretary etc
11	Unclassified Skilled	Technician, Artisan etc
13		Head Mechanics, Senior Driver etc
15		Fitter, Mechanic, Driver
16	Unclassified Unskilled	Messenger, Unskilled Labourer etc
17		Cleaner, Daily Paid Labourer etc

### ***Building a sustainable wage structure***

- 4.2 Three general principles govern compensation of government employees:
1. Affordability and sustainability and equal pay for equal work
  2. Competitiveness and capacity to retain staff
  3. Minimise monetary and in-kind allowances
- 4.3 The first principle calls for a pay structure that is prudent in that it is developed within an affordable and sustainable financial resource envelope that maintains an appropriate balance between the public service wage bill and other expenditures. Personnel in similar job positions and with similar responsibilities throughout the public service and at all levels of government will be remunerated in a similar manner and at an equal level.
- 4.4 The second principle is comparability with competitive private market salaries. Compensation levels in the public service must be adequate to attract, retain and motivate qualified professional, managerial, and technical staff. Experience in other African countries has demonstrated the debilitating effect of a failure to retain good, well-motivated staff which has resulted in dramatic falls in productivity and rising corruption.
- 4.5 The third principle is to minimise non-monetary forms of compensation and the payment of non-salary monetary allowances. Government employees' compensation and benefits should consist of transparent monetary compensation, keeping use of special allowances to a minimum. However, some forms of in-kind compensation may be inevitable in the immediate post-conflict (especially in local government), but should be phased out and replaced with monetary compensation as soon as practicable.
- 4.6 The above principles, all of which are in line with good practice in other developing countries, would produce a level and structure of wages that provides adequate incentives to employees while being financially sustainable.

Applying all of these different criteria and estimates to the grade structure recommended earlier, produces the following recommended wage level and structure for the new public service of Southern Sudan.

### **SALARY & RATES**

Grade	Title	Monthly Salary US\$
1	Super Grade Secretary General Under Secretary	1000
2	Director General	800 - 950
3	Director	750 - 900
4	Deputy Director	700 - 775
5	Chief Technical Officer/Expert	600 - 680
6	Assistant Chief Technical Officer Admin/Professional	550 - 630
7	Senior Inspector/Officer	500 - 580
8	Inspector/Officer	430 - 530
9	Assistant Inspector/Officer Sub-Professional/Technical	330 - 440
10	Head Staff Clerk/Accountant, Primary Teacher etc	330 - 380
12	Senior Clerk/Book Keeper etc	150 - 175
14	Clerk/Book Keeper etc Unclassified Skilled	115 - 139
11	Artisan	200 - 225
13	Head Mechanic, Senior Driver	125 - 150
15	Skilled Worker Unclassified Unskilled	95 - 110
16	Messenger, Unskilled Labourer etc	85 - 100
17	Cleaner etc	75 - 90

### **Monthly Compensation for the Government of Southern Sudan (US \$)**

\* Cost of Living, Representation and Responsibility Allowances have been incorporated into base salary

4.7 It is to be noted that salary "steps" or increments are to be provided within each grade, to permit some salary increment, but keeping the structure as simple as possible. In some cases, salaries for the most senior members of the Leadership cadres may be determined on an ad hoc basis within the boundaries recommended above.

4.8 It should be emphasized that the normal wage level and structure given above is higher than in many developing countries, including Africa - in relation to both the average standard of living and to comparable government salaries. Some donors may argue that it is too generous - relative to the state of the Southern Sudan economy and the financing possibilities of its government. However, experience has demonstrated that low salaries will not attract qualified personnel into the Public Service. Thus, the Government believes that this higher wage level and structure for Southern Sudan is justifiable and made affordable by its own recommendation to keep total government employment down to a more reasonable size than in most other comparable countries. As a result, the percentage of GDP and of public expenditure accounted for by the government wage bill will be no higher in Southern Sudan than in other countries, and will be fiscally and administratively sustainable. Equally important, the combination of a sufficient but limited workforce and more adequate level of compensation should lead to a more efficient government and greater accountability of employees for performance and public services - and consequently greater effectiveness of donors' own assistance.

4.9 The economic situation of Southern Sudan will improve significantly beyond the immediate post-conflict transition with the prevalence of peace and good governance. Thus, while the limit on total employment should be permanent, public service compensation should be reviewed periodically, to assure comparability with evolving private sector salaries. However, it is imperative that at all times the wage bill is affordable and sustainable. The pay structure is only prudent when it is developed within an affordable and sustainable resource

envelope. The wage levels and structure given above should remain in place for a limited period with a comprehensive review and reappraisal being completed in time to be incorporated into the 2008 budget.

4.10 After the initial period, and the results of the review recommended above, the guiding principle for general wage level increases thereafter should be that real wages increase annually by the same percentage as the growth in real GDP per capita during the previous year.

#### *The imperative of a well-functioning payroll system*

4.11 Whatever the grade and wage structure may be, a well-functioning payroll system with all necessary safeguards is an absolute necessity. Several cases of post-conflict reconstruction have failed, or have been severely handicapped, by the inability of the system to pay the right sums to the right people, and to monitor that only the actual employees receive the salaries. The Ministries of Finance and Economic Planning and of Labour Public Service and Human Resource Development will work closely to establish an operating payroll system for all employees of the new Public Service.

### **5. PERSONNEL MANAGEMENT AND PROCEDURES**

#### *The guiding principles*

5.1 Mindful of the overall goals of equity and affirmative action - promotion, discipline, termination, retirement, training, and all other aspects of personnel management shall be governed by the principle of individual merit and performance in the job. The principle of seniority, however, shall be accorded due respect and consideration, provided that it does not conflict with the principle of merit and performance.

5.2 The following policies are consistent with these general principles:

- i. All standards, criteria and procedures for recruitment, promotion, discipline, separation and retirement of government em-

- employees are formulated by the Ministry of Labour, Public Service, and Human Resource Development after wide consultation with other stakeholders.
- ii. Procedures should be as simple and transparent as possible, and focus on the essential priorities (with refinements to be left to a later stage), while remaining in conformity with international good practice and experience in post-conflict situations.
- iii. Such standards, criteria and procedures would be approved by the Council of Ministers upon recommendation by the Ministry, and promulgated by the President of the Government of Southern Sudan.

**Recruitment and promotion decisions**

5.3 Prior to the promulgation of the GOSS Public Service Act and Regulations, the procedures for the selection and appointment of staff have been set out in Circular PS01/2006.

5.4 Selection and appointment of Under Secretaries will be done by the President of GOSS upon recommendation by the Ministerial Sub-Committee for the Appointment and Promotion of Super Grade Posts under the chairmanship of the Minister MLPSHRD.

5.5 Appointments to all other Super Grade posts shall be made by the Council of Ministers based upon Ministerial Sub-Committee recommendations. Such appointments will be initiated by the concerned Ministry and passed to the Ministerial Sub-Committee. To cover urgent necessities, appointments and/or promotions to Super Grade posts may be made directly by the President.

5.6 Posts of Deputy Director and above may also be filled through direct appointment from outside the existing public service. Therefore, all such vacancies should normally be made public in some appropriate fashion and all eligible candidates considered through an explicit and transparent process.

5.7

Administrative and Professional and Sub-Professional and Technical staff will be appointed by the Under-Secretary/Director General of the concerned Ministry/Institution subject to endorsement by the MLPSHRD. Endorsement will be confined to verifying that the Ministry/Institution has followed procedures and criteria for selection. A Ministry Appointments Board will undertake the selection process.

5.8

All classified staff appointments must be processed through the Ministry of Labour, Public Service and Human Resource Development. Before issuing a formal letter of appointment, the Ministry of Labour, Public Service and Human Resource Development will verify whether the selection process has been done according to approved selection criteria. The Ministry of Finance and Economic Planning will be served with a copy of the letter of appointment from the Ministry of Labour, Public Service and Human Resource Development such that the appointee's name is added to the pay roll accordingly. All letters of appointment will set out the post to which individual has been appointed to, scale, salary range and a brief description of the job itself as well as a summary of responsibilities.

5.9

Unclassified staff will be engaged by the Director of Administration and Finance in consultation with the Under-Secretary of the Ministry or Director General of an Institution. All Unclassified staff employment must be subject to budget provision.

5.10

All persons at grades of Director and above ("Super Grade") constitute the Senior Public Service of the Government of Southern Sudan. In particular, appointees to such posts will be available for temporary or regular assignment to other Ministries or States as the needs and convenience of the Government may require, with due regard to their technical suitability. As such, they would be subject to higher expectations of performance and dedication.

## Performance assessment

5.11 Merit and number of years on-the-job should guide salary increases and career advancement, with the weight given to merit considerations increasing at higher grades, and promotions or appointments to Senior Public Service positions should be based entirely on merit. The international experience with annual performance bonuses to public employees is negative, but special merit and performance should be recognized in other appropriate ways to be determined.

5.12 An annual assessment of individual performance will be conducted by the immediate superior, normally based, among other things, on a prior agreed work plan. Such assessment, based on a few simple and explicit criteria, should always be shared with the staff member concerned, but should otherwise be strictly confidential within the public administration. The staff member should have the opportunity to discuss the performance assessment prior to finalization, comment on it in writing, and appeal its outcome to higher administrative levels. Good performance should be recognized in a variety of ways, including non-monetary recognition as well as accelerated increments within grade.

5.13 Other personnel regulations and basic procedures (from recruitment through promotion, discipline, and separation) will be articulated by the Ministry of Labour, Public Service and Human Resource Development (in consultation with key stakeholders), and submitted to the Council of Ministers for approval. After approval, they will be assembled in a Personnel Manual of the Government of Southern Sudan. It will be essential, in order to avoid prejudging the eventual decision on status after the Interim Period, to keep new regulations as simple as possible and limited to the core rules. It is envisaged that a first draft of such core rules for personnel management will be prepared before the end of April 2006.

## 6. **ESTABLISHING THE APPROPRIATE SIZE OF GOVERNMENT EMPLOYMENT**

6.1 The experience of most developing countries in Africa and elsewhere demonstrates that a comparatively small but motivated and qualified workforce can perform the functions of government, and deliver social services, efficiently and effectively. Conversely, bloated public employment has been a major cause of fiscal crisis, degradation in service quality and access, and economic stagnation. Moreover, the limited revenue capacity of a poor developing country permits only a comparatively small wage bill; therefore, government employees can be adequately compensated only if their total number is small. Comparisons with other countries suggest that problems begin to emerge when the civilian government workforce (including all levels of government) becomes greater than one percent of the population. While this is an arbitrary standard, it also provides a useful signpost. (Other useful signposts are that the government wage bill should not exceed one-third of government expenditure, or one-half of non-interest current expenditure, at the maximum.)

6.2 Best current estimates are that the total eventual size of civilian employment in the Public Service of Southern Sudan should not exceed 125,000 persons at the maximum (including all levels of government, and teachers, health personnel and law enforcement - but not including the military). This target implies an indicative ceiling of about 35,000-45,000 employees of the administration at all levels of the government of Southern Sudan, the remaining 70,000-80,000 being employed as teachers, health, law enforcement personnel, and other personnel of State/County/local government. New recruitment will therefore be phased carefully and controlled tightly with a view to not exceeding the eventual ceiling of 125,000. As a rule, early recruitment will focus on assuring personnel are available for basic service delivery. More analysis will be conducted on determining the optimum total numbers of employees of the Public Service.

6.3 A substantial number of persons from different sources will be integrated into the public service from the beginning (CANS employees, demobilized SPLA soldiers, selected Southern Sudanese GoS employees, and external specialist employees), in the manner recommended earlier. The number is unknown, and so are the characteristics of the individuals concerned. The number and characteristics of demobilized soldiers to be integrated into the public service can only be determined as part of the DDR and SPLA restructuring mentioned earlier. In order to gain needed information on location, qualification, age and experience of both existing CANS and GoS staff government undertook a Headcount of classified staff throughout Southern Sudan. The Headcount has been completed and the results are currently being analysed.

## 7. **ADVERSE IMPACT OF DONOR PRACTICES ON PUBLIC EMPLOYMENT AND WAGES**

7.1 The large influx of aid money which is expected after the peace settlement and the competition among donors to attract local talent to manage their projects, will inevitably generate a temporary but severe upward pressure on wages, and reduce the government's own management capacity by hiring away its best people. Experience shows that government attempts to compete with post-conflict salaries offered by donor organizations place an unsustainable burden on government public finances, and in any case do not succeed because of the vast salary gap. Experience also shows that, regardless of promises and agreements, and despite all Government pleas, the pressure on individual donor agencies (and individual project managers) to see "their" projects succeed is very difficult to resist. The lessons of post-conflict reconstruction, however, yield some useful measures which – together with the provisions recommended earlier on hiring of Southern Sudanese experts resident abroad – can alleviate (but not eliminate) the "donor contagion" on salaries and the brain drain.:

7.2 During the early post-conflict transition, the Government of Southern Sudan should consider measures to reduce the probability of losing senior experienced Public Service staff to donor agencies, international NGOs, or the private sector. Such measures to be considered may include some or all of the following:

- i. Provide a good working environment and conditions of employment in the specific government agencies that are most important for reconstruction and government activity;
- ii. Prohibit rehiring, for a certain period, of persons who leave government service without government clearance;
- iii. Have a higher rate of pension accrual for the first three years of service
- iv. Prohibit or otherwise regulate donors and NGOs from providing salary 'top-ups' to Public Service employees and provide sanction against employees who accept such 'top-ups'.

## 8. **ESTABLISHING PENSIONS AND OTHER NON-WAGE BENEFITS**

8.1 The Government of Southern Sudan's authority to set terms of employment for its employees encompasses the authority to make decisions concerning non-salary benefits and pensions. As noted earlier, in-kind benefits are to be avoided (except for medical benefits), and non-salary monetary allowances will be limited. A comprehensive review of all allowances paid under GoS remuneration will be undertaken to agree monetary allowances that are to be continued. These are expected to be few in number but will include, Representation, Responsibility, special Statehouse and Feeding, Bicycle and Fuel allowances and per diem when out-of-station on official business. Although not strictly an allowance, arrangements will also be put in place for overtime payment for unclassified staff.

8.2 There is need to speedily decide upon the most appropriate pension scheme for the Southern Sudan Public Service. Any review and recommendations for the future must take into account the current system in GoS and recognize the possibility that a unified national pen-

sions system will be required at some point in the future. A pension scheme should ideally be compatible with both a system specific to Southern Sudan and with the possibility of a unified pension system for Sudan as a whole. Even if the eventual decision is in favour of a united Sudan, however, Southern Sudan would have a substantial degree of autonomy – as in most federal systems – to establish its own conditions of employment for its government employees.

8.3

The experience with establishing pension systems in other countries, and especially in post-conflict situation has been combined with the special needs and situation of Southern Sudan to produce the following recommendations on basic principles:

- i. The pension system in Southern Sudan should apply only to Southern Sudan government civilian employees. It should be developed, however, with the potential of expansion to eventually cover private sector employees as well.
- ii. The system should be partially funded, and entail a defined contribution for individual employees and a defined benefit, and therefore a variable government contribution. It is recommended that the initial reserve can be constituted with the help of foreign aid.
- iii. A commutation option should be provided, but should be kept at a very limited proportion of pension entitlement.
- iv. The handling of past service rights of demobilized SPLA soldiers who are not selected to join the new civilian public service should be separate from the handling of such rights for civilian employees of the CANS. As in the case of the salary structure, however, close coordination is essential between the two agendas.
- v. Concerning the past service rights of CANS civilian employees, the following provisions should apply:
  - each employee will be entitled to one year of credit toward pension for every year of service;
  - SPLM employees with 12 or more years of prior service should be allowed to take voluntary early retirement, and immediately receive a pension corresponding to their period of service;

- SPLM employees with fewer than 12 years of service should be allowed to retire after they have served for a total of 12 years. It is recommended that the retroactive liability should be financed through foreign aid.

vi. Arrangements will have to be put in place for ex-GoS employees to protect their existing pensions entitlement or to enable them to transfer to a new Southern Sudan Public Service pension scheme without loss of entitlements.

vii. Consideration will be given to requesting Donors to establish a special fund from which to finance:

- the initial reserve for the partially funded civil service pension system; and
- the initial 'bulge' in pension payments from CANS employees who choose and are entitled to take early retirement.

## 9. CIVIL SERVICE COMMISSION

9.1

The Interim Constitution for Southern Sudan calls for the establishment of a Southern Sudan Civil Service Commission to advise the government on the formulation and execution of policies relating to public service employment and employees. The Commission has been established, is independent and impartial and is provided the following powers and functions as laid out in the Interim Constitution:

- i. To promote the values and principles of the public service as set out in the Constitution
- ii. To investigate, monitor and evaluate the organisation, administration and personnel practices of the public service;
- iii. To propose measures to ensure effective and efficient performance within the public service
- iv. To give directions aimed at ensuring that personnel procedures relating to recruitment, transfers, promotions and dismissals comply with the provisions of the Constitution

- v. To advise all levels of government in Southern Sudan on personnel practices, recruitment, appointment, transfer, discharge and other aspects of the public service
- vi. To review the terms and conditions of service, standing orders, training and qualification for public offices
- vii. To hear and determine grievances from employees of the Southern Sudan government and States without prejudice to the right of resorting to the courts.

## **10. INTERACTING WITH THE PUBLIC**

- 10.1 Among the core values of the new public service of Southern Sudan are responsiveness to the citizens and the accountability of public servants. Such accountability must include outward accountability to public institutions, such as the Legislative Assembly, and to the public at large, as well as internal accountability to administrative superiors. The agenda needed to achieve this is vast and complex, and a number of regulations, procedures and mechanisms will need to be established in due course to assure Southern Sudan citizens' "voice" and appropriate participation. In the meantime, certain specific initial steps could be considered.

- 10.2 The Ministry of Labour, Public Service and Human Resource Development, working closely with the Ministry of Information, Radio and Television, will follow-up on this important agenda; contacts should be made with specialists in media and broadcasting, especially those with experience in setting up FM community radio; representatives of the Ministry will attend training orientation on social accountability approaches, and organize follow-up meetings on the interaction between government and citizens for a larger group of Southern Sudan government members.

## **11. FOSTERING INTEGRITY AND COMBATING CORRUPTION**

- 11.1 Corruption in government may be defined as misuse of public power for private gain. Contrary to some earlier views (especially in East Asia), the empirical evidence shows without question that corruption is bad for economic efficiency, bad for economic development, and especially bad for the poor and the vulnerable in any society. Accordingly, integrity should be one of the core values of the new public service of Southern Sudan, and the issue of corruption should be approached not on an isolated basis, but as part and parcel of the promotion of efficient and effective public sector management in all its aspects.

- 11.2 The GoSS has adopted a policy of zero tolerance for corruption. In combating corruption, it is necessary to keep in mind that two sides are always involved: the private sector can be a source of government corruption as well as its victim. However, it remains the responsibility of a government to assure the integrity of its own leaders and employees. Experience in a variety of countries also shows that effective anti-corruption requires three concurrent efforts:
- i. Prevention (by reducing the opportunities for corruption, mainly by ensuring that government regulations are as simple and transparent as possible);
  - ii. Enforcement (where swiftness and certainty of punishment is more effective than severity of punishment); and
  - iii. Education, to produce a climate where honesty is the norm and corruption – as the exception – can better be prevented and violations enforced.

- 11.3 As required under the Interim Constitution, the Southern Sudan Anti-Corruption Commission has been established with its Chairperson and members appointed by the President. As laid down in the Constitution the functions of the Commission are:
- i. Protect public property
  - ii. Investigate cases of corruption involving public property as well

as the private sector; such investigations shall be submitted to the Ministry of Legal Affairs and Constitutional Development for necessary action;

iii. Combat administrative malpractice in public institutions such as nepotism, favouritism, tribalism, sectionalism, gender discrimination, bribery, embezzlement, and sexual harassment, and

iv. Pursuant to Article 121 (1) of the Constitution all persons holding such public offices are obliged to make a confidential formal declaration of their income, assets, and liabilities.

## **12. STATE AND LOCAL GOVERNMENT ISSUES**

12.1 Specific decisions on personnel management and public administration in State/county/payam/boma government entities will take as their starting point the provisions in the Comprehensive Peace Agreement and Interim Constitution whereby the States are given specific powers.

12.2 Certain key principles of this policy will apply regardless of the decisions on the structure and layers of government. These are:

i. Personnel management and public administration procedures during the Interim Period at State and sub-state levels should be designed as simple as possible;

ii. There should be clarity of responsibilities among the various levels of State government;

iii. Adequate resources should be provided to meet those responsibilities. In particular, consideration shall be given to earmarking a portion of the eventual oil revenues for block grants to all bomas, on a formula to be designed by relevant GoSS authorities to finance basic social services but otherwise administered solely by the local elected leaders, under the general oversight of their community;

iv. Community management of basic services; and

v. Election of executives at any given level of government by the respective constituency.

12.3 These principles are reflected in the following policies:

i. The grade structure shall be the same for all employees at all levels of Southern Sudan government,

ii. Within that structure, each level of government should enjoy flexibility and autonomy concerning its own employees, subject to the standards and norms in this Policy;

iii. The compensation structure should be the same for all employee levels of Southern Sudan government at all levels of government, and the upper limits cannot be exceeded. However, the recommended salary bands for each grade are broad enough to provide downward flexibility to the States and to substate entities on account of cost of living or other regional characteristics;

iv. Notwithstanding the uniformity of the grade and compensation structure, all government employees will be paid from, accountable to, and supervised by, the level of government to which they are assigned.

12.4 Owing to the absence of sufficiently highly-qualified persons to cover the whole of Southern Sudan, the role of para-professionals (e.g. para-teachers, paramedical, paralegal personnel) shall be given major attention. Towards that, a rapid training program should be designed to make sure that such people acquire the basic qualifications necessary to provide good quality basic services.

12.5 While the autonomy of each state is respected, all states should formulate their public service policies within the parameters of the Policy Framework.

## **13. BUILDING CAPACITIES**

13.1. The GoSS recognises the need to develop the capacities of its public services to effectively undertake its mandate and provide adequate services to the people of Southern Sudan. In view of this it is committed to undertaking a capacity building programme to provide the skills, equipment and organisation necessary to create an efficient

service. To spearhead and coordinate this capacity building programme a dedicated Directorate has been established in MLPSHRD.

13.2 For the purpose of this Policy, "capacity building" is broadly defined as including:

- Institutional development ("improving the rules");
- Organizational development ("improving the structures");
- Institutional support (providing support to improve operations)
- Training (providing necessary skills)
- Technical support (Advisors, consultants etc)

13.3 The general areas in which such capacities need to be developed in Southern Sudan are:

- decision-making
- policy formulation
- implementation
- service delivery (in the broad sense)
- public sector management
- necessary physical infrastructure

13.4 The MLPSHRD is in the process of developing a Capacity Building Strategy that will lay out the nature of the capacity building initiative, assign responsibilities for various components, define and cost priority programmes, including programmes that responds to 'common' needs across the public service. In parallel, individual ministries will be required to prepare their sector or specific training to upgrade the skills of their technicians and professional staff.

#### 14. NEXT STEPS

14.1 A number of next steps have been recommended in each of the sections of this Policy. The Policy will form the basis for a program and timetable of actions, including the drafting of legislation, over

the next few months and beyond. To support those actions, a request will be made for detailed technical and other assistance from the Multi Donor Trust Fund and other bilateral sources.

14.2 A further immediate step will be to draft the Public Service Act covering the new public service for Southern Sudan together with Regulations to detail the administrative framework for the operational public service. Once the Act has been passed into law, this Policy Framework will be reviewed and all necessary amendments introduced so that the Policy is thoroughly compatible with the Act.

[END]

