



Republic of South Sudan

# National Council of Ministers' Rules and Procedures Handbook 2011



# Message from the President



I am pleased to present each member of the first executive branch of the Government of the Republic of South Sudan with a copy of the Cabinet handbook, 2011. I urge all Ministers to read it carefully and understand thoroughly all the operating principles, rules and procedures contained therein.

As Ministers meeting in Council, you represent the highest executive authority in the Republic of South Sudan. You are collectively responsible for the decisions of the Government and must publicly support them. This handbook is designed to enable you to accomplish this efficiently and in a disciplined and effective manner.

South Sudan has just emerged on the stage of the nations of the world, a new nation born on 9<sup>th</sup> July, 2011. It is a great honour to serve the Government of this new nation. With this honour, come sobering responsibilities and with the birth of a new nation, come daunting challenges. Progress in these areas will demand joint efforts of the executive, the legislature, the judiciary, civil society, the private sector and all citizens of South Sudan as individuals and as groups. However, the executive branch of the Government must play a special leadership role; it must design and implement the right policies in order to move the country forward.

I urge you to master the rules and procedures contained in this handbook so that you may be effective in discharging your duties as members of the Cabinet. By themselves, good rules and procedures do not guarantee success but they are essential prerequisites. Therefore, do make use of them.

A handwritten signature in black ink, which appears to be 'SK (H)'. The signature is written in a stylized, cursive manner with a large loop at the end.

**General Salva Kiir Mayardit**  
**President of the Republic of South Sudan**



# Foreword



Article 110(i) of the South Sudan Transitional Constitution empowers the Council of Ministers to formulate the internal rules, procedures and regulations for the conduct of its business. This handbook has been issued by the Council of Ministers as the rules and procedures to be followed by the members of the Council and by the government institutions supporting them.

The purpose of the rules and procedures is to ensure that the business of the Council is conducted efficiently and effectively for the better governance of the Republic of South Sudan. In particular, they aim to ensure that:

- a) the Council focuses on major strategic issues that face the Republic of South Sudan;
- b) its members are presented with well-prepared proposals that succinctly analyse relevant issues;
- c) its decisions are well-considered and laws are well-prepared;
- d) the Ministers' time is not wasted; and
- e) the Council's resolutions are effectively implemented in a timely manner.

The handbook highlights the changes in the way that the Council of Minister will operate following independence, including an increased role for Cluster Committees, a greater focus on implementing resolutions and support from a network of Cabinet Liaison Officers in each ministry.

I should emphasise that these rules and procedures are made by the Council of Ministers itself. While they must be complied with, they should also be reviewed and adjusted from time to time if they no longer adequately support the Council's collective role in decision-making. The handbook should, therefore, be read in conjunction with any amendments issued since its publication.

The Ministry of Cabinet Affairs supports the Council of Ministers and its Committees and is responsible for ensuring compliance with the rules and procedures in this handbook.

From time to time, the ministry will issue more detailed guidelines, for ministries, to supplement this handbook, especially for the preparation of the Cabinet memoranda and for the preparation of proposals to the Cabinet involving legislation.

A handwritten signature in black ink, appearing to read 'Deng Alor Kuol', written in a cursive style.

**Deng Alor Kuol**  
Minister of Cabinet Affairs



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# 1. The Cabinet System

## 1.1 Legal Framework of the Council of Ministers

The National Council of Ministers is the supreme executive authority in South Sudan, established under Article 108 of the South Sudan Transitional Constitution (referred to in this handbook as the Constitution). Other Articles of the Constitution specify the competencies and functions of the Council of Ministers.

The Council (also referred to here as the Cabinet) provides a collective forum for Ministers to decide on significant government issues. It is the instrument which reconciles the individual responsibilities of the Ministers for their portfolios, along with their collective responsibility for the government as a whole. The Cabinet directs and approves policies and programmes and oversees their implementation. It also approves draft legislation to be introduced by the government into the Assembly, for consideration. The Cabinet system includes the Cluster Committees and other committees appointed by the President and these rules and procedures apply to the conduct of their business also.

Membership of the Cabinet and its committees is an important responsibility of Ministers which should take precedence over all other duties.

## 1.2 Operating Principles of the Council of Ministers

### *Collective Responsibility*

Once decisions of the Council of Ministers have been taken, they are binding on all members under Article 115(3) of the Constitution. Ministers will publicly defend Cabinet decisions irrespective of their support of decisions discussed at the Cabinet meetings. The government's overall performance will be collectively monitored and reviewed at Cabinet meetings.

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### *Ministerial Accountability*

Ministers are accountable to the President and to the Cabinet, as well as, to the Legislative Assembly, for the performance of their ministry. Ministers not only have responsibility for the implementation of relevant Cabinet resolutions but also for the presentation of policy proposals to the Cabinet in a way that facilitates effective collective decision making.

### *Regular Meetings*

Meetings of the Cabinet will be held regularly on Fridays at 11:00 am, unless the Cabinet decides to shift the regular time of the meeting to another day of the week. The Minister of Cabinet Affairs may notify members of an alternative or extraordinary meeting.

### *Confidentiality*

Deliberations of the Cabinet are confidential, as specified in Article 111 of the Constitution. No individual member can divulge publicly the nature of the deliberations of the Cabinet or its Committees without specific authorisation by the Chairperson.

### *Transparent Decision-Making within Cabinet*

Every member of the Cabinet or a committee has the opportunity to express his or her opinion on any matter on the agenda. The decisions of the Cabinet will only be finalised when such opportunities have been provided and when consensus on an issue has been reached, so that all members are prepared to be bound by the decision.

### *Fiscal Responsibility*

The Council of Ministers will ensure that the fiscal implications of its decisions are taken into account and that its decisions do not compromise the government's fiscal plan established through the budget process.

### *Delegation to Ministers*

Article 114(1) of the Constitution allows the decisions of a Minister to be reviewed, amended or cancelled by the Council of Ministers. However,

matters that are clearly within a Minister's authority and mandate should not be determined by the Cabinet unless there are significant implications for other portfolios or major strategic issues for the government as a whole. Over time, efforts will be made to expand the range of matters under ministerial authority.

### **1.3 Membership of the Council of Ministers**

The Council of Ministers comprises the President, the Vice President and Ministers, who are collectively responsible to the Legislative Assembly for setting the broad direction of the government and making timely, well-informed decisions on matters of strategic national importance.

### **1.4 Cabinet Committees**

The Cabinet is supported by three types of Cabinet Committee:

- a) cluster committees;
- b) ad hoc committees set up temporarily for a specific purpose; and
- c) other standing committees that may be established to deal with specific ongoing functions.

Each Cluster Committee shall comprise Ministers and Deputy Ministers relevant to the sectors covered by the cluster.

The Cluster Committees shall:

- a) give in-depth consideration to complex issues relevant to the cluster, including resolution of any outstanding technical or factual issues, and make recommendations to the Cabinet, enabling the Cabinet's deliberation to focus on strategic issues and priorities;
- b) consider routine Cabinet memoranda that do not raise significant policy or strategic issues, to save the Cabinet's time; and
- c) consider reports on the implementation of relevant Cabinet resolutions and make recommendations to implementing Ministers and/or the Cabinet.

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Membership of all committees, chairing arrangements and terms of reference will be determined by the resolution of the Council of Ministers.

All Cabinet Committees are integral parts of the Council of Ministers' process. This means that the constitutional requirement for deliberations of the Council of Ministers to be kept confidential applies to all deliberations and all documents relating to Cabinet Committee meetings. It also means that unless otherwise stated, all the requirements for the Cabinet contained in this manual apply to the Committees, including the format and content of the memoranda and the preparation of resolutions.

Further details on the procedures for Cabinet Committees are included in section 2.5 below.

## 1.5 Ministers

Ministers are responsible for preparing proposals in compliance with the rules and procedures in this handbook and for supervising the implementation of Cabinet resolutions in a timely manner.

## 1.6 Ministry of Cabinet Affairs

The Ministry of Cabinet Affairs supports the Council of Ministers, its committees and its decision-making processes, with the following specific functions:

- a) to provide administrative and secretariat support to the Cabinet and its committees;
- b) to prepare draft agendas for the approval of the Minister of Cabinet Affairs;
- c) to collect, review and distribute materials for Cabinet and committee meetings;
- d) to record meeting deliberations and draft resolutions;
- e) to distribute approved resolutions to ministries;
- f) to prepare draft terms of reference for Cabinet Committees, in consultation with the Minister of Cabinet Affairs and provide secretarial support for their meetings;

- g) to coordinate monitoring and reporting on the implementation of resolutions;
- h) to prepare summary reports of ministry performance;
- i) to coordinate forward planning of the Cabinet's agenda;
- j) to maintain the official archive of Cabinet documents including resolutions;
- k) to establish procedures, standard formats and quality standards for proposals and reports; and
- l) to provide briefing and advice to the Chairpersons of the Cabinet and committees and/or the Minister of Cabinet Affairs on the handling of matters submitted to the Cabinet.

## 1.7 Cabinet Liaison Officers

The smooth functioning of the overall Cabinet process depends not just on the Ministers that belong to Cabinet, but the support they receive from their ministries on Cabinet matters. In order to assist members of the Cabinet, each ministry has nominated an appropriate official to liaise with the Ministry of Cabinet Affairs and other organisations on Cabinet matters.

These Cabinet Liaison Officers receive training and ongoing support from the Ministry of Cabinet Affairs, to ensure they are available to assist their Ministers and other officials in the ministry on all aspects of the Cabinet process, including:

- a) receiving and registering confidential Cabinet documents;
- b) providing advice on Cabinet requirements and rules set out in this manual;
- c) assisting relevant ministries to provide forecasts of future Cabinet proposals;
- d) assisting the ministry in preparing draft Cabinet memoranda;
- e) coordinating with other ministries to ensure that the ministry's views and comments are taken into account in memoranda being prepared by other ministries;
- f) coordinating ministry briefing to their Minister on Cabinet agenda items;
- g) helping to compile reports on implementation of Cabinet resolutions.

## 2. Submitting Proposals to the Cabinet

### 2.1 Matters Requiring Cabinet Approval

Article 110 of the Constitution specifies the functions of the Council of Ministers and determines the matters that should be submitted for decision by the Council.

These include (but are not limited to):

- a) any significant policy proposal (either new or a significant amendment to the existing policy);
- b) any proposal that has major financial implications;
- c) any proposal in which other ministries will have an immediate or direct interest;
- d) politically sensitive issues;
- e) proposed legislation;
- f) any other matters with respect to which the Constitution and other laws vest responsibility in the Council of Ministers;
- g) any other matter on which the President or the Council of Ministers decide that collective consideration is required.

The President has other executive responsibilities which are not directly related to the government. These include decisions made independently by presidential decrees or orders and are not subject to Cabinet review or approval.

If a Minister is unsure whether an item requires approval by the Cabinet, he or she should seek advice from the Minister of Cabinet Affairs.

### 2.2 Preparation of Cabinet Memoranda

Ministries will prepare memoranda in accordance with the approved timetable specified in the forward plan issued by the Ministry of Cabinet Affairs (see section 3.2). Where a Minister wishes to submit

a memorandum outside the approved timetable, the Minister shall notify the Minister of Cabinet Affairs of this. Where a Minister is unable to submit a memorandum as specified in the approved timetable, the Minister shall notify the Minister of Cabinet Affairs of this, stating the reasons why and proposing a new date for submission. It is for the Minister of Cabinet Affairs to approve of these changes to the approved forward plan.

Policy proposals and other documents to be considered by the Cabinet must be submitted by the relevant Minister and should:

- a) be as short as possible, using appendices for essential detailed information;
- b) be written in plain, non-technical language and not assume that the reader has expert knowledge;
- c) contain clear recommendations to enable decisions to be easily and logically assessed; and
- d) report on consultation with relevant ministries.

All proposals submitted for consideration by the Cabinet must be presented in a standard 'Cabinet memorandum' format. This will enable Cabinet members to quickly understand what is being recommended and ensure that proposals include information on the benefits of the proposal, i.e., whom it affects, financial implications and how the decisions would be communicated and implemented. The ministry's Cabinet Liaison Officer should coordinate the drafting of the memorandum and Advise on compliance with the Cabinet's requirements.

The purpose of the Cabinet memorandum is to provide all Ministers with an accessible document that presents essential information that will facilitate informed discussion and decision-making at the Cabinet. While supporting documentation of greater detail and length can be attached, the Cabinet memorandum itself must provide the critical information needed to enable Ministers to understand the proposal being tabled. No other proposal format will be tabled at a Cabinet meeting.

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All memoranda must contain:

- a) a statement on the implications and impact of the proposal on other national policy and the legislative framework;
- b) a statement on the expected economic, social, environmental, institutional, legal and security consequences of the proposals and also a statement on the impact of the proposal on geographic locations;
- c) a statement on the expected costs of the proposals;
- d) a statement on consultation (see section 2.3); and
- e) an overview of the required implementation plan (see section 4.2), including proposals on what can be communicated (see section 2.3 and Annex A).

Except for draft legislation and budget proposals (see below), all Cabinet memoranda are to comply with the format in Annex A and be *no more than two to five pages long*, depending on the issues being considered.

The Ministry of Cabinet Affairs shall provide more detailed guidelines for ministries in the preparation of the draft Cabinet memoranda.

Although policy proposals will often result in legislation, policy approval is required from the Cabinet *before* legal drafting commences. All draft laws or substantial amendments to existing laws shall be submitted to the Governance Cluster Committee and the Cabinet for approval, prior to introduction to the Legislative Assembly. The Ministry of Cabinet Affairs, in conjunction with the Ministry of Justice, shall provide detailed guidelines to ministries on the preparation of proposals for legislation.

Proposals being submitted to the Cabinet as part of the budget process will be governed by procedures issued separately by the Minister of Finance and Economic Planning, in consultation with the Minister of Cabinet Affairs. These procedures will include the standard format to be used for budget proposals.



## 2.3 Consultation on Cabinet Memoranda

All Cabinet memoranda shall be circulated in draft form to relevant ministries and the Ministry of Cabinet Affairs before finalisation. These must contain statements of fiscal, legal and human resource impacts and be reviewed in advance by the Ministries of Finance and Economic Planning, Justice, and Labour, Public Service and Human Resources Development. The Ministry of Information must also be consulted on whether, when and how the government proposes to communicate decisions made by the Cabinet on memoranda. Any other ministry likely to be affected by the proposal must also be consulted, consistent with the principles in section 5.1.

Written comments from these ministries must be provided and attached to the memorandum, whenever significant issues are raised.

## 2.4 Submission of Cabinet Memoranda

All Cabinet memoranda must be signed by the Minister who is responsible for it.

Sufficient copies of all materials submitted by ministries for review by the Cabinet must be received in the Ministry of Cabinet Affairs, at least three working days in advance of the scheduled meeting. The Ministry of Cabinet Affairs will advise the ministries of the number of copies required.

The Ministry of Cabinet Affairs shall review all submitted memoranda before they are listed on the agenda for the relevant Cluster Committee and Cabinet and shall Advise the Minister of Cabinet Affairs regarding their compliance with these rules and procedures. The Minister of Cabinet Affairs is authorised to return any memorandum that is incomplete, that has not met the requirements in this handbook or that has failed to consider key issues or options adequately.

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## 2.5 Consideration of Memoranda by Cluster Committees

The Cabinet's time is limited and its attention must be focused on major topics of strategic national importance. The role of Cluster Committees has, therefore, been substantially strengthened in order to make efficient use of the Cabinet's time and to provide Cabinet members with a sound basis for strategic decisions.

All memoranda being submitted to the Cabinet must, therefore, first be considered by the relevant Cluster Committee, unless the President or Minister for Cabinet Affairs agrees that an urgent proposal can bypass the Cluster Committee stage or the Cabinet has specifically asked that further information or advice be submitted directly to it.

All memoranda to be considered by Cluster Committees shall be submitted to the ministry of Cabinet Affairs with sufficient time to allow circulation to Committee members three days before the scheduled meeting of the Committee.

To avoid wasting the Cabinet's time with memoranda that do not adequately discuss key issues, contain factual or technical inaccuracies or have not had input from key stakeholders, a Cluster Committee may direct the proposing Minister to revise the memorandum before it is reconsidered by the Cluster Committee or considered by the Cabinet.

Cluster Committees shall make recommendations to the Cabinet on proposals from Ministers.

In order to reduce the time the Cabinet spends discussing proposals that are neither contentious nor strategic, some recommendations of

Cluster Committees will be sent to the Cabinet for endorsement rather than deliberation. This will occur where the relevant Cluster Committee supports a proposal (without significant dissent) and the Minister for Cabinet Affairs determines that the proposal does not raise significant new policy issues and is consistent with previous decisions of the Cabinet.

## **2.6 Consideration of Memoranda by the Cabinet**

After consideration by the relevant Cluster Committee, the Committee's recommendations and the relevant memoranda will be considered at the next available Cabinet meeting.

Committee recommendations sent to the Cabinet for endorsement, rather than deliberation (see section 2.5 above), will be listed in a separate section of the Cabinet agenda and will be circulated (together with the relevant memoranda) to Cabinet members, before the meeting, to allow Cabinet members time to examine them before the meeting.

Recommendations for endorsement will not be presented or discussed at the Cabinet meeting unless a Minister who is not a member of the relevant Cluster Committee raises substantial issues during the Cabinet meeting. This does not undermine the Cabinet members' right to raise any issue concerning the recommendation or to propose any amendment, with particular emphasis given to those Ministers who are not members of the relevant Cluster Committee.

Unless the Cabinet decides otherwise, Committee recommendations for endorsement will become Cabinet resolutions at the end of the Cabinet meeting, with the same status as other Cabinet resolutions.

## 3. Cabinet Meetings

### 3.1 Attendance at Cabinet and Committee Meetings

Attendance at Cabinet and Committee meetings by members is mandatory except where other duties have been previously assigned by the President.

The President's permission must be granted before any Minister goes away from his normal duty-station (usually Juba) for any reason.

If a member is unable to attend the Cabinet for exceptional reasons, for example, illness, the Minister of Cabinet Affairs must be informed immediately and the Chairperson's permission obtained.

Absent Ministers will be represented by a Deputy Minister in the same ministry or by another designee as agreed to with the President and Minister of Cabinet Affairs. Unless urgent, all significant items which the absent Minister is responsible for any will be deferred to a subsequent meeting.

The Deputy Minister or and other Minister designated to act for an absent Minister may express an opinion on behalf of the absent Minister only when that opinion has been provided in advance to the designated Minister.

No meeting of the Council of Ministers or a Committee shall proceed unless a quorum of more than 50 percent of its members is present.

A Minister may propose that an official or other person be present for a specific Cabinet or Committee discussion to answer questions in a meeting of the Cabinet or a Cluster Committee. The Minister for Cabinet Affairs should be notified in advance and the Chairperson's permission obtained. Guests should wait outside the meeting room until called in

by the Chairperson at the beginning of the presentation of the relevant issue. They should respond to requests for information and advice but not participate in the Cabinet or Committee's deliberations or decisions. The Chairperson will normally ask such attendees to withdraw from the meeting before the Cabinet or Committee deliberates on the issue.

In addition to members, Cabinet and Committee meetings will be attended by the staff of the Ministry of Cabinet Affairs and other designated ministry staff who provide secretariat and administrative services to the meeting.

Other Ministers may attend a Cluster Committee discussion of matters relevant to their portfolio with the agreement of the Chairperson.

Within each ministry, the Cabinet Liaison Officer, in conjunction with the Minister's office, will be responsible for coordinating the Minister's involvement in the meeting.

### **3.2 Forward Planning**

The Ministry of Cabinet Affairs will prepare a proposed rolling work plan for the Cabinet and its committees, to help manage the flow of business and to enable related proposals to be considered together. This will be prepared in consultation with the Ministries of Finance and Economic Planning, Justice, and Labour, Public Service and Human Resources Development, with inputs from other ministries through their Cabinet Liaison Officers.

The Ministry of Cabinet Affairs will notify members of all ordinary meetings at least three working days before that meeting. As the current meeting day is Friday, the Cabinet agenda will be circulated at noon on the Tuesday previous to it. Lengthy documents, especially those highly technical, legal or financial in character, should be distributed at least one week before the relevant Cabinet meeting.

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The President may call an emergency meeting of the Cabinet at any time by informing the Minister of Cabinet Affairs. When an emergency Cabinet meeting is called, the Ministry of Cabinet Affairs will inform the Cabinet members of the time and venue of the meeting as quickly as possible.

### 3.3 Agenda Preparation

Written agendas will be circulated in advance for all meetings of the Council of Ministers, Clusters and other Cabinet Committees.

In general, the agenda for the Cabinet will include:

- a) approval of the previous meeting's resolutions;
- b) consideration of individual items scheduled for deliberation;
- c) endorsement of committee decisions on routine matters;
- d) reports on implementation of specific resolutions; and
- e) the chairperson's remarks.

The agenda for the Cabinet will be drafted by the Secretary General of the Government and approved by the Minister of Cabinet Affairs. The agendas for the committees will be drafted by the ministry of Cabinet Affairs and approved by the relevant committee chairperson.

The agenda for each meeting will take into account: the urgency of each submitted proposal; its priority relative to other submitted proposals; compliance with Cabinet requirements for proposals; and consideration of related proposals. Submitted memoranda will not necessarily be listed for the next meeting after their submission.

Not all matters proceed automatically to the Cluster Committee and Cabinet. The Minister of Cabinet Affairs may decide that the matter does not warrant Cabinet consideration or that the matter can be handled more appropriately by discussions between individual Ministers. The Minister of Cabinet Affairs may also request further explanation or review of a Cabinet memorandum.

After the agenda for a meeting is approved, it is circulated by the Ministry of Cabinet Affairs to all members, along with the papers relating to each item to be discussed. This should occur at least three working days before the meeting.

After the agenda and related documents are circulated, no item can be added to the agenda without the approval of the Chairperson. All requests for late additions to the agenda must be submitted to the Minister of Cabinet Affairs (for Cabinet) or the committee chairperson.

When it is necessary, the Minister of Information will be consulted regarding the manner in which the results of relevant Cabinet meetings will be communicated.

### **3.4 Conduct of Meetings**

The President, or in his absence, the Vice President chairs Cabinet meetings. If neither the President nor the Vice President is present, the President may authorise the Minister of Cabinet Affairs to chair the meeting.

The Chairperson keeps order at the meeting, introduces each agenda item, directs discussion, and summarises decisions.

At the Cabinet meetings the Minister of Cabinet Affairs sits next to the Chairperson in order to assist and advise as required, on the management of the meeting. The Minister of Cabinet Affairs, on the request of the Chairperson, may bring relevant matters to the attention of members and advise on matters of procedure.

The first item on the agenda will be the approval of the previous meeting's decisions, to be followed by discussion of individual scheduled items.

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The proposing Minister will normally be invited to make a short presentation, focusing on:

- a) the urgency of the proposal;
- b) the key elements of the proposal;
- c) any significant policy, fiscal, legal or human resource impacts; and
- d) substantive comments from other ministries.

Scheduled items that have previously been considered by a Cabinet committee may be presented by the Committee Chairperson and normally will not require an extensive debate. If questions arise, the proposing Minister will respond.

Members may request permission from the Chairperson to speak on any matter before it, but they should keep their remarks short, and focus on whether they agree or disagree with the submission and why. Members should not introduce any topic unrelated to the scheduled item.

No member should speak without acknowledgement from the Chairperson.

Only members of the Cabinet or a committee may participate in its deliberations.

The Chairperson will determine and summarise the consensus reached on each decision at the conclusion of the respective discussion.

The final item on the agenda is the “Chairperson’s remarks.” Normally, this standing item will not require any advance material or result in any decision. It is reserved for sharing information with Ministers, at the Chairperson’s discretion, on issues that are not appropriate for presentation as individual scheduled items.



The Ministry of Cabinet Affairs is responsible for servicing all Cabinet meetings. Duties include:

- a) notifying Cabinet members of the date, time and location of meetings;
- b) preparing the room;
- c) arranging refreshments;
- d) taking notes of the meetings; and
- e) carrying urgent messages to Cabinet members during meetings.

### **3.5 Declaring Conflicts of Interest**

If any scheduled or unscheduled item raises issues where a Minister has, or could be perceived to have, a conflict of interest, the Minister should notify the Chairperson, declare the conflict, and leave the meeting room for the duration of deliberations on that particular item.

Conflict of interest can be broadly defined as a situation where a Minister and/or an immediate family member could benefit as private individuals as a result of the decisions taken by the Cabinet. For example, where a Minister is a director of a logging company, it might stand to gain from a decision taken by the Cabinet to grant an extraction licence.

The Secretary General of the Government will note the Minister's declaration and include it in the records of the meeting. Further guidelines on what constitutes a conflict of interest may be issued by the Ministry of Cabinet Affairs.

# 4. Cabinet Resolutions and Implementation

## 4.1 Resolutions

Authorised officials of the Ministry of Cabinet Affairs will record the decisions of the Cabinet ('resolutions') and Committee meeting recommendations for the Cabinet. Cabinet resolutions will record the documents considered and the conclusions reached for the guidance of those who have to implement the decisions. The resolutions should avoid recording the opinions expressed by particular Ministers. Cabinet resolutions reflect the collective conclusions of the meetings and are binding on all members, even when they do not attend the Cabinet meeting.

Cabinet resolutions must include:

- a) specific policy directions related to the content of the proposal;
- b) the ministry (or ministries) responsible for the implementation;
- c) any special timing or reporting requirements set by the Cabinet;
- d) reference to the memorandum on which the resolution is based (if any); and
- e) sufficient guidance for implementation if the resolution was made without memorandum or if the Cabinet agreed on a different approach to that recommended in the memorandum.

The resolutions of the meeting are to be circulated for ratification at the next Cabinet meeting.

If a Minister disagrees with the draft resolution, he or she must notify the Minister of Cabinet Affairs of this objection, prior to the next Cabinet meeting. These objections should only relate to an error of fact or lack of clarity in drafting. The substance of a resolution cannot be revisited unless explicitly permitted by the Chairperson.

If an amendment is required, the Minister of Cabinet Affairs will draft the amendment for approval by the Chairperson within two working days, following the meeting. The final resolutions will be signed by the Secretary General of the Government.

The final resolutions will be distributed to the affected Ministers and undersecretaries through Cabinet Liaison Officers, no later than two working days following ratification in the Cabinet meeting or, in the case of an amendment, following approval by the Chairperson.

## **4.2 Reporting on the Implementation of Cabinet Resolutions**

Ministers are responsible for instructing their ministries to implement the resolutions of the Cabinet and informing subordinate agencies about resolutions affecting them. If several different ministries are involved, the resolution should indicate which ministry or public agency is in charge of ensuring that the resolution is implemented (the responsible ministry).

The responsible ministry should complete an implementation plan, using the standard format issued by the Ministry of Cabinet Affairs to ensure delivery of the desired outputs or outcomes, which should be available for review on request by the Council of Ministers. This plan, once completed, should be lodged with the ministry of Cabinet Affairs.

Using a standard format issued by the Ministry of Cabinet Affairs, ministries shall report through their Cabinet Liaison Officers about the implementation of resolutions for which they are responsible every quarter. Such reports shall indicate the progress of implementation and provide an explanation if any, that the action has not been completed by the due date. Regular reports on implementation of Cabinet resolutions will be prepared by the Ministry of Cabinet Affairs, in liaison with the relevant ministries and submitted to the Cabinet, through the relevant Cluster Committee.

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The Ministry of Cabinet Affairs may convene meetings with the relevant ministries on the implementation of high priority resolutions.

## 5. Management of Cabinet Documents

### 5.1 Cabinet Document Management Principles

The Ministry of Cabinet Affairs is responsible for designing and enforcing measures to ensure the confidentiality and proper handling of documents within the Cabinet system. Confidentiality is an important aspect of the constitutional requirement for Cabinet deliberations.

To ensure compliance, the Ministry of Cabinet Affairs will issue detailed instructions periodically for this purpose, and in each ministry, work closely with the Cabinet Liaison Officer.

These instructions will be based on the following principles:

#### *Need to know*

Documents submitted to and discussed by the Cabinet and Cabinet Committees may not be disclosed except to those with a legitimate need to know. Both electronic and paper documents should be classified according to who may receive and view them.

#### *Traceability*

A common reference numbering system applies to all documents within the Cabinet system. All access to Cabinet documents should be authorised, with a written record kept of all Cabinet documents received or sent. This must be available for periodic inspection by the Ministry of Cabinet Affairs. The Ministry of Cabinet Affairs provides training to Cabinet Liaison Officers on how to manage Cabinet documents.

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## **5.2 Distribution of Cabinet Documents within Ministries**

Each ministry's Cabinet Liaison Officer, in conjunction with the Minister's office, is responsible for ensuring the secure receipt, handling, distribution and storage of Cabinet documents. On the Minister's instructions, this officer will distribute relevant extracts or summaries of resolutions and other documents to those ministry officials responsible for implementation, consistent with the need-to-know principle.

The Cabinet Liaison Officer shall authorise access to such documents and maintain the records specified in section 5.1 above.

# Annex A: Format for Cabinet Memoranda

Ministry Reference No: \_\_\_\_\_

Name of Proposing Minister: \_\_\_\_\_

Title of Proposal: \_\_\_\_\_

Date submitted (day/month/year): \_\_\_\_\_

## 1. Goals and Purpose of the Proposal

Notes:

1. *the nature of the proposal should be defined e.g., new ministry policy, development project, new or required revisions to legislation etc.*
2. *give the purpose of the proposal, the goals/objectives expected to be achieved.*

## 2. Brief Description of the Proposal

Notes:

1. *in no more than half a page, the main components of the proposal should be summarised together with a very brief outline, of how implementation will be achieved, over what period, the institutions responsible (including a clear indication of which institution is accountable to the Council of Ministers for delivery) and current status.*
2. *outline of alternative options considered for addressing the issue, with a short explanation justifying the selection of the chosen proposal.*

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### **3. Expected Contribution to Government Priorities**

Notes:

1. *proposals presented should implement an existing Republic of South Sudan priority or priorities – this section should identify which priorities are addressed.*
2. *if the proposal requires or justifies the amendment or redefinition of established priorities, this should be stated.*

### **4. Implications and Impact on Other Policies of the Republic of South Sudan and its Legislative Framework**

Notes:

1. *if the proposal is accepted (policy, project, new legislation etc.), it is likely that its implementation will have an impact upon other government policies, projects, and/or legislation. Impact can be positive or negative or both. This section should briefly attempt to identify potential consequences and include proposed steps to ameliorate negative consequences or maximise positive ones.*

### **5. Expected Benefits, Beneficiaries and any Adverse Impacts**

Notes:

1. *this should briefly describe the direct and indirect economic, social, environmental, institutional, legal or security consequences of pursuing the proposed course of action in terms of benefits to South Sudan and its people.*
2. *specific groups or geographical locations that will benefit from the proposal to be listed and where possible quantified.*
3. *any potential adverse impacts or possible criticism should be identified, together with a description of the groups likely to be involved and how to respond.*



## 6. Expected Costs

### Notes:

1. *estimate of life-time costs should be included, including:*
  - a) *costs that will be incurred to develop the proposal (e.g., feasibility study)*
  - b) *costs required to build the project (capital costs)*
  - c) *costs to maintain or run the proposal (annual running costs)*
2. *the source of funding (e.g., Republic of South Sudan, MDTF or other donor) should be identified including an indication of where this funding has already been secured.*
3. *certain types of proposals will have no direct costs (e.g., policy development or legal drafting), in which case this should be noted – however, if additional manpower or other resources are required, then this should be noted.*
4. *the extent to which provision has been made in the current Budget should be noted.*

## 7. Consultations Completed to Date and Issues Arising

### Notes:

1. *it is mandatory that other interested ministries and public agencies are consulted by sending them a draft of the memorandum before it is finalised. Wherever possible, issues should be resolved before the final memorandum is submitted for Cluster Committee and Cabinet consideration. The following ministries should be consulted:*
  - *the Ministry of Finance and Economic Planning on costs, revenue impact, and any other fiscal implication.*
  - *the Ministry of Labour, Public Service and Human Resource Development on any staffing requirements, training or human resource development issues.*

- *the Ministry of Justice on any legal impact, requirement for legal amendment or need for new or secondary legislation and to check that the proposal accords with the Transitional Constitution.*
  - *other sector ministries that are affected.*
2. *a very brief summary of the main issues that have arisen in this consultation and what is to be done to address them (note that a full record of all consultations are to be attached as Annexes)*

## **8. Implementation Plan and Next Steps**

Notes:

1. *a brief description of what will happen after the CoM meeting to implement the decision of the Council to implement the proposal. To include a timetable and targets that can be monitored.*
2. *if the decision and subsequent action should be communicated to the public, specific groups or external institutions directly affected, specify the manner in which this communication will be done (e.g., ministerial speech, press release radio etc.), with a draft of any media release attached as an Annex.*

## **9. Key Decisions Sought from CoM**

Notes:

1. *list the key issues that the Cluster Committee and CoM must consider using wording that is appropriate for a Cabinet resolution.*
2. *the types of decisions required to be specified (final approval, noted for information, approval to submit draft legislation to the legislature etc.,).*

Minister's Signature \_\_\_\_\_

Date \_\_\_\_\_

**Annex 1: Comments by Ministry of Finance and Economic Planning**

**Annex 2: Comments by Ministry of Justice**

**Annex 3: Comments by Ministries of Labour, Public Service and Human Resource Development**

**Annex 4: Comments by other affected ministries**

**Annex 5: Draft media release (if appropriate)**

**Annex 6: Explanatory material (if any)**

