

LAWS OF SOUTH SUDUN

RELIEF AND REHABILITATION COMMISSION

BILL, 2015,

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RELIEF AND REHABILITATION COMMISSION
BILL, 2015

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LAWS OF SOUTH SUDAN

RELIEF AND REHABILITATION COMMISSION
BILL, 2015

In accordance with provisions of Articles 55(3) (b), and 85(1) of The Transitional Constitution, 2011(as amended), the National Legislative Assembly, ~~with assent of the President of the Republic,~~ hereby enacts the following:

CHAPTER I
PRELIMINARY PROVISIONS

1. Title and Commencement

This Bill shall be cited as "Relief and Rehabilitation Commission Bill, 2015" and shall come into force on the date of its signature by the President.

2. Repeal and Saving

Any existing legislation governing the subject of this Bill is hereby repealed; provided that all appointments made, procedures taken or orders issued and regulations made under such legislation shall continue in force until repealed or amended under this Bill.

3. Purpose

The purpose of this Bill is for establishment of an independent commission to be known as Relief and Rehabilitation Commission.

4. Authority and Application

- (1) This Bill is drafted in accordance with Articles 148 and Schedule (C) paragraphs (11) and (15) of The Transitional Constitution, 2011(as amended) which confer upon the National Government powers to establish a body to be responsible for organization of humanitarian work in South Sudan and other related matters.

(2) The provisions of this Bill shall apply throughout the territory of South Sudan.

5. Interpretation

In this Bill, unless the context otherwise requires:

- “Chairperson”** means the person appointed to be the head of the commission in accordance with the provisions of this Bill.
- “Commission”** means the Relief and Rehabilitation Commission established under this Bill.
- “Country Agreement”** means an agreement which organizes the relations between the Government and a foreign organization operating **(in)** South Sudan in the field of humanitarian work.
- “Emergency”** means any disaster caused by natural or human made hazards.
- “International Non- Governmental Organisation”** means any foreign non- governmental organisation registered in South Sudan in accordance with provisions of Non- Governmental Organizations **Bill 2015**.
- “Minister”** means the national minister responsible for humanitarian affairs and disaster management.
- “Ministry”** means the national ministry responsible for humanitarian Affairs and disaster management.
- “National Non- Governmental Organisation”** means any South Sudan Non-Governmental

organization registered in accordance with provisions of Non- Governmental Organizations Bill 2015.

“Organization” means a non -profit body formed with intention of undertaking humanitarian work.

“Registrar” means the Registrar of humanitarian organizations appointed in accordance with the provisions of this Bill 2015.

“Project” means any humanitarian project on reconstruction, rehabilitation and resettlement.

CHATER II

ESTABLISHMENT, COMPOSITION, POWERS AND FUNCTIONS OF THE RELIEF AND REHABILITATION COMMISSION

6. Establishment of the Commission

- (1) A body to be known as the Relief and Rehabilitation Commission is hereby established.
- (2) The Commission shall be independent having an official seal, legal entity and can sue or be sued.
- (3) The Minister shall be responsible for policy making and oversight of the Commission.
- (4) The headquarters of the Commission shall be in the capital of South Sudan, and may establish branch offices in the states.

7. Powers and Functions of the Commission

The Commission shall have the following powers and functions:

- (1) Promotion of awareness at grassroots level and in-depth rooting of the correct concept for voluntary humanitarian work in coordination with relevant government institutions.
- (2) Registration and licensing of the Non-Governmental Organizations.
- (3) Direct deployment of Non- Governmental Organisations to areas of needs in South Sudan.
- (4) In consultation with the Ministry, coordinate relief, repatriation, rehabilitation, resettlement and reintegration of internally displaced persons and returnees.
- (5) Training on the management of disasters at all levels in coordination with relevant government institutions
- (6) Mobilization of resources, formulation and development of comprehensive measures to address disasters.
- (7) In consultation with the Ministry, identify needs, initiate projects and determinetargets for humanitarian intervention.
- (8) Establish strategic storage facilities for prepositioning of stock supplies for emergency intervention.
- (9) In consultation with the Ministry, coordinate with relevant government institutions, national andinternational partners in the event of disasters and facilitate their entrance to conduct humanitarian work.
- (10) In coordination with relevant government institutions,mobilize resources frominternal and external partners for reconstruction of affected areas and the resettlement of the displaced persons.

- (11) Coordinate, monitor and evaluate humanitarian programmes undertaken by Non-Governmental Organizations in South Sudan.
- (12) Conduct preliminary inquiry with any Non-Governmental Organization suspected of contravention.
- (13) Perform any other functions delegated to it by law or by the government.

CHAPTER III

GOVERNANCE AND COMPOSITION OF THE COMMISSION

8. Composition of the Commission

The Commission shall be composed of the following:

- (a) Chairperson
- (b) Deputy Chairperson
- (c) Three members and
- (d) Executive Director

9. Appointment of the Chairperson, Deputy Chairperson and Members of the Commission

- (1) The Chairperson, Deputy Chairperson and three members of the Commission shall be appointed by the President upon recommendation by the Minister.
- (2) The three members of the Commission shall be part-timers and shall be paid sitting allowances.

10. Eligibility for Appointment as Chairperson, Deputy Chairperson and Members of the Commission

The Chairperson, Deputy Chairperson and three members of the Commission shall be appointed from among persons with academic

- i. Bachelor degree and above and
 - ii. Relevant qualification
 - iii. Has at least 5 years experience
- (1) Without prejudice to the provisions of subsection (1) of this section, no person shall be appointed as Chairperson, Deputy Chairperson and member of the Commission, unless he or she:

- A. ~~Is not a member of the National Legislature or State Legislative Assembly.~~
- B. ~~Has not been convicted of an offence related to dishonesty or moral turpitude.~~
- C. Shall be above 35 years Old
- D. Shall be South Sudanese
- E. Shall be of Sound Mind

11. Powers and ~~Functions~~ of Chairperson

The Chairperson shall exercise the following powers ~~and functions~~:

- (a) Supervise, Monitor and evaluate the activities of Non-Governmental Organizations.
- (b) Establish and manage the strategic reserve of relief materials for addressing the basic needs in the situations of emergency.
- (c) Conduct necessary survey to determine the priorities in the field of humanitarian aid.
- (d) Organize and coordinate the work and programmes of the organizations within the geographical and sectorial limits.
- (e) Supervise all the administrative departments and units of the Commission.
- (f) Represent the Commission internally and internationally in any relevant forum.
- (g) Perform any other function delegated by the Minister.

12. Functions of the Chairperson

- a. Collect and evaluate data and indicators that warn of the likelihood of eruption of disaster and notification of the relevant authorities.
- b. Coordinate and organize the humanitarian aid operations for the affected areas.
- c. Conduct studies and research aimed at prevention of eruption of disasters in coordination with the relevant government institutions and partners.
- d. The Chairperson may delegate any of his or her functions to any person or committee constituted by him or her on such conditions and guidelines, that he or she deems appropriate.

A. Functions of Deputy Chairperson

- (1) Act in the absence of the Chairperson.
- (2) Perform any functions delegated by the Chairperson.

A. Loss of Membership

Membership of the Commission shall be lost upon occurrence of any of the following:

- (a) Incompetence due to physical inability or mental infirmity based on the Medical Commission Report.
- (b) Declaration of bankruptcy.
- (c) Evasion of taxes.
- (d) Conviction for an offence involving dishonesty or moral turpitude.
- (e) Absence without permission for three consecutive meetings of the Commission.

- (f) Removal by the President
- (g) Resignation.
- (h) Death.

B. Tenure of Office

The Tenure of the Commission Members' shall be five years from the date of the appointment, subject to Renewal.

C. Vacancy in Commission

Where a position of the Chairperson, deputy Chairperson or any Member falls vacant, the President shall, within a period of sixty days, appoint a person to fill the vacancy in accordance with this Bill.

CHAPTER IV

MANAGEMENT OF THE COMMISSION

D. Appointment of Executive Director

- (1) The Minister in consultation with the Chairperson shall appoint the Executive Director in accordance with civil service law and regulations.
- (2) The Executive Director shall be the administrator to run the day-today operations of the Commission.

E. Functions of the Executive Director

The Executive Director shall perform the following functions:

- (a) Implement policies and Programmes approved by the Commission.
- (b) Supervise staff of the Commission.

- (c) Perform any other functions assigned to him or her by the Chairperson.

CHAPTER V REGISTRATION OF NON-GOVERNMENTAL ORGANIZATIONS

17. Appointment of Registrar

The Minister shall, after consulting the Chairperson of the Commission, appoint an experienced and qualified person to be the Registrar.

18. Functions of the Registrar

- (1) The Registrar shall perform the following functions:
 - (a) Register all non-governmental organizations that apply and are eligible for registration in accordance with Non-Governmental Organisations Act;
 - (b) Monitor the operations of registered Non-Governmental Organizations to ascertain their conformity with their instruments of establishment and the provisions of the Non-Governmental Organisations Act;
 - (c) reject or revoke the registration of Non-Governmental Organizations in accordance with Non-Governmental Organisations Act;

- (d) Maintain a database of instruments of establishment and other basic documents registries and periodic reports of non-governmental organizations;
 - (e) Perform any other functions that may be assigned to him or her by the Commission.
- (2) Procedures for registration of Non- Governmental Organisations shall be in accordance with Non- Governmental Organisations Act.

CHAPTER VI

FINANCE, ACCOUNTS, FUND AND AUDIT OF THE COMMISSION

19. Financial Statement of the Commission

- (1) The commission shall cause to be kept all proper books and records of accounts of its income, expenditure, assets and liabilities;
- (2) The Executive Director shall, within three months from the end of each Fiscal Year, submit the accounts of the Commission to the National Audit Chamber together with the following:
 - (a) financial statements.
 - (b) statements of the assets and liabilities.

CHAPTER VII

MISCELLANEOUS PROVISIONS

20. Regulations.

The Minister shall make regulations for effective and efficient implementation of the provisions of this Bill.



Republic of South Sudan

National Legislative Assembly
Juba



HUMAN RIGHTS AND HUMANITARIAN AFFAIRS COMMITTEE

Office of the Chairperson

Our Ref.....

Date 30/11/20

Your Ref.....

Joint stakeholders meeting on the formation
of organization and HRC Bill 2016
Attendance sheet

S/N	Name in full	Position	Signature
01	Hon Pitia Solomon	D/Chairperson	
02	Petar DUT KATHENA	AG/EXECUTIVE DIRECTOR HRC	
03	LOKUHENGE LOLE	CHAIRPERSON	
04	CLEMENT TABAN DOMINIC	UNPROSECUTED	
05	Thomas Tombé LORO	DEPUTY CHAIRPERSON	
06	Hon. Lemjo Lasu Peter	Comm. F/F	
07	Hon- Rase Adau Deng	Committee legislation	
08	Hon- Kanyet Samuel	Chair	
09	Jesse Anwen	Chair	