

LAWS OF THE NEW SUDAN

WILDLIFE FORCES ACT, 2003

(PROVISIONAL ORDER)

Laws Of The New Sudan Wildlife Forces Act, 2003

Section 1. Title and Commencement:-

This Act may be cited as the Wildlife Forces Act 2003 and shall come into effect on the date of signature by the Chairman.

Section 2. Repeal and Saving:-

The New Sudan Wildlife Forces Act 1994 is hereby repealed provided that all proceedings, orders and regulations made thereunder shall remain in force until repealed or amended in accordance with the provisions of this Act.

Section 3. Application:-

This Act shall apply to all officers and other ranks in the Wildlife Forces in the New Sudan and to any group or groups of persons to whom this Act shall be made applicable.

Section 4. Definitions:-

- 1) In this Act all the words and expressions shall bear the meanings assigned to them in the definitions contained in the Wildlife Conservation and National Parks Act 2003, unless herein otherwise defined.
- 2) In this Act unless the context states otherwise, the following words and expressions shall bear the meanings assigned to them:-
 - “Wildlife Forces”** means the forces constituted under this Act.
 - “Commissioner”** means the Commissioner for Wildlife Conservation Environment Protection and Tourism.
 - “Director-General”** means the Inspector General of Wildlife Forces of the New Sudan.
 - “Director”** means the officer in command of the Region or any other Unit within the wildlife forces.
 - “Wildlife Officer”** means an Officer or a member of other ranks in the wildlife forces.
 - “Superior Officer”** when used in relation to any person subject to the provisions of this Act includes a Non-Commissioned officer in charge of any wildlife unit in the wildlife forces.

“Officer” means any officer of the Wildlife Forces established under this Act and of the following disciplinary ranks (CDR, A/CDR – Lt. Colonel, Major, Captain, 1st Lt and 2nd Lt.

“Secretariat” means the Secretariat of Wildlife Conservation, Environment Protection and Tourism.

“Non-Commissioned Officer” means a wildlife officer of any of the following disciplinary ranks:-

- a) Regimental Sergeant Major (RSM)
- b) Sergeant Major (SM)
- c) sergeant (SGT)
- d) Corporal (CPL)
- e) Lance Corporal (L/CPL).

Other ranks includes NCOS and privates.

“Chairman” means the Chairman of the SPLM and CANS.

“C-in-C” means the Commander-in-Chief of the SPLA Forces.

“Officer in-charge of wildlife Unit” means the officer appointed by the Director-General to take charge of the Wildlife forces of the Region, county, Payam or any of the following :-

- Units:-
 - a) General Headquarters
 - b) Regions.
 - c) Counties.
 - d) Payam.
 - e) National Parks.

Section 5. Organizational Structures:-

a) Headquarters.

- 1) Director-General of Wildlife Forces.
- 2) Deputy Director-General.
- 3) Assistant Director-General.
- 4) Director for Administration.
- 5) Director for Wildlife Management.
- 6) Director for Law Enforcement (Anti-poaching).
- 7) Director for Tourism.
- 8) Director for Fisheries and Production.
- 9) Director for Training and Planning.
- 10) Director for Wildlife Conservation College and Research.

b) Regions: - Wildlife Conservation Regional Directors.

- c) County (Senior Inspector)
- d) Payam (Senior Wildlife Officer).

e) National Parks:-

1. Senior Park Warden.
2. Assistant Park Warden.
3. Warden.

Chapter Two

Section 6. Application of the Act:-

The Chairman of the SPLM and CANS may by an Order apply the provisions of this Act to any group or groups of persons who may from time to time be specified by such order.

Section 7. Delegation of Powers:-

- 1) The Commissioner may by an order delegate temporarily any person or group of persons, to exercise all or some of his powers prescribed in this Act.
- 2) The Commissioner may make regulations for the good administration, discipline and organization of Wildlife Forces.

Section 8. Constitution, Obligations and Duties of the Wildlife Forces:-

- (1) The Wildlife Force is a disciplinary force and shall consist of the following:-
 - a) Officers
 - b) Other ranks
 - c) Any group or groups of persons to whom this Act applies.
- (2) Without prejudice to the powers of the Chairman of the SPLM and CANS under this Act, the Wildlife Forces shall be under the Commissioner and the Forces shall be organized technically and administratively as the Commissioner may deem fit.
- (3) The Commissioner may delegate all or some of his powers under this Act, to the Director General.

Section 9. Directors of Regions and other Units of the Wildlife Forces:-

- 1) The Regional and other units of the wildlife forces shall be under the Command of the Director-General who may delegate his powers to the Officer in charge of any Unit.
- 2) The Director General shall be charged with the superintendence, administration and discipline of the Forces and shall be responsible for all the expenditure in connection with the Forces and accountable for all CANS stores and special properties of the Forces.
- 3) The Director-General may at any time enroll able persons to fill vacancies of other ranks within the authorized budgets in accordance with regulations.

- 4) The Director-General may fill by promotion or appointment all vacancies which may occur in the other ranks.

Section 10. Duties of the Wildlife Forces:-

The Wildlife Forces shall be deployed for the protection, preservation, conservation, management of Wildlife and Environment, detection, apprehension and prosecution of poachers, protection of clients, visitors and tourists, custody of exhibits on behalf of the Secretariat.

Section 11.

Every member of Wildlife Force shall be responsible for all the public money entrusted to his care or possession and shall be in charge of arms, accouterments, clothing, store issues for his use or the use of Forces under his command and shall account for the same to the officer in charge of the Wildlife Unit in the case of the same being lost, damaged or destroyed unless it could be shown to the satisfaction of the officer in charge of the Wildlife Unit that such loss, damage or destruction was caused by unavoidable accident, theft, or by actual use.

Section 12.

All members of the wildlife Forces shall individually and collectively be responsible for any CANS building in which they may be accommodated or in which stores or other CANS property in their charge may be kept.

Section 13.

Every person enrolled in the Wildlife Forces shall be bound as long as he retains his appointment, to devote his whole time and energies to the performance of all such duties as are provided under this Act. He shall also be bound to obey at all times and use his utmost efforts to execute within the limits of his duties, all lawful orders from his superior officers.

Section 14.

- 1) For the purpose of this Act a member of the Wildlife Forces shall be deemed to be on duty for twenty four (24) hours a day.
- 2) A member of wildlife Forces suspended from his office but not removed from the force, shall be bound by the provisions of this Act while under suspension, his powers and privileges as an officer are held in abeyance, but shall continue to be subject to the same responsibilities, discipline and penalties as if he had not been suspended.

Section 15. Subjection of the Wildlife Forces to Military Law:-

The Chairman of SPLM and the Commander-in-Chief of the SPLA may at any time declare the embodiment of the whole or part of the wildlife forces into the SPLA and so long as such declaration is in force the Forces embodied shall form part of the SPLA and shall be subject to all duties imposed on them and may serve in Military operations and be subject to military law.

Chapter Four

Section 16. Appointment and Duties of Director-General:-

The Chairman of SPLM and CANS shall in consultation with the Commissioner appoint the Director-General of the Wildlife Forces from amongst the officers in service.

Section 17.

The Director-General shall be responsible for the superintendence and administration of the Wildlife Forces in accordance with the provisions of this Act and regulations made thereunder and shall be in charge of the Wildlife Forces, administration, disposition of the Forces and financial matters pertaining to them.

Section 18. Appointment of the Wildlife Forces Officers:-

The Chairman shall appoint Wildlife Force Officers in accordance with the provisions of this Act and Wildlife Forces regulations, and may delegate his powers under this Act to the Commissioner.

Section 19. An officer shall reside within the local limits of his unit and shall not reside elsewhere except when approved by the officer in charge of the Wildlife Force unit.

Section 20. General Duties of Officers:-

Every officer shall be bound to:-

- a) preserve the dignity of his office and should behave in a manner becoming of his position;
- b) perform the duty assigned to him personally, devotedly and accurately;
- c) execute any order given to him, and to be responsible for good administration and performance within his jurisdiction.
- d) be of good character, self-controlled, respectful, dignified, humane in the treatment and protection of wildlife as required by law.

Section 21. Non Disclosure and Possession of Official Documents:-

- 1) No officer shall communicate any information or disclose any matter which is by its nature classified as confidential or made so by a special order;

- 2) No officer shall keep for himself any original of an official document or remove any original copy from the file in which such document is kept even though it relates to a specific duty assigned to him.

Section 22. Un-official Employment:-

No officer shall engage himself or be engaged in any work with or without remuneration or gratuity, without a prior written consent from the Director-General.

Section 23.

No officer shall accept membership of any Board of Directors of any private company or firm or any other post therein except when appointed by appropriate public authorities.

Chapter Five

Appointments to Other Ranks and Duties Thereof.

Section 24.

Every Wildlife Officer from other ranks shall be enrolled in accordance with the general regulations.

Section 25.

Sections 17 to 22 shall apply to other ranks as they apply to an officer, except when the officer in charge of the Wildlife Force unit may give the written consent mentioned in section 22.

Chapter Six

Offences, Contraventions and Penalties Committed Under the Cover of Office

Section 26.

- 1) Any person subject to the provisions of this Act who commits any act in his official position which is an offence under the Penal Code or any other Law or grossly neglects his duty or without reasonable excuse refuses to obey an order given to him by his superior officer, commits an offence under this Act.
- 2) Any person subject to this Act accused of an offence under the proceeding subsection may be prosecuted, with the knowledge of the Director-General and shall on conviction be punished with imprisonment for a term not exceeding two (2) years or a fine not exceeding LS 200 or both.

- 3) The punishment provided by this section is in addition to any other punishment or proceedings which may be prescribed by any other law.
- 4) If convicted to a period of one month imprisonment the convict shall be deemed to have been dismissed from the Force.

Absence Without Leave

Section 27. (1) Any person Subject to this Act who:-

- a) Absents himself without leave or without sufficient cause overstays leave granted to him or,
 - b) Without sufficient cause fails to appear at the time fixed at the parade or place appointed for the exercise of duty, or;
 - c) When on parade or duty, without sufficient cause or without leave from his superior officer quits the parade or duty, or;
 - d) Quits his guard, piquet or patrol without being regularly relieved or without leave, shall on conviction be punished with dismissed from the forces or lesser penalty.
- 2) If any officer is set free or acquitted by a criminal court of any offence committed by him, he shall not be liable for any punishment for the same crime in accordance with the Provisions of this Act but may be administratively disciplined.

Use of Criminal Force Against Superiors

Section 28.

Any person subject to this Act who uses or attempts to use criminal force against or commits an assault on his superior officer whether on or off duty commits an offence and , shall on conviction be punished with dismissal from the Force or any other lesser punishment.

Treatment of Subordinates

Section 29.

Any person subject to this Act who uses or attempts to use criminal force or commits an assault or ill treats any person subject to this Act, but being a subordinate, commits an offence and shall on conviction be punished with dismissal or any other lesser penalty.

Disobedience of Superior Officer

Section 30. Any person Subject to this Act Who:-

- a) Disobeys any lawful order of his superior officer or,

- b) Absents himself from the barracks or his place of abode without leave while on standby or,
- c) Utters words which show rudeness or disobedience to his superior officer, shall on conviction be punished with dismissal or with any other lesser penalty.

Section 31.

Any person subject to this Act who neglects to obey any general or any other standing order commits an offence and shall on conviction, be punished with dismissal or any other lesser penalty.

Conduct Unbecoming Of Wildlife Forces

Section 32.

Any person subject to this Act who behaves in a scandalous manner or any other behaviour unbecoming of his position commits an offence and shall on conviction be, punished with dismissal or any other lesser penalty.

Malingering

Section 33.

Any person subject to this Act who malingers or feigns disease or intentionally delays his treatment commits an offence and shall, on conviction be punishable with dismissal or any other lesser penalty.

Negligence, False Accusation, And False Reporting

Section 34. Any Person Subject to this Act who:-

- a) Neglects his duties or,
- b) Makes a false accusation against any person subject to this Act or,
- c) Furnishes an erroneous report of any duty assigned to him; commits an offence and shall be punished with dismissal or any other lesser penalty.

Conduct Prejudicial To Good Order and Discipline

Section 35.

Any person subject to this Act who is accused of any act or conduct for which no penalty has been specified elsewhere in this Act but which is prejudicial to good order and discipline commits an offence and, shall on conviction be punished with dismissal or any other lesser penalty.

Penalties and Contraventions In Case Of Officer

Section 36. The Following Penalties may be Imposed on an Officer:-

- a) Dismissal subject to confirmation by the Chairman.
- b) Cut of pay, or demotion or both.
- c) Deprivation from annual increment for a period not exceeding one year.
- d) Deprivation from seniority of service for one year subject to confirmation by the Director-General.
- e) Suspension of annual increment for a period not less than three (3) months.
- f) Severe or simple reprimand.
- g) Admonition which may be imposed once only during a year.
- h) Placement under non-effective list.
- i) Retirement from the service.

National Wildlife Forces Board

Section 37.

- 1) The Chairman on the recommendation of the Commissioner may under this Act, by an order convene a National Wildlife Forces Board for the trial of any officer from the rank of Major and above.
- 2) The Director-General or any person authorized by him under this Act may by an order convene:-
 - a) A non-summary Wildlife Forces Board for the trial of any officer below the rank of a Major.
 - b) A summary Wildlife Forces Board for the trial of any officer below the rank of a Major.

Constitution Of The National Wildlife Forces Board

Section 38. The National Wildlife Forces Board shall be Constituted as follows:-

- a) Major Board composed of five (5) officers non of whom shall be below the rank of Major and of whom one shall be appointed as the president by the convening authority.
- b) Non-summary Board composed of three (3) officers non of whom shall be below the rank of the accused officer and one of whom shall be appointed as the president by the convening authority.
- c) Summary Board composed of one officer provided that an officer of the rank of Major and above shall only be tried by the Director-General.

Powers of the National Wildlife Board

Section 39.

- 1) A major National Wildlife Board may impose any of the penalties provided for under section 36 of this Act.
- 2) A non-summary Wildlife Forces Board may impose any of the penalties provided for in section 36 of this Act.
- 3) A summary Wildlife Forces Board may impose the penalties provided for in clauses (e), (f), or (h) of section 36.

Procedure of The National Wildlife Forces Board

Section 40.

- 1) The order for committal for trial shall be issued after the investigation into the contravention and shall include the charges against the officer.
- 2) The officer shall be notified in writing of the order of committal for trial and the date of trial not less than forty-eight (48) hours before the hearing.

Section 41.

- 1) Every charge shall be inquired into by the National Wildlife Forces Board in the presence of the accused who may be examined and may call any witnesses and make any statement in defence verbally or in writing provided that the statements of all witnesses and the accused officer shall be recorded in writing by any Major Wildlife Forces Board or non-summary Wildlife Forces Board.
- 2) The accused officer may call a friend to assist him in his defence.
- 3) The accused officer may be tried in absentia if, in spite of being summoned, he fails to appear before National Wildlife Forces Board or fails to attend without sufficient cause.

Appeals

Section 42.

- 1) The aggrieved officer may appeal to the Director-General against penalties imposed by a summary Wildlife Forces Board and in case the penalty was imposed by the Director-General, he may appeal to the Commissioner whose decision shall be final.
- 2) The aggrieved officer may appeal to the Commissioner against penalties by non-summary or Wildlife Forces Major Board and thereafter to the Chairman whose decision shall be final.

Powers of Appellate Authority

Section 43. The Appellate Authority to which an Appeal lies under section 42 may:-

- a) Confirm the finding and sentence or,
- b) Confirm the finding and alter the sentence to a lesser penalty or,
- c) Set aside the finding and sentence and ,
- d) Order retrial.

Penalties For Contravention In The Case Of Other Ranks

Section 44.

The following penalties may be imposed on other ranks:-

- a) Dismissal provided that the dismissal of R/SM shall be subject to confirmation by the Director-General.
- b) Demotion provided that the demotion of R/SM shall be subject to confirmation by the Director-General.
- c) Confinement in a cell for 15 days without pay and without any allowance other than forage allowance and with or without punishment drill.
- d) Deprivation of annual increment.
- e) Forfeiture of leave.
- f) Confinement in cells for seven (7) days without pay and allowance other than forage allowance and with and without punishment drill.
- g) Punishment drill for seven (7) days.
- h) Extra duty for seven (7) days.
- i) Punishment drill for fifteen (15) days.
- j) Confinement in the barracks for ten (10) days with or without punishment drill.
- k) Fine not exceeding seven (7) days pay.
- l) Simple or severe reprimand.

Complaints

Section 45.

- 1) Any officer who deems himself aggrieved by any measure taken and who on due application made to his commanding officer does not receive the redress he considers himself entitled to, may complain to the Director-General and if the complaint is against the Director-General, it may be made to the Commissioner.
- 2) Any member of other ranks who deems himself wronged by any officer under whose command he is serving provided that when the officer complained against is the officer to whom the complaint would otherwise be referred, the aggrieved person may complain to such officer's senior officer.

Chapter Seven

Suspension And Placement On Non-Effective List

Section 46.

- 1) The Director-General or the officer in charge of the Wildlife Forces unit may within his jurisdiction suspend any officer from duty in the interest of public service.
- 2) The Director-General or officer in charge of the Wildlife Forces Unit or any other acting officer in charge may suspend any member of the other ranks in the interest of the service.
- 3) The regulations shall provide for the procedure for suspension and the proportion of the pay to be paid to persons suspended under subsection (1) and (2) of this section.

Section 47. The Commissioner may recommend to the Chairman of SPLM/CANS the placement of any officer on the non-effective list for a period not exceeding two years for the following reasons:-

- a) If he is performing his duties in an unsatisfactory manner or,
- b) If a medical Board decides that the officer is not medically fit to carry out his duties for reasons pertaining to his health or,
- c) If for disciplinary reason and in the interest of Public service the Commissioner deems it necessary.

Section 48.

- 1) The officer placed on the non-effective list shall be subject to disciplinary measures and shall not work in any menial job.
- 2) The aforesaid Officer shall not appear in uniform except on being called to the Wildlife Forces Headquarters and shall notify the Headquarters in writing of his residence or any change thereof.

Section 49. The aforesaid Officer shall be entitled to two thirds (2/3) of his basic pay and the period spent on the list shall be counted towards pension and pension subscriptions shall be deducted therefrom.

Termination Of Contract Of Service

Section 50.

- 1) An officer or any member of the other ranks serving under a contract shall not quit the force or resign during the tenure of the contract without prior writing to the Director-General in the case of an officer, and to the officer in charge of the Wildlife Forces Unit or the person acting on his behalf in the case of the other ranks.
- 2) The officer in charge of the Wildlife Forces or the person acting on his behalf may extend the contract of service on its expiration for a term not exceeding six (6) months in the case of other ranks serving under his command.

Chapter Eight Oath Of Allegiance

Section 51.

On appointment, any person subject to this Act shall take oath of allegiance or make solemn affirmation as prescribed in the schedule annexed to this Act and shall sign accordingly in the presence of the Commissioner or any person authorized by him.

The Wildlife Forces Advisory Council

Section 52.

The Commissioner may from time to time constitute an Advisory Council to assist him in the performance of his duties under this Act and he may make regulations to provide for the constitution and functions of the Council.

Regulations

Section 53.

- 1) The Commissioner may from time to time make general regulations consistent with the provisions of this Act or any other Law in force with regard to all or any of the following matters:-
 - a) Regulations of the general functions of Wildlife Forces lodgings and conditions of appointments in the Wildlife Forces.
 - b) Specification of arms, ammunition, accouterments and clothing of the Wildlife Forces.
 - c) Development of Wildlife Forces.
 - d) Basis of promotions, transfers and leaves.

- e) Any other matters relating to Wildlife Forces.
- 2) The Commissioner shall in consultation with the Commissioner for Finance and Economic Planning and with the approval of the Executive body make financial regulations concerning pay, extra pay and allowances of Wildlife Forces.

Standing Orders

Section 54.

Subject to the regulations made by the Commissioner the Director-General may make standing orders binding on all members of the Wildlife Forces with regard to the following matters:-

- a) Good administration and welfare of the Wildlife Forces.
- b) Training and discipline.
- c) Clothing and equipment.
- d) Social welfare of the Forces.
- e) Officers barracks, training centers and units of Wildlife Forces.

Section 55.

Subject to the regulations and standing orders aforesaid, the Officer in charge of Wildlife Forces Unit may issue orders and instructions as regards to his unit and that order shall be applicable only to his unit.

Given under my hand this ----- day of ----- year 2003 A.D

Dr. John Garang de Mabior
Chairman
SPLM/CANS

Chapter 9

SCHEDULE

OATH

I Do
hereby swear by the Almighty God (or do solemnly affirm) that I will truly and
faithfully support the New Sudan Authority; perform my Police duties towards the
well being of the Public and I will devote all my time and my energy as long as I
am in service to execute all duties according to the Police Act or any other law in
force or lawful regulations and also swear to obey at all times all Orders issued to
me by my Superior Officers even if I have to risk my life. So help me God.