

LAWS OF SOUTH SUDAN

South Sudan Red Cross Society Act, 2012

Act No. 32

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LAWS OF SOUTH SUDAN

SOUTH SUDAN RED CROSS SOCIETY ACT, 2012

In accordance with the provisions of Article 55 (2), (3) (b), read together with the provisions of Article 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 PROVISIONS

1. Title and Commencement.

This Act may be cited as “The South Sudan Red Cross Society Act, 2012” and shall come into force on the date of its signature by the President.

2. Repeal and Saving.

Any provisions of the existing Legislation which are governed by the provisions of this Act, are hereby repealed; provided that, all proceedings, orders and regulations taken or made thereunder, except to the extent they are cancelled by or are otherwise inconsistent with the provisions of this Act, shall remain in full force or effect, until they are repealed or amended in accordance with the provisions of this Act.

3. Purpose.

The purpose of this Act is to provide for the establishment of an independent South Sudan Red Cross Society to prevent and alleviate human suffering, provide humanitarian aid to civil and military victims in times of armed conflicts, violent and natural disasters, and in peace time, and to provide community services to the general population of South Sudan.

4. Authority and Application.

(1) This Act is drafted in accordance with the provisions of Article (52), read together with the provisions of Schedule (A) paragraph (25), and the provisions of Schedule (C) paragraphs (11) and (15) of the Transitional Constitution of the Republic of South Sudan 2011, that grants the Government the authority to legislate over National Independent and Impartial Institutions, established in conformity with the implementation of its Regional and International obligations, provided under Regional or International treaty, protocols or covenants to which South Sudan is a party.

- (2) The provisions of this Act shall apply throughout the territory of South Sudan, where the Society shall entirely extend its activities.

5. Interpretation.

In this Act, unless the context otherwise requires, the following words and expressions shall have the meanings assigned to them respectively:

"Additional Protocols"	means the Conventions set forth in the Fifth, Sixth and Seventh Schedules to the Geneva Conventions annexed to this Act;
"Assembly"	means the National Legislative Assembly of the Republic of South Sudan;
"Board"	means the Executive Committee;
"Chairperson"	means the Chairperson of the Executive Committee of the Society;
"Commission"	means the South Sudan Relief and Rehabilitation Commission;
"Constitution"	means the Transitional Constitution of the Republic of South Sudan, 2011;
"Date of Independence"	means the date of the Independence of the Republic of South Sudan on July 9, 2011;
"Federation"	means the International Federation of Red Cross and Red Crescent Societies;
"Geneva Conventions"	means the Conventions set forth in the First, Second, Third and Fourth Schedules to the Geneva Conventions annexed to this Act;
"Government"	means the National Government of the Republic of South Sudan;
"Movement"	means the International Red Cross and Red Crescent Movement;
"Minister"	means the Minister responsible for Humanitarian Affairs and Disaster Management;
"Ministry"	Means the Ministry of Humanitarian Affairs and Disaster Management;
"President"	means the President of the Republic of South Sudan;
"Secretary General"	means the Secretary General of the South Sudan Red Cross Society;
"Society"	means the South Sudan Red Cross Society; and
"The Constitution"	means the Constitution of the South Sudan Red Cross Society.

CHAPTER II
OBJECTIVES OF THE SOCIETY

6. Objectives of the Society.

The Society shall discharge its functions and duties to realize and achieve the following objectives:

- (a) Prevent and alleviate human suffering without any adverse discrimination on the basis of nationality, race, ethnicity, gender, language, religious beliefs, social class, political opinions, or similar criteria;
- (b) Provide humanitarian aid to civilian and military victims in times of armed conflicts, other situations of violence, natural disasters and in peace time;
- (c) Take part in national preparedness and plan for disaster and emergency situations in support of Government and its Institutions and act in all situations requiring a humanitarian response as a reference organization in the field of first aid and in providing support to communities in line with identified vulnerabilities.
- (d) Manage an effective national network to trace and restore family links between people separated as a consequence of armed conflict, other situations of violence, natural or man-made disasters or other situations requiring a humanitarian response;
- (e) Provide community services to the general population of South Sudan through the programs of the Society in the fields of delivery of the basic social services
- (f) Promote and disseminate international humanitarian law, the Society and Principles of the Movement and the spirit of volunteerism; and
- (g) Assist the Government in the dissemination, promotion and national implementation of international humanitarian law and the protection of the distinctive emblems of the Red Cross, Red Crescent and Red Crystal in accordance with the Geneva Conventions and the additional Protocols.

CHAPTER III

ESTABLISHMENT, STRUCTURES, AND FUNCTIONS OF THE SOCIETY

7. Establishment of the Society.

- (1) There shall be established in South Sudan, an independent autonomous body to be known as the South Sudan Red Cross Society, referred hereinafter as the “Society”.
- (2) The Society shall be a body corporate with official seal and logo, perpetual secession, capable to sue and be sued in its corporate name, and perform any act.
- (3) The Society shall be accountable to the General Assembly with respect to the discharge of its functions and duties, and abide by the provisions of the applicable national laws.
- (4) Notwithstanding the provisions of subsection (1) above, the Society shall be a voluntary aid society, and operate as an auxiliary to the Government in the humanitarian field. On the basis of Article 26 of the 1st Geneva Convention 1949 and Additional Protocols it shall render assistance to the medical corps services of the armed forces in times of armed conflict.
- (5) The Society shall be the only national Red Cross Society in South Sudan, and a component of the Movement and member of the Federation.
- (6) The Society shall act in conformity with the Geneva Conventions, Additional Protocols, the laws of South Sudan, the Constitution of the Society and the fundamental Principles of the Movement adopted by the International Conference of the Red Cross and Red Crescent Societies.
- (7) The Government shall respect the adherence by the Society to the fundamental Principles of the Movement and its Constitution respect the voluntary and independent nature of the Society.
- (8) The government shall facilitate voluntary work of the Society and support its efforts to mobilize, recruit, train and retain volunteers who may play an important role in fulfilling the objectives and auxiliary status.
- (9) The society shall discharge its functions and duties and manage its operations in accordance with provisions of this Act and the regulations issued under it.

8. Functions and Duties of the Society.

The Society shall discharge the same functions provided in its Constitution, and the International Treaties to which South Sudan is a party, the Statutes of the Movement, the Constitution of the Federation and Resolutions adopted by the statutory meetings of the Movement, the Council of Delegates and International Conference of the Red Cross and Red Crescent Societies.

9. Membership of the Society.

- (1) The membership of the Society shall be opened to all individuals and legal entities without any discrimination on the basis of nationality, race, ethnicity, gender, language, religious beliefs, social class, political opinions or similar criteria.
- (2) Without prejudice to the generality of the provisions of subsection above, the constitution of the Society shall provide other additional eligibility requirements, loss and restoration of membership.

10. Succession of Society.

The Society shall be the successor of the former Southern Sudan branch of the Sudanese Red Crescent Society, and all the assets and liabilities of the former, shall be transferred to the Society, and to include but not limited to the following:

- (a) all the assets, claims and liabilities of the former Southern Sudan Secretariat, and branches of the Sudanese Red Crescent Society located on the territory of South Sudan shall be deemed to have been transferred to and vested in the Society on the date of the independence of South Sudan;
- (b) with the exception of agreements referred to in the provisions of paragraph (c) of this section all deeds, bonds, instruments and contracts subsisting immediately before the date of independence of South Sudan to which the trustees of the former Southern Sudan Secretariat and branches of the Sudanese red Crescent Society are parties shall be deemed to have been transferred to, and vested in the Society on the date of the independence of South Sudan, and shall be enforceable as if the Society had been a party thereto; and
- (c) The provisions of paragraphs (a) and (b) above, shall exclude contracts of employment concluded prior to the date of the independence of South Sudan by the former Southern Sudan Secretariat and branches of the Sudanese Red Crescent Society, the Headquarters of the Sudanese Red Crescent Society or any of its former branches as the case may be shall be responsible to any claims arising out of such contracts.

CHAPTER IV
FINANCIAL PROVISIONS

11. Operational Principles.

The Society shall manage its finances in accordance with the sound financial and accounting principles and best practices and shall in that respect ensure that its resources are sufficient to meet its expenditures, including payment of the operational costs.

12. Sources of funding.

The main sources of funding of the Society shall consist of but not limited to the following:

- (a) Unrestricted contribution and assistance in any form from the Government;
- (b) Appropriated budget for the services and operations of the Society;
- (c) Grants, donations, gifts, contributions from donors and fund raising activities;
- (d) Proceeds accruing from its investments;
- (e) Membership annual subscriptions fees; and
- (f) Any other lawful sources that may be determined by the Governing Council upon the recommendation of the Secretary General.

13. Utilization of the Financial Resources.

- (1) The resources of the Society shall not be used for any other purposes, except for the approved project proposals of the Society and in the implementation of the programs and activities of the Society.
- (2) Without prejudice to the generality of the provisions of subsection (1) above, the resources of the Society shall be used in the following:
 - (a) Management of the Society and execution of its business;
 - (b) Payment of the Society obligations;
 - (c) Meeting the expenses of running of the Society; and
 - (d) Payment of salaries, wages, increments, allowances, incentives, emoluments of the Secretary General and the support staff of the Society and remunerations of the Chairperson and members of the Governing Council.

14. Budget of the Society.

The Society shall have an independent budget prepared by the Secretary General in conformity with the general policies of the Society and directives specified by the Governing Council, and shall be presented to the Governing Council and the General Assembly for approval respectively.

15. Property and Assets of the Society.

- (1) The Society, within the limits of its objectives and functions, may acquire, own, alienate and administer such property as it deems fit, and may accept any conveyance of real estate for its use or benefit.
- (2) The Society may, in accordance with its objectives and functions, accept unrestricted contributions and assistance in any form from individuals, the Government and private or public bodies and may accept as agent or trustee funds or property in trust or earmarked for particular use, provided that such use is within the general framework of its objectives and functions.
- (3) The Society may constitute and administer any reserve, insurance or other funds for its staff or any of its activities.
- (4) The Government shall cover the cost of any service or activity that they may be entrusted to the Society, within the scope of the objectives and functions of the Society, the conditions for the implementation of such services or activities shall be specified in agreements between the Society and the relevant institution of the Government

16. Exemption from Taxes and Duties.

The properties and assets of the Society, including its sources of funding, financial resources real estate including the revenue from its income generating activities, shall be exempted from all taxes and duties, and shall be exempted from the obligation to pay import duties.

CHAPTER V

MISCELLANEOUS PROVISIONS

17. Use of Red Cross Emblem by Society.

- (1) The Society shall be authorized to use the emblem of the red cross on a white background and the designation "Red Cross" for all the purposes foreseen by the International Conference of the Red Cross and Red Crescent, in conformity with the Geneva Conventions and Additional Protocols, the Regulations on the uses of the Emblem by National Societies adopted by the International Conference of the Red Cross and Red Crescent, and the provisions of this Act respectively.
- (2) Notwithstanding with the provisions of section 7 (2) of this Act, the Society shall use its distinctive logo and seal consisting of the heraldic sign of the red cross on a white background accompanied by the words "South Sudan Red Cross Society".

18. Offences and Penalties.

Whoever uses the emblem in violation to the Geneva Conventions, Additional Protocols, and the provisions of this Act without lawful authorization or permission, is guilty of an offence and upon conviction shall be punishable with imprisonment or fine or both, to be determined by the competent trial court, and in addition to any penalty prescribed thereunder the provisions of the *Penal Code 2008*.

19. Liquidation of the Society.

The Society shall not be liquidated, except in accordance with the provisions of the applicable law.

20. Regulation.

- (1) Competent Public Authority, may upon the recommendation of the Governing Council, and the approval of the General Assembly, may make such regulations or rules as may be appropriate and necessary for the efficient and effective implementation of the provisions of this Act.
 - (2) Notwithstanding the provisions of subsection (1) above, the Governing Council may make such regulations, rules, and procedures, and to include but not limited to the following:
 - (a) Regulations related to the terms and conditions of service for the support staff of the Society in conformity with the *Civil Service Act 2011* and the Regulations issued thereof; and
 - (b) Regulations to provide the procedures, process and criteria for the Society, with respect to the conduct of its business and the project proposals consideration.
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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 South Sudan, 2011, I, Gen. Salva Kiir Mayardit, President of the Republic of South Sudan, hereby Assent to the South Sudan Red Cross society Act 2012 and sign it into law.

Signed under my hands in Juba, this ^{9th}-----day of the month of ^{MAR} in the year 2012.

A handwritten signature in black ink, appearing to read 'Salva Kiir Mayardit', written over a circular stamp or seal.

Gen. Salva Kiir Mayardit
President
Republic of South Sudan
RSS/ Juba.