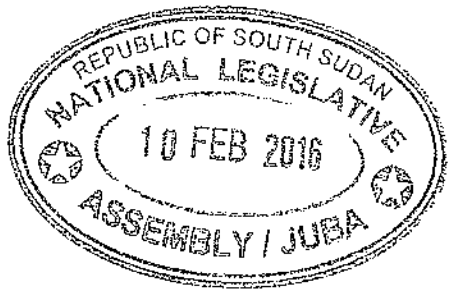
LAWS OF SOUTH SUDAN

NON-GOVERNMENTAL ORGANIZAIONS ACT, 2016



LAW OF SOUTH SUDAN

NON-GOVERNMENT ORGANIZATIONS ACT, 2016

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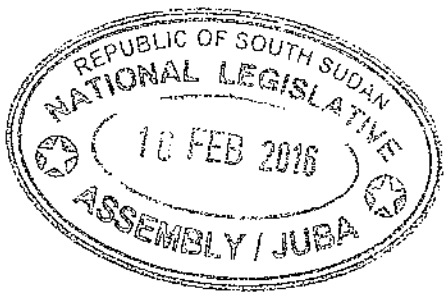
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LAW OF SOUTH SUDAN

NON-GOVERNMENT ORGANISATIONS ACT, 2016

In accordance with Articles 55(2) and (3) (b) and 85 (1) 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 PROVISOINS

1. Title and Commencement

This Act shall be cited as the "Non-Governmental Organisations Act, 2016" and shall come into force on the date of its assent by the President.

2. Repeal and Saving

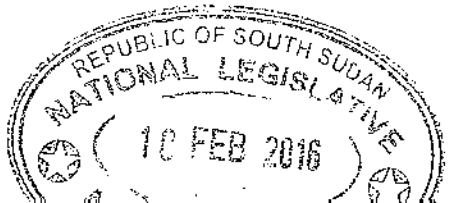
The Non-Governmental Organisations Act, 2003, is hereby repealed; provided that any orders, regulations, appointments or decisions made and any actions taken under the repealed Act shall remain in force unless repealed by or is inconsistent with this Act.

3. Purpose

The purpose of this Act is to provide for establishment of a legal framework for the registration, co-ordination and monitoring of operations of Non-Governmental Organisations in the Republic of South Sudan, and for other related matters.

4. Authority and application

(1) This Act is in accordance with Article 52 and Schedule (A), paragraph 51 of the Transitional Constitutional of the Republic of South Sudan, 2011, which confer on the National Government authority to regulate Non-Governmental, civil society and faith-based Organisations.



(2) The Provisions of this Act shall apply throughout the territory of the Republic of South Sudan.

5. Interpretation

In this Act, unless the context otherwise requires:

"**Commission**" means the Relief and Rehabilitation Commission.

"**Chairperson**" means the Chairperson of the Relief and Rehabilitation Commission.

"**Civil Society**" means a Non-Governmental and a non-profit Organization that has presence in the public life, expressing the interests and values of their members or others, based on ethical, cultural, scientific, religious or philanthropic considerations.

"**Community- based Organization**" means a Public or private, nonprofit including religious entity, which is representative of a community or a significant segment of a community, and is engaged in meeting human, educational, environmental or public safety community needs.

"**Country agreement**" means an agreement entered into by an International Non-Governmental Organization and the Government intended to regulate the entry and carrying out of voluntary projects by such Organization in the Republic of South Sudan.

"**Government**" means the Government of the Republic of South Sudan;

"**Humanitarian or environmental emergency**" means emergency that threatens human life or the environment as a result of natural or man-made factors.

"**International Non-Governmental Organization**" means any Non-Governmental or semi-

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governmental Organization established in a foreign country and registered in South Sudan in accordance with section 9 of this Act.

"**National Non-Governmental Organization**" means any National Non-Governmental Organization registered in accordance with section 9 of this Act.

"**Minister**" means the National Minister responsible for humanitarian affairs and disaster management.

"**Ministry**" means the National Ministry responsible for Humanitarian Affairs and Disaster Management.

"**Non-governmental Organization**" means a non-profit voluntary Organization formed by two or more persons, not being Public bodies, with the intention of undertaking voluntary or humanitarian projects.

"**President**" means the President of the Republic of South Sudan.

"**Reconstruction, Rehabilitation and Resettlement**" includes, but is not limited to, projects and activities aimed at removal of damage resulting from a humanitarian or environmental emergency.

"**Registrar**" means the Registrar of Non-Governmental Organisations.

"**Register**" means the register of Non-Governmental Organization.

"Registered" in relation to a Non-Governmental Organization means listed in the register;

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"Regulations" means regulations made by the Minister.

"**State**" means a state of the Republic of South Sudan.

"**State government**" means a government of any state in the Republic of South Sudan.

"**Voluntary or humanitarian project**" means the undertaking of any voluntary or humanitarian activity by Organization individually or in collaboration with the Republic of South Sudan or jointly with other Organisations.

"**Voluntary or humanitarian work**" means any voluntary activity carried out by a Non-Governmental Organization for non- profit.

CHAPTER II

PRICIPLES AND OBJECTIVES OF VOLUNTARY AND HUMANITARIAN WORK

6. Principles governing voluntary and humanitarian work

Non-governmental Organisations shall, in carrying out voluntary or humanitarian work, observe the following principles:

(a) Non-discrimination of the nationals on the basis of race, gender, ethnicity, political affiliation or religious belief;

(b) Fairness in selection of geographical areas for allocation of projects, taking into consideration areas with greater need of support;

(c) Accountability to beneficiaries, donors and relevant public institutions responsible for delivery of services in the areas, and other entities to be specified in the regulations;

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(d) Sustainability of the programmes by creating conditions that enable the local communities to be self-reliant in the management of programmes;

(e) Participation by local communities and beneficiaries;

(f) Capacity building for South Sudanese nationals involved in the work of Organisations;

(g) Respect for the sovereignty of the Republic of South Sudan, its institutions and laws.

7. Objectives of Non-Governmental Organisations

The objectives of Non-Governmental Organisations involved in voluntary or humanitarian projects shall include:

(a) Deliver emergency relief to the communities affected by any natural or man-made disaster;

(b) Prevent, mitigate and manage risks to people or the environment resulting from any such disaster;

(c) Co-ordinate relief with reconstruction, rehabilitation, resettlement and development projects;

(d) Co- ordinate with relevant public institutions in formulating, implementing relief, reconstruction, rehabilitation and resettlement programmes;

(e) Rehabilitate economic and social infrastructure affected by disaster;

(f) Consult with beneficiaries and any relevant government institutions at all levels in determining the needs and priorities of the communities affected;

(g) Build capacities of both the communities and government institutions at all levels.

(h) Mainstream gender, peace, HIV/AIDS and disaster risk reduction in all programmes.

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CHAPTER III

REGISTRATION OF NON-GOVERNMENTAL ORGANISATIONS

8. Establishment and Maintenance of Database

The Registrar shall establish and maintain a database of non-governmental Organisations and their activities in South Sudan containing necessary information for understanding and promoting contribution of Non-Governmental Organisations to the national development.

9. Requirements for Registration

(1) Requirements for registration of all Non-Governmental Organisations shall be as follows:

(a) Submission of an application for registration to the Registrar in the prescribed form;

(b) The application for registration shall be made by the director or representative of the proposed Organization and shall specify:

i. Organogram of the Organization;

ii. Head office address of the Organization;

iii. Sectors of the Organization operations;

iv. Area of operations (State, County, Payam and Boma) in case of Organization already operating in South Sudan);

v. Areas of operations for new Organization to be agreed upon.

vi. Annual budget;

vii. All known or probable sources of funding for the Organization;

viii. Organization assets and projects assets;

ix. Copy of documents showing any affiliation with national or international Organization;

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x. Prescribed fee;

xi. Copy of country agreement with Government of South Sudan;

xii. Certified copy of registration certificate from country of origin in case of international Organization;

xiii. Evidence of the Organization financial capacity to implement the programmes.

xiv. Opening of bank account in South Sudan

(c) No Non-Governmental Organization shall operate in South Sudan unless it has been dully registered with the Commission.

(d) A Non- Governmental Organization registered under this Act is not by virtue of registration, entitled to diplomatic or consular privileges or immunities.

10. Certificate of registration

A certificate of registration shall be a conclusive evidence of permit to operate in South Sudan.

11. Exemption from registration

(1) The United Nations, its specialized agencies, and International Committee of the Red Cross, the International Federation of Red Cross and Red Crescent Societies and the South Sudan Red Cross shall be exempted from registration under this Act.

(2) Every community-based Organization shall be registered at the State or County in which it operates.

12. Renewal or Rejection of Operational License

(1) The Registrar may, after due enquiry, renew or reject Operational License of any Non-Governmental Organisations if:

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(a) its intended activities contravene any of the principles set out in section 6 of this Act.

(b) Its application for Operational License or renewal contains incorrect information.

(c) It fails to satisfy the Operational License or renewal requirements in section 9 of this Act, as the case may be; or

(d) Its intended activities contravene any other law.

(e) Its involvement with tribal and political differences in the country

(2) If the Registrar rejects an application for operational license or renewal of Operational License, he or she shall give written notice to that Non-Governmental Organization, with reasons for the decision.

13. Renewal Requirements

Upon application for renewal of Operational License a Non-Governmental Organization shall provide the following:

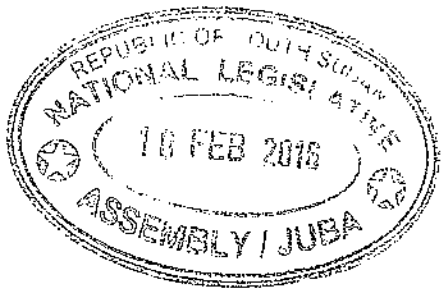
(a) Performance reports.

(b) Audited financial report.

(c) Consolidated list of assets (projects and Organization).

(d) Programmes plans and budget for next Fiscal Year.

(e) List of staff and their positions both nationals and internationals.



14. Monitoring and Evaluation of Non-Governmental Organisations

The Commission shall:

(a) Monitor and evaluate all activities of the Non- Governmental Organisations.

(b) Audit Non- Governmental Organisations when necessary.

CHAPTER IV

MISCELLANEOUS PROVISIONS

15. Offences and penalties.

Any person who makes signs or utters false statement or declaration in violation of any provision of this Act shall be guilty of an offence and liable to a fine not exceeding fifty thousand South Sudanese Pounds or imprisonment for a term not exceeding three years or both.

16. Exemption from Duties and Taxes

The Minister responsible for finance may, on the recommendation of the Minister in writing, exempt any registered Non-Governmental Organization from payment of customs duties and taxes on specified assets and equipment imported or purchased for the purpose of the voluntary or humanitarian work of the Organization.

17. Alteration and Termination of activities of an Organization

Any Non-Governmental Organization registered in accordance with the provisions of this Act shall obtain prior written approval of the Registrar to engage in activities other than those agreed upon with the Government as set out in its programmes plan.

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18. Employment by Non-governmental Organisations

(1) Subject to this section, and the labour law, a Non-Governmental Organization shall employ South Sudanese nationals or International personnel as its employees.

(2) Any Non-Governmental Organization so employing shall:

(a) Give priority to South Sudanese nationals;

(b) Not discriminate against any applicant or employee on the ground of region, race, religion, gender or political affiliation.

(c) Ensure that not less than 80 percent of the employees are South Sudanese nationals in all managerial, middle and junior levels.

(d) Engage professional staff from abroad only if there are no qualified South Sudanese nationals.

(e) Ensure that all expatriates have work permits and any other documents required by law prior to arrival.

(f) Abide by legal requirements in respect of safety at the work place and any minimum wages requirement set by the Government from time to time.

(g) Deduct personal income tax from basic salaries of South Sudanese and other consultants and transfer it to the Government.

19. Ceasing of Operations by Non-Governmental Organization

A Non-Governmental Organization may cease its operations provided that it shall give a three month notice prior to ceasing the operations.

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20. Regulations

(1) The Minister shall, upon the recommendation of the Chairperson, make regulations for the implementation of this Act.

(2) The regulations shall include, among others:

(a) Registration and renewal fees;

(b) Renewal of a registration certificate;

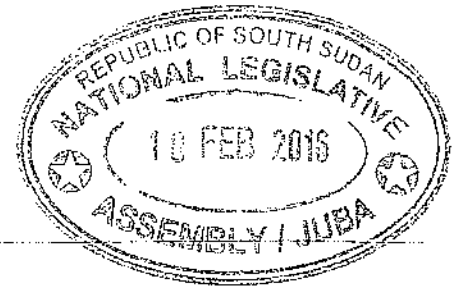
(c) Registration of Non-Governmental Organisations in the country and community based Organization in the states and counties;

(d) Keeping and auditing of accounts of Non-Governmental Organisations;

(e) Periodic reporting by Non-Governmental Organisations.

21. Transitional provision

Upon coming into force of this Act, all Non-Governmental Organisations registered under the repealed Non- Governmental Organisations Act, 2003, shall within three months apply for renewal of the registration under this Act.



ASSENT OF THE PRESIDENT OF

THE REPUBLIC OF SOUTH SUDAN

In accordance with the provision of Article 85(1) of the Transitional constitution of the Republic of South Sudan, 2011, I, Gen. Salva Kiir , President of the Republic of South Sudan, hereby Assent to the Non- Governmental Organisations Act,2016 and signed into Law.

Signed under my hand in juba, this 10th day of the month of FEB in the year, 2016.

Gen. Salva Kiir Mayardit
President
Republic of South Sudan
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