

LAWS OF SOUTH SUDAN



*The Ministry of Livestock and Fisheries
Establishment Bill,
2021*

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In accordance with the provisions of Articles, 52, 55(3)(b), 85(1),111(n), and 161 of the Transitional Constitution of the Republic of South Sudan, 2011, the National Legislative Assembly, with the assent of the President of the Republic of South Sudan, hereby enacts the following:

Chapter I
Preliminary Provisions

Section 1. Title and Commencement

This Bill may be cited as “The Ministry of Livestock and Fisheries Establishment Bill, 2021,”and shall come into force on the date of its signature by the President.

Section 2. Repeal and Saving

- (1) Any provision of existing legislation, the subject matter of which is governed by this Act, is here by repealed to the extent that it conflicts with any provision of this Act.
- (2) The same principle set out in subsection (1) of this Section, with such modifications as the circumstances require, shall apply to existing proceedings, orders and regulations.

Section 3. Mandate

This Bill is to establish a Ministry of Livestock and Fisheries with the mandate to protect, regulate, guide and facilitate through science-based approach the transformation of livestock and fisheries sector in South Sudan from a subsistence system into a socially, economically and environmentally sustainable, market-oriented, competitive and profitable farming

Section 4. Authority and Application

- (1) This Bill is drafted in accordance with Article 52, Part Four, Chapter III, and Schedule A of the Transitional Constitution, which grants the Government the exclusive authority over matters of:
 - a. National Institutions;
 - b. National Lands and National natural resources;
 - c. International and Inter-State Transport, including roads, airports, water ways, river ports and rail way;
 - d. National planning;
 - e. The coordination of services or the establishment of minimum national standards or uniform norms in respect of any matter or service referred to in Schedule B or Schedule C, read together with Schedule D, with the exception of Item 1 of Schedule B;
 - f. National taxation and revenue;

- g. Any matter relating to an item referred to in Schedule C that cannot be dealt with effectively by a single state and requires National legislation or intervention;
 - h. National census, surveys and statistics;
 - i. Incorporation of companies and registration of business names.
- (2) This Bill is also drafted in accordance with Article 161, Part Eleven, Chapter I, and Schedule B, which grants each state the exclusive authority over matters of:
- a. Regulation of businesses, trade licenses, working conditions, hours and holidays within the state;
 - b. The development, conservation and management of state natural resources and state forestry resources;
- (3) Further, this Bill is drafted in recognition of the concurrent legislative and executive authorities in the areas of:
- a. Economic and social development;
 - b. Tertiary education and scientific research;
 - c. Trade, commerce, industry and industrial development;
 - d. Environmental management, conservation and protection;
 - e. Financial and economic policies and planning;
 - f. Regulation of land tenure, usage and exercise of rights inland;
 - g. Pastures, veterinary services, and animal and livestock disease control;
 - h. Matters relating to taxation, royalties and economic planning;
 - i. Natural resources and forestry.
- (4) Finally, this Bill is drafted in recognition of Schedules D and E in regard to residual powers and the resolution of conflicts in respect of concurrent powers.
- (5) If there is any conflict between the provisions of this Bill and any other Act or Regulation, the provisions of this Bill shall prevail.

Section 5. Definition of Terms

In this Bill, unless the context otherwise requires, the following words and expressions shall bear the meanings assigned to them:

“**AU-IBAR**” means African Union Inter-African Bureau of Animal Resources

“**OIE**” means International Organization for Animal Health

“**Applicable law**” means legislation of the Government enacted by the National Legislature and assented to by the President and any regulations made under it;

“**CBOs**” means community-based organization

“**The Codex Alimentarius**”, or "Food Code" is a collection of standards, guidelines and codes of practice adopted by the Codex Alimentarius Commission.

“**Council of Ministers**” means the Council of Ministers of the Government;

“Development Partners” means any one or combination of the bi-lateral or multi-lateral development programs supported by nation states or international organizations, such as the United Nations programs (Food and Agriculture Organization, World Food Program, etc.)

“Director General” means the person appointed as the head of a Directorate, in accordance with the provisions of this Bill;

“Directorate” means any of the administrative unit of the Ministry established by this Bill;

“GDP” Gross Domestic Product;

“Government” means the National Government of South Sudan;

“Livestock” means cattle, sheep, goats, rabbits, swine, equines, farmed wild game, poultry, fish, bees, or crustaceans or such other animal as the Minister may prescribe to be Livestock for the purposes of this Act;

“MLF” means the Ministry of Livestock and Fisheries;

“Minister” means the Minister in charge of Livestock and Fisheries;

“Ministry” means the Ministry responsible for Livestock and Fisheries;

“NGOs” means Non-Governmental Organizations;

“PBO” means pastoralist-based organization.

“President” means the President of the Republic of South Sudan;

“Undersecretary” means the Chief Civil Administrator and Accounting Officer of the Ministry appointed in accordance with the provisions of section 28 of this Bill;

“Transitional Constitution” means the Transitional Constitution of the Republic of South Sudan, 2011.

Chapter II

Establishment, Organization, Functions and Powers of the Ministry

Section 6. Establishment of the Ministry and Directorates

- (1) There is here by established, in the Republic of South Sudan, Ministry of Livestock and Fisheries (herein after called the “Ministry”).
- (2) The Ministry shall be headed by the Minister, and his or her decisions with respect to the Ministry shall prevail therein.
- (3) The Undersecretary is the Chief Administrator and Accounting Officer of the ministry who shall oversee the day-to-day activities of the ministry.

Section 7. Powers and Functions of the Ministry

The functions and powers of the Ministry as enumerated below are collective and accumulative in nature. They may be exercised by one or more of the Directorates, or outside of a Directorate in the fulfillment of the Ministry’s functions and duties.

The Ministry of Livestock and Fisheries shall have the following functions and duties:

- (1) Provide technical guidance in formulation, implementation and review of national livestock and fisheries policies and programs;
- (2) Monitor and evaluate performance of livestock and fisheries activities undertaken in the Republic of South Sudan;
- (3) Develop and maintain rangelands, pastures and protect against environment degradation in coordination with other related authorities;
- (4) Identify and promote investment opportunities in livestock and fisheries in South Sudan;
- (5) Undertake human resource development and training in the field of animal health, livestock production, fisheries and aquaculture, apiculture and other related fields;
- (6) Provide technical advice on animal, fisheries and bees health, disease control and regulate the delivery of veterinary services, production of vaccine and supplies and promote animal welfare;
- (7) Support meat inspection service at appropriate levels of government and the development of abattoirs;
- (8) Monitor and investigate the prevalence, spread and impact of diseases in the livestock, fisheries and bees populations;
- (9) Promote gender-responsive and equitable policy and programmes in livestock and fisheries sector;
- (10) Promote and coordinate partnership between institutions and private livestock and fisheries owners, operators and provide needed technical assistance for the transformation of traditional livestock practices and introduce a modern market-oriented system;
- (11) Promote cooperatives and enterprises development in livestock and fisheries sector;
- (12) Regulate and coordinate livestock and fisheries trade issues according to the regional and international standards;
- (13) Promote fishing, aquaculture development and fish processing technologies;
- (14) Develop policies, bills and regulations to govern the exploitation of fisheries and livestock resources;
- (15) Promote effective pluralistic and demand-driven livestock and fisheries extension services and programmes;
- (16) Promote the development of the beekeeping industry and other emerging livestock resources;
- (17) Promote international and regional cooperation in the field of animal and fisheries wealth;
- (18) Supervise the import and export of fisheries and livestock, livestock products, and livestock and fisheries inputs in coordination with other related authorities;
- (19) Supervise technical assistance and training of states` government and other local government to build their capacity;
- (20) Establish national and regional research centres for livestock and fisheries;

- (21) Collect data, analyse and disseminate credible information needed for rational planning and timely decision-making within the Ministry and other stakeholders; and
- (22) Perform any other functions as may be prescribed by law and consistent with the Authorities described in Section 4.

Section 8. Establishment of Directorates

- (1) The Directorates as set forth below and described in the following sections are hereby established within the Ministry, to facilitate the effective and efficient exercise and performance of the Ministry's functions and authorities.
- (2) Each Directorate will compose of Departments and Units.
- (3) The Directorates of the Ministry of Livestock and Fisheries are:
 - a. Directorate of Administration, Finance, Human Resource Development and Training;
 - b. Directorate of Planning, Statistic, Documentation and Gender mainstreaming;
 - c. Directorate of State Collaboration and Special Projects;
 - d. Directorate of Investment and Marketing;
 - e. Directorate of Livestock Production and Range Management;
 - f. Directorate of Fisheries and Aquaculture Development;
 - g. Directorate of Veterinary Services;
 - h. Directorate of Livestock and Fisheries Extension and Advisory Services; and
 - i. Directorate of Livestock and Fisheries Research and Development.

Section 9. Directorate of Administration, Finance, Human Resources Development and Training

- (1) Within the Ministry, there is hereby established a directorate to be known as the Directorate of Administration, Finance, Human Resources Development and Training.
- (2) The Directorate of Administration, Finance, Human Resources Development and Training shall exercise all powers, reasonably necessary, to fulfil the following functions of the Ministry:
 - a. Monitor and control funds from both Government and Development Partners and their application to Ministry's activities and preparing financial reports (monthly, quarterly and annually) accordingly;
 - b. Record all financial transactions for transparency and accountability purposes;
 - c. Provide logistical support including fuel, power, and water to technical directorates and the leadership of the Ministry and process travel bookings and visas for official domestic and international travel;
 - d. Procure for the Ministry fixed and movable assets, and consumables and maintain their up-to-date records.

- e. Perform contractual and construction work in the Ministry and in the livestock and fisheries National Training Institutions.
- f. Maintenance of vehicles, generators, computers, printers, photocopiers, premises and compound and manage storage facilities of the Ministry;
- g. Advertise vacant positions with clear job specifications and follow-up appointment, promotion and confirmation of staff by the Ministry of Public Service and Human Resource Development;
- h. Make all payments including salaries, arrears and any other relevant expense to the staff of respective Directorates of MLF or vendors;
- i. Develop staff job description in coordination with technical Directorates and manage their performance appraisal.
- j. Source technical and financial support for sustainable functioning of Livestock and Fisheries Training Centres;
- k. Plan human resource development programs based on t staff training needs assessment for the ministry and the states at all levels and in various fields of specialization. and
- l. Perform any other functions and duties that may be assigned to it, or which are reasonably related to the forgoing activities.

Section 10. Directorate of Planning, Statistics, Documentation and Gender mainstreaming;

- (1) Within the Ministry, is hereby established a directorate to be known as the Directorate of Planning.
- (2) The Directorate of Planning shall exercise all powers, reasonably necessary, to fulfil the following functions of the Ministry:
 - a. Initiate and support development of draft bills, policies, regulations, orders, and plans in support of the Ministry’s purpose;
 - a. Spearhead and coordinate internal annual planning, budgeting and annual work plan of the Ministry;
 - b. Monitor and evaluate, execution of budget and annual work plan by the Directorates ;
 - c. Collect, consolidate, and disseminate budget execution and project results information;
 - d. Maintain and facilitate development partner, inter- and intra-government communication;
 - e. To be a depository of project planning and implementation documents;
 - f. To act as the focal point in organizing mission schedules, development partners, government meetings, technical meetings, and decision-making meetings;
 - g. Develop and review livestock and fisheries policies, programs and projects and initiate participatory policy dialogues.
 - h. Facilitate, monitor, and evaluate implementation of policies and plans;

- i. Design, appraise, monitor and evaluate livestock and fisheries, and aquaculture development programmes implemented by the Ministry or Development Partners in South Sudan;
- j. Undertake or commission studies, assessments, surveys, and census in the livestock and fisheries sector in collaboration with technical directorates of the ministry;
- k. Establish and operate a documentation centre and website on livestock and fisheries to support planning and decision-making, primarily within the Ministry for livestock and fisheries stakeholders and line ministries;
- l. Compile and publish official progress reports on activities and status of the livestock and fisheries sectors in South Sudan.
- m. Collect, analyse and disseminate credible gender-disaggregated data for gender responsive programs and budgeting;
- n. Organize and participate in information sharing platforms in the Ministry and/or outside;
- o. Coordinate donor funded programs and projects with the concerned technical Directorates within the Ministry and other government entities and stakeholders such as NGOs , farmers unions and Pastoral-based organizations as described in Chapter 1, section 3, Mandate,
- p. Perform any other functions and duties that may be assigned to it, or which are reasonably related to the forgoing Activities.

Section 11. Directorate of State Collaboration and Special Projects

- (1) Within the Ministry, there is hereby established a directorate to be known as the Directorate of State Collaboration and Projects Coordination.
- (2) The Directorate of State Collaboration and Special Projects shall exercise all powers, reasonably necessary, to fulfil the following functions of the Ministry:
 - a. Appraise project proposals by funding organizations and implementing partners and ensure that they are in line with the national livestock and fisheries development policies;
 - b. Coordinate donor supported livestock and fisheries development programs and projects with the States within South Sudan;
 - c. Strengthen public relations, communications and networking with the states line ministries.
 - d. Perform any other functions and duties that may be assigned to it, or which are reasonably related to the forgoing Activities.

Section 12. Directorate of Investment and Marketing

- (1) Within the Ministry, there is hereby established a directorate to be known as the Directorate of Investment and Marketing.
- (2) The Directorate of Investment and Marketing shall exercise all powers, reasonably necessary, to fulfil the following functions of the Ministry:

- a. Identify and promote trade opportunities in livestock and fisheries in South Sudan in collaboration with other government and non-governmental agencies and the private sector;
- b. Formulate and direct public and private investment programs in livestock, apiculture, fisheries, and aquaculture;
- c. Conduct appraisal and review of public and private investment programs/projects in livestock and fisheries to ensure feasibility and compliance with Ministry policies and regulations;
- d. Collaborate with concerned institutions at domestic, regional and international levels for promoting trades and marketing in livestock and fisheries sectors;
- e. Regulate and coordinate Livestock and Fisheries Trade Issues according to the regional and international standard;
- f. Research and disseminate market prices information for livestock and fisheries commodities and assess domestic and overseas market supply of and demand for livestock and fisheries products to inform marketing decisions;
- g. Provide investment priority guidance based on policies, and long- and medium-term plans to interested investors in livestock and fisheries sector
- h. Initiate and/or support development and establishment of livestock and fisheries marketing facilities and infrastructure to enhance marketing and trade in livestock and fisheries; and
- i. Perform any other functions and duties that may be assigned to it, or which are reasonably related to the forgoing activities.

Section 13. Directorate of Livestock Production and Range Management

- (1) Within the Ministry, there is hereby established a directorate to be known as the Directorate of Livestock Production and Range Management.
- (2) The Directorate of Livestock Production and Range Management shall exercise all powers, reasonably necessary, to fulfil the following functions of the Ministry:
 - a. Participate in implementation of livestock development programmes across the country in collaboration with the Directorate of Planning;
 - b. Promote appropriate technologies and innovations in production, productivity, and processing of hides and skins, honey and other livestock by-products through domestic industries following minimum standards;
 - c. Act as a focal point for livestock, apiculture and environmental data for the purpose of drought monitoring, development and monitoring of early warning systems and contingency planning;
 - d. Initiate establishment of national livestock development projects;
 - e. Promote and coordinate programmes to improve the productivity and conservation of genetic resources, natural pastures and fodder and rehabilitation of deteriorated rangelands and supply of livestock water, for optimal livestock production;

- f. Ensure sustainability and contribution of livestock sector to livelihood, food and nutrition security
- g. Perform any other functions and duties that may be assigned to it, or which are reasonably related to the forgoing activities.

Section 14. Directorate of Fisheries and Aquaculture Development

- (1) Within the Ministry, there is hereby established a directorate to be known as the Directorate of Fisheries and Aquaculture Development.
- (2) The Directorate of Fisheries and Aquaculture Development shall exercise all powers, reasonably necessary, to fulfil the following functions of the Ministry:
 - (a) Management and conservation of fishery resources;
 - (b) Promotion of aquaculture development;
 - (c) Promotion of fish quality control and preservation techniques;
 - (d) Promote value chain in fish and fisheries products
 - (e) Form strong linkages with States governments to ensure effective management of fisheries resources;
 - (f) Provide technical advice on innovations and technological options to partners and private sector for development of fisheries and aquaculture sector;
 - (g) Participate in implementation of fisheries and aquaculture development programmes across the country in collaboration with the Directorate of Planning Develop guidelines and monitor implementation of measures and regulations on fisheries and aquaculture across the country;
 - (h) Initiate national fisheries development projects;
 - (i) Ensure sustainability and contribution of fisheries and aquaculture to livelihood, food and nutrition security and GDP;
 - (j) Conduct social and environmental impact assessment on fish farming intervention / projects; and
 - (k) Perform any other functions and duties that may be assigned to it, or which are reasonably related to the forgoing activities.

Section 15. Directorate of Veterinary Service

- (1) Within the Ministry, there is hereby established a Directorate to be known as the Directorate of Veterinary Service.
- (2) The Directorate of Veterinary Service shall exercise all powers, reasonably necessary, to fulfil the following functions of the Ministry:
 - (a) Implementation of systematic disease control strategies aimed at improving animal health and productivity;
 - (b) Execution of well-planned public health and food safety policies along the meat and dairy value chain to safeguard human health and promote trade and export;

- (c) Develop an efficient and effective national epidemiologic surveillance system for information collection, disease mapping or surveys to inform decision making on disease control strategies;
- (d) Strengthen collaboration and coordination with OIE, FAO, Codex Alimentarius, AU-IBAR, and other relevant international organizations to share experiences and expertise and benefit from regional and international programmes;
- (e) Strengthen and streamline policies of disease control, eradication and certification between MLF, States and partners;
- (f) Introduce Livestock Identification and Traceability System to improve livestock management, diseases control, promote trade and curb cattle rustling;
- (g) Develop guidelines and Monitor implementation of measures and regulations on animal health and animal welfare across the country;
- (h) Management of animal diagnostics laboratories, animal quarantines facilities and abattoirs in the country;
- (i) Control Livestock movement and initiate establishment of Diseases free zones in the country; and
- (j) Perform any other functions and duties that may be assigned to it, or which are reasonably related to the forgoing activities.

Section 16. Directorate of Livestock and Fisheries Extension and Advisory Services

- (1) Within the Ministry, there is hereby established a directorate to be known as the Directorate of Livestock and Fisheries Extension and Advisory Services.
- (2) The Directorate of Livestock and Fisheries Extension and Advisory Services shall exercise all powers, reasonably necessary, to fulfil the following functions of the Ministry:
 - (a) Provision of technical guidance in formulation, implementation and review of National Extension policies and programs according to best practices and international standards
 - (b) Strengthen coordination of the pluralistic livestock and Fisheries extension service provision.
 - (c) Strengthen linkages with research and learning institutions in development of appropriate technologies, extension and innovations,
 - (d) Mainstreaming gender, environment, HIV/AIDS, people with disabilities and other cross-cutting issues in extension programmes
 - (e) Training of livestock producers, fisher folks, bee keepers and actors in the value chain on various extension aspects.
 - (f) Creating awareness on various issues of livestock and fisheries using visual-aids, extension approaches and media.

- (g) Link up with regional bodies, NGOs and civil society organizations, working in the field of extension and pastoralist development, for information and experience sharing and joint projects.
- (h) Perform any other functions and duties that may be assigned to it, or which are reasonably related to the forgoing activities.

Section 17. Directorate of Livestock and Fisheries Research and Development

- (1) Within the Ministry, there is hereby established a directorate to be known as the Directorate of Animal and Fisheries Research and Development.
- (2) The Directorate of Livestock and Fisheries Research and Development shall exercise all powers, reasonably necessary, to fulfil the following functions of the Ministry:
 - (a) Developing research technologies and innovations, in the areas of livestock, fisheries and aquaculture, bees, Livestock and Fisheries feeds for national resource management, increase of productivity, attainment of high-quality products, resilience and decrease of post- harvest losses;
 - (b) Coordinate satellite research centres in the states
 - (c) Production of vaccines, biological products and quality control
 - (d) Improve livestock, poultry and bee breeds and feeds through scientific research.
 - (e) Characterization and classification of local breeds and Preservation of livestock genetic resources,
 - (f) Research on embryo transfers and semen analysis
 - (g) Mapping out Livestock and Fisheries resources
 - Strengthen coordination and collaboration with national, regional and international research institutions
 - (h) Perform any other functions and duties that may be assigned to it, or which are reasonably related to the forgoing Activities.

**Chapter III
Administration and Supervision of the Ministry**

Section 18. Administration

The Ministry shall consist of the Minister, , Undersecretary, Directors Generals ,Directors, officials and support staff.

Section 19. Appointment and Removal from Office

- (1) **The Minister shall be appointed and removed from office by the President,**

- (2) To assume office, the Minister shall, take the oath provided for by Article 114 of the Transitional Constitution before the President.

Section 21. Powers and Functions of the Minister

- (1) The Minister shall be the chief executive of the Ministry of Livestock and Fisheries.

Without prejudice to the generality of subsection (1), above, and in addition to any functions that may be conferred upon the Minister by any other law, the Minister shall have the following functions:

- (a) Lead the Ministry of Livestock and Fisheries in accomplishing its mandate as state in section 3.1:
- (b) Represent the Ministry on the Council of Ministers, Parliament, other national and state organizations, national executives and officers, internationally, and to the President of the Republic;
- (c) collaborating and establishing good working relations with GoSS Ministries and the Ministers at the State level in fulfilment of their respective constitutional obligations;
- (d) performing any public or political role and provide leadership in public affairs to achieve the policy objectives of the GoSS;
- (e) Conducting and encouraging constant improvement of the ministry and livestock and fisheries sector.
- (f) promoting and encouraging all necessary steps to continuously improve food security in South Sudan;
- (g) guiding the development of bills, policies, regulations, orders, and planning in furtherance of the Ministry's purposes;
- (h) any other legal function rationally related to the purposes of the Ministry, and in support of the functions and authorities of the Ministry directorates; and
- (i) any other legal function that may be assigned to the Minister by law, or the President.

Section 28. Appointment and Functions of the Undersecretary

- (1) The Ministry shall have an Undersecretary who shall be appointed to and removed from office by the President.

Section 29. Functions of Undersecretary

The Undersecretary shall be:

- (a) Chief Administrator and Accounting Officer of the Ministry and responsible for the coordination and supervision of all Directorates of the Ministry and day-to-day Activities of the Ministry;
- (b) supervise the implementation of the Ministry's policies on technical, administrative and financial matters;

- (c) issue orders, and make decisions relating to the policies, regulations, orders, and plans of the Ministry;
- (d) report regularly to the Minister, and implement the Minister's orders;
- (e) make recommendations on all matters concerning the functions and duties of the Ministry;
- (f) establish regular programmes for the internal and external training of all Ministry staff;
- (g) establish rules and procedures for inspection, supervision and implementation of programmes;
- (h) oversee the issuance of identity cards for staff of the Ministry;
- (i) assist the Minister in the performance of his or her duties,
- (j) be answerable to the Minister in the performance of his or her functions and duties; and,
- (k) initiate recruitment of the ministry staff
- (l) perform any other functions and duties that may be assigned to him or her by the Minister.

Chapter IV Review

Section 30. Review

- (1) At a date no later than 5 years or any other time deemed necessary after this Act comes into force, the Ministry shall conduct a review as to whether this Act and the Regulations still comply with the principles stated in Section 4.
- (2) In cases where the circumstances or purposes, which caused the development and implementation of the technical regulation, have changed or ceased to exist, the Ministry shall initiate the appropriate procedures for revision or withdrawal of this Act and the Regulations.

Chapter V Regulations and Ministerial Orders

Section 31. Authority to Issue Regulations

- (1) The Minister may issue regulations for the efficient and effective implementation of the provisions of this Bill.
- (2) Regulations approved by the Council of Ministers are considered promulgated, and have the force and effect of law.
- (3) Ministerial regulations shall be kept on file in an organized manner so that all ministerial orders may be reviewed as a compendium

- (4) All regulations must be approved by the Council of Ministers, and are subject to cancellation or revision by the President by specifically written orders.

Section 32. Authority to Issue Orders

- (1) The Minister has the authority to issue orders that effectuate this Bill and relevant livestock and fisheries laws, regulations, and policies unless those orders require changes to the Ministry's requests of the Treasury.
- (2) Orders requiring significant changes to the Ministry's requests to the Treasury must be approved by the Council of Ministers.
- (3) Orders signed by the Minister are considered promulgated, and have the force and effect of law.
- (4) Ministerial orders shall be kept on file in an organized manner so that all ministerial orders may be reviewed as a compendium.