

Republic of South Sudan

The Relief and Rehabilitation Commission

**The NGOs Registration, Procedures
and Regulations, 2016**

The NGOs Registration, Procedures and Regulations, 2016

In exercise of powers conferred upon me, by the provisions of Chapter 4 section 20 of the Non-Governmental Organizations Act, 2016. The Minister hereby issues the following regulations in accordance with the provisions of Non-Governmental Organizations Act, 2016.

Chapter I Preliminary Provisions

1. Title and Commencement

These regulations maybe cited as "*the NGOs Registration, Procedures and Regulations 2016*" and shall come into force on the date of signature by the Minister;

2. Repeal and Saving

- (1) All existing NGOs Registration Procedures, regulations, and orders prior to these Regulations, shall be repealed;
- (2) Notwithstanding the provisions of sub-regulation (1) above, all approvals, decisions, actions and appointments made or taken thereunder, shall remain in force and valid until they are subsequently repealed or cancelled in accordance with the provisions of NGOs act, 2016;

3. Interpretation

In these regulations unless the context otherwise requires, the following words and expressions shall carry the meanings assigned to them respectively: -

- | | |
|--|---|
| "Commission" | means the Relief and Rehabilitation Commission; |
| "Constitution" | means the Constitution of the Organization; |
| "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. |
| "Ministry" | means the National Ministry of Humanitarian Affairs and Disaster Management. |
| "Minister" | Means the National Minister responsible for the ministry of Humanitarian Affairs and Disaster Management; |

| | |
|-----------------------------------|---|
| “Country Agreement” | means the Agreement concluded between the Government and any Foreign Organization that enters South Sudan to carry out humanitarian and voluntary work. |
| “Government” | Means the Government of Republic of South Sudan; |
| “Work” | Means any voluntary or Humanitarian non-profitable work undertaken by any Organization with the objective of providing humanitarian, relief, social services, human right, environmental protection or improvement of social and economic standards; |
| “Registrar” | Means the registrar of Non-Governmental Organizations; |
| “Registration Certificate” | Means the registration certificate of an Organization issued by the Registrar. |
| “Technical Agreement” | Means an agreement signed by particular NGO with Relief and Rehabilitation Commission (RRC) and relevant government line ministries on other hand, It includes all the details of the projects or activities to be carried out and implemented by each of the parties and proposed activities based on the project document and budget for the implementation of the agreement. |

Chapter II Registration Procedures

4. Registration of National Organizations.

Each National Organization shall submit its application to the Registrar in the prescribed forms: -

- (a) Reserve names of proposed organization;
- (b) Postal and Physical address in South Sudan;
- (c) Fill application;
- (d) A concept paper of the Organization;
- (e) A copy of the organization’s constitution;
- (f) The logo and stamp;

- (g) Organogram of the Organization;
- (h) Propose one year plan and budgets;
- (i) Sectors of operation;
- (j) Bankers in South Sudan;
- (k) All Known or probable source of funding of the organization;
- (l) Areas of Operation (State, County, Payam and Boma) in case of organization already operating in South Sudan);
- (m) Areas of operations for new organization to be agreed upon;
- (n) Two recent colored passport size photographs of the top three designated officials of the Organization with names written on the back; together with photocopies of ID cards or Passports;
- (o) List of staff both national and International and their positions
- (p) Organization assets and project assets;
- (q) National and international partners;

5. Registration of International Organizations

- (1) Each International Organization shall submit its application to the Registrar in the prescribed forms: -
 - (a) Reserve names of proposed organization;
 - (b) Fill application;
 - (c) Postal and Physical address in Country of origin;
 - (d) Postal and Physical address in South Sudan;
 - (e) Names of the top three designated officials of the Organization; with two recent colored passport size photographs with names written on the back; together with photocopies of Passports;
 - (f) The Organization shall submit a letter from their Board of Directors and certified copies of registration certificate by the authorities in the Country of origin;
 - (g) All the registration certificates must be certified by the Embassy of the Republic of South Sudan in the country of origin or the nearest Embassy of South Sudan in that region;
 - (h) Copy of the concluded Country Agreement from the National Ministry of Humanitarian Affairs and Disaster Management;
 - (i) A concept paper of the organization with clear entry and exit strategy;
 - (j) A copy of constitution from the country of origin;
 - (k) The logo and stamp of the organization;
 - (l) Organogram of the Organization;
 - (m) Proposed one year plan and budgets;
 - (n) Sectors of operation;
 - (o) Bankers in South Sudan;

- (p) All Known or probable source of funding of the organization;
- (q) Areas of Operation (State, County, Payam and Boma) in case of organization already operating in South Sudan);
- (r) Areas of operations for new organization to be agreed upon;
- (s) List of staff both national, International and their positions;
- (t) Certificate of good conduct;
- (u) List organization assets and project assets;
- (v) Partners both national and international;
- (w) All NGOs must open bank accounts in South Sudan;
- (x) Payment of prescribed fees;

(2) The registrar shall after the Organization has satisfied the requirements provided under the provisions of regulation (5) above, issues the Organization with the Registration Certificate.

6. No Non-Governmental organization shall operate in South Sudan unless it has been dully registered with the Relief and Rehabilitation Commission (RRC).

7. Renewal of Registration Certificate

(1) The application for the renewal of the certificate of Registration shall be submitted to the Registrar in accordance with the provisions of NGOs Act, 2016, chapter 3, section 13.

(2) Notwithstanding the provisions of regulation (6) above, no registration certificate of an Organization shall be renewed, unless it satisfies the following requirements: -

- (a) Organization progress report
- (b) The organogram of the Organization indicating, names, position holders and their nationalities;
- (c) The staff list of the Organization indicating their positions, location and nationalities;
- (d) An audited financial report for the last financial year;
- (e) The staffing policy with regards to national staff recruitment, remuneration, staff development etc.
- (f) A list of assets specifying their types, number, location, project and institutional assets estimated value and condition of the assets;
- (g) Proposed one year plan and budgets;

8. Closing down of operations by Non-Governmental Organizations in South Sudan
 - (a) A Non-Governmental Organization may wind up its operation provided that it notifies RRC three months prior to cessation of its operation and must hand over all project assets to RRC
 - (b) Provide the list of the project of assets and other organizational assets to RRC;
 - (c) Provide close down reports including audited financial report.

9. Tax-exempted goods/assets of the non-governmental organizations operating in the Republic of South Sudan shall not be auctioned or sold;

10. All the depreciated project assets of the organization shall be handed over to the RRC.

11. Non-governmental organizations must ensure that not less than 80 percent of their employees are South Sudanese national at Senior, Junior and middle positions;

12. Any person who makes signs or utters false statements or involved in activities outside organizations mandate or declarations in violations of any provisions 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 in accordance with chapter 4, section 15 of NGOs act, 2016.

13. The following fees shall be payable to the Relief and Rehabilitation Commission (RRC) for the purpose of registration and other procedures.
 - a) International Non-Governmental organizations;
 - I. Application fee 50 USD
 - II. Registration fee 500 USD
 - III. Processing fee100 USD
 - IV. Application for names reservation fee (new NGO).... 50 USD
 - V. Authorization of the registration of NGOs vehicles number plate... 50 USD
 - VI. Authorization for Opening bank A/C in South Sudan 50 USD
 - VII. Notification of organization address or change of address 100 USD
 - VIII. Application for change of name fee.....100 USD

 - b) National Non-Governmental Organizations;
 - I. Application fee.....50 USD or its equivalent in SSP
 - II. Registration fee.....250 USD or its equivalent in SSP
 - III. Processing fee.....50 USD or its equivalent in SSP
 - IV. Application for names reservation fee.....50 USD or its equivalent in SSP
 - V. Authorization of the registration of NGOs vehicles number plate fee..... 50 USD or its equivalent in SSP

- VI. Authorization for opening bank A/C in South Sudan fee 50 USD or its equivalent in SSP
- VII. Notification of organization address and change of address fee..... 100 USD or its equivalent in SSP.
- VIII. Application for change of name fee.....100 USD or its equivalent in SSP;

Chapter III

Procedures for Obtaining Work and Residence Permits

14. Procedures for Work Permit

- (1) Each Organization shall submit to the commission the application for obtaining the work permits for its staff, together with the following documents: -
 - (a) An Application letter from the Organization stating the profession, place of work, contract duration and signed by the Country Director or his or her deputy;
 - (b) A copy of valid passport;
 - (c) Two passport size photos;
 - (d) Tax Identification certificate;
 - (e) A copy of the organization constitution (first and last page)
 - (f) Certificate of registration from RRC;
 - (g) Tax clearance certificate of staff;
 - (h) CID clearance certificate;
 - (i) Medical related jobs, approval letter from National Ministry of Health;
 - (j) Engineering related jobs, approval letter from South Sudan Council of engineers Association;
 - (k) Faith base jobs, approval letter from Directorate of Religious Affairs, Office of the President;
 - (l) A resume/ CV of the applicant; and
 - (m) Terms of reference of the position to be occupied by the International staff.
 - (n) Certified copies of academic qualifications;
- (2) Notwithstanding the provisions of sub-regulation (1) above, the application for the work permit shall be submitted upon taking over the position in that particular organization by the applicant;
- (3) The Organization shall, after the approval and recommendation of the commission, submit the application to the Ministry of Labour, Public Service and Human Resource Development for the work permit issuance, together with the following documents: -

- a) A letter from the Organization stating the profession, place of work, contract duration signed by the Country Director or his or her deputy;
 - b) Two recent colored passport size photos;
 - c) A copy of applicant passport valid for one year;
 - d) A valid visa
 - e) A resume /CV stamped and signed by the Country Director of the Organization;
 - f) Copies of certified academic qualifications;
 - g) Terms of reference for the position to be occupied by the international staff;
 - h) Work permit authorization fee;
 - i) Approval and recommendation letter granted by the commission for the issuance of permit;
- 4) Notwithstanding the provisions of sub-regulations (1), (2) and (3) above, work permits may not be issued to expatriate, except he or she possess exceptional skills that South Sudan nationals may not have.
- 5) The renewal of the work permits should be submitted by the organization through the office of the registrar.

15. Procedures for Residence Permit

- (1) The Ministry of Interior may issue Resident Permit to aliens working in South Sudan, in accordance with the provisions of Chapter V, Passports and Immigration Act, 2011, for specific period of not less than one year renewable on conditions to be specified by the Directorate of Nationality, Passport and Immigration;
- (2) The Organization shall submit the application for the residence permits through the commission with the following documents: -
 - (a) An official application from the Organization signed and stamped by the Country Director or his or her deputy;
 - (b) Copy of valid passport;
 - (c) A copy of one year visa;
 - (d) A Copy of certificate of registration from Relief and Rehabilitation Commission (RRC)
 - (e) A copy of tax identification Certificate;
 - (f) A copy of tax clearance certificate;
 - (g) Medical examination certificate from Juba Police hospital in the Republic of South Sudan;
 - (h) A copy Work Permit
 - (i) A copy of bank statement;

- (j) Alien who entered South Sudan under different arrangements are not be allowed to seek employment with international or national organizations and other agencies.
 - (k) Approval and recommendation letter for obtaining residence permit shall be granted by the commission;
- (3) The renewal of the residence permit should be submitted through the office of registrar.

16. Procedures for Customs Exemption

The Organization may be exempted from the customs duties and other charges, provided that it avails the following: -

- (a) Valid registration certificate in South Sudan and implementing voluntary and humanitarian projects.
- (b) A request from the Organization for customs exemption
- (c) A list of items to be exempted, shall be in line with plans indicated in the projects documents;
- (d) The cargo manifest waybill, and Performa invoices indicating the value of the items and assets;
- (e) All lists of imported items and application for customs exemption shall be signed by the Country Director of the Organization.

Chapter IV Labour Procedures

17. Requirement for Expatriates Staff

No expatriate staff shall be permitted to work in any voluntary Organization in South Sudan, unless he or she meets the following requirements: -

- (a) A valid visa from Ministry of Interior;
- (b) A valid work permits from Ministry of Labour, Public Service and Human Resource Development;
- (c) A valid resident permit from Ministry of Interior
- (d) A certificate of good conduct;

18. Requirements for Recruiting South Sudan National in International Organization

No International Organization shall recruit a South Sudan national, unless it meets the following requirements:-

- (j) Alien who entered South Sudan under different arrangements are not be allowed to seek employment with international or national organizations and other agencies.
 - (k) Approval and recommendation letter for obtaining residence permit shall be granted by the commission;
- (3) The renewal of the residence permit should be submitted through the office of registrar.

16. Procedures for Customs Exemption

The Organization may be exempted from the customs duties and other charges, provided that it avails the following: -

- (a) Valid registration certificate in South Sudan and implementing voluntary and humanitarian projects.
- (b) A request from the Organization for customs exemption
- (c) A list of items to be exempted, shall be in line with plans indicated in the projects documents;
- (d) The cargo manifest waybill, and Performa invoices indicating the value of the items and assets;
- (e) All lists of imported items and application for customs exemption shall be signed by the Country Director of the Organization.

Chapter IV Labour Procedures

17. Requirement for Expatriates Staff

No expatriate staff shall be permitted to work in any voluntary Organization in South Sudan, unless he or she meets the following requirements: -

- (a) A valid visa from Ministry of Interior;
- (b) A valid work permits from Ministry of Labour, Public Service and Human Resource Development;
- (c) A valid resident permit from Ministry of Interior
- (d) A certificate of good conduct;

18. Requirements for Recruiting South Sudan National in International Organization

No International Organization shall recruit a South Sudan national, unless it meets the following requirements:-

- (a) The Organization shall submit a request to the commission to obtain approval and recommendation to advertise any vacant position in at least two daily newspapers;
- (b) Short listing and recruitment process shall be done by the Committee representing the Organization recruiting, UN-OCHA, Recruitment Board, and the Commission;
- (c) Approval of the appointment by the Organization, recruitment board and the Commission.

19. NGOs Vehicle Registration and Issuance of Plate Number

The Commission shall work in collaboration with the Traffic Police and other Government Units, to assist with issuance of plate numbers for Organizations vehicles, Provided that the Organization shall provide the following:

- (a) Request from the Organisation indicating the number and types of vehicles and machinery;
 - (b) Import certificate, that states the engine number, chassis number, model number and colour;
 - (c) Asset purchase invoices
 - (d) A copy of valid registration certificate with RRC.
20. All customs exempted cars, shall not be sold or auctioned by the organisation and must be handed over to the commission after the end of project lifespan;

**Chapter V
Miscellaneous Provisions**

21. Procedures Governing Technical Agreement.

- (1) All technical agreements related to voluntary and humanitarian work, concluded between the Government institution and any Organization, shall be endorsed by the government institution concern prior to the implementation.
- (2) Notwithstanding the generality of the provisions of sub-regulation (1) above, the Government shall accept technical agreements related to voluntary and humanitarian work in any of the following areas: -
 - (a) Health and Nutrition
 - (b) Education
 - (c) Water, Sanitation and environmental health
 - (d) Agriculture and livestock
 - (e) Capacity building
 - (f) Any other activity related to humanitarian and voluntary work in the Republic of South Sudan.

(3) The Government shall not conclude any technical agreement related to the voluntary and humanitarian work, with any international Organization, unless the Organization meets the following requirements: -

- (a) Valid registration certificate of the Organization.
- (b) Submission of detailed project plan to be implemented by the two parties.
- (c) Technical agreement reviewed by technical staff of both parties and signed by the representatives of the two parties.
- (d) Technical agreement shall be in line with the mandate and nature of the Organization work in South Sudan.
- (e) Clear reporting, monitoring and evaluation procedures.

22. Country Agreement

Each international Organization that intend to operate in South Sudan shall prior to its registration in accordance with provisions of chapter 1, section 3 of these regulations, conclude the Country Agreement with the Government, in the manner and form provided under Schedule (A) annexed.

23. Issuance of Forms

The registrar as the case shall be, may issue appropriate and necessary forms related to the registration of Organizations and other relevant matters provided under Schedule (B).

21. Issuance of Forms

The registrar as the case may be, may issue appropriate and necessary forms related to the registration of Organizations and other relevant matters provided under Schedule (B) annexed with these Regulations, for the effective and efficient implementation of the provisions of these regulations.

In accordance with the provision of chapter 4, section 20, NGO Act 2016, I Hon. Awut Deng Achuil Minister of Humanitarian Affairs and Disaster Management, hereby approve the NGO regulations and procedures, 2016.

Signed under my hand in Juba this14th..... day of the month of.....03.....in Year 2016.



14 MAR 2016

Hon. Awut Deng Achuil
Minister of Humanitarian Affairs and Disaster Management
Republic of South Sudan

RSS/Juba