

LAWS OF SOUTH SUDAN

Protection and Assistance to Internally Displaced Persons Act, 2019.

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

CHAPTER 1

PRELIMINARY PROVISIONS

1. Title and Commencement

This Act may be cited as the "Protection and Assistance to Internally Displaced Persons Act, 2019" and shall come into force on the date of its assent by the President.

2. Repeal and Saving

The Relief and Rehabilitation Act, 2016 and any existing legislation governing the subject of this Act is thereby amended; provided that all appointments made or decisions made and any actions taken under the amended Act shall remain in force unless amended by or are inconsistent with this Act.

3. Purpose

The purpose of this Act is to establish a legal framework for preventing arbitrary displacement, provide protection and assistance as well as achieving durable solutions for internally displaced persons and displacement affected communities in South Sudan, and to make provision for related purposes. This Act shall give effect to the-

- (a) 1998 United Nations Guiding Principles on Internal Displacement;
- (b) 2009 Kampala Convention, which incorporates the Guiding Principles on Internal Displacement;
- (c) International Conference for the Great Lakes 2006 Protocol on Protection and Assistance to Internally Displaced Persons, which gives binding legal effect to the Guiding Principles on Internal Displacement in the Great Lakes Region;
- (d) International Conference for the Great Lakes 2006 Protocol on the Property Rights of Returning Persons, which takes into account the 2005 United Nations principles on housing and property restitution for refugees and displaced persons; and
- (e) 2006 International Conference for the Great Lakes Protocol on Prevention and Suppression of Sexual Violence against Women and Children.

4. Authority and application

(1) This Act is in accordance with Article 55(3)(b) of the Transitional Constitution of the Republic of South Sudan, 2011 (as amended), which confer on the National Government powers to enact legislation

(2) The framework of this Act shall:

- (a) apply throughout the territory of South Sudan to all internally displaced persons regardless of the cause of their displacement;
- (b) apply to protect the specific needs of internally displaced persons due to displacement, and to address vulnerabilities arising from the situation of displacement as well as to achieve durable solutions for them;

- (c) apply to ensure that internally displaced persons who are citizens of South Sudan can enjoy their civic and political rights, particularly public participation, the right to vote and to be elected to public office, as specified in Principle 22(d) of the Guiding Principles and Article 9(2)(1) of the Kampala Convention;
- (d) apply to not confer or entail a specific legal status for internally displaced persons as defined in this Act, other than on the basis of their status as citizens or residents of South Sudan; and
- (e) apply to not protect an internally displaced person from being prosecuted for committing a criminal act under the laws of the Republic of South Sudan or under international law.

Interpretation

5. In this Act, unless the context otherwise requires-

“Accounting Officer” means the Accounting Officer of the Relief and Rehabilitation Commission in charge of the Integrated Fund;

“armed groups” means dissident armed forces or other organized armed groups that are distinct from the armed forces of the state, as defined in Article 1(e) of the Kampala Convention;

“assistance” means humanitarian assistance which is given to save lives, alleviate human suffering and provided to all in need according to the principles of humanity, do no harm, impartiality, and neutrality.

“displacement affected communities” means communities receiving or hosting internally displaced persons, communities in areas of displacement, communities in areas to which internally displaced persons return or communities in areas to which internally displaced persons are relocated or evacuated.

“durable solutions” means the achievement of durable and sustainable solutions to the displacement of persons through a voluntary and informed choice of sustainable return and reintegration to their homes or places of habitual residence, sustainable local integration in areas of refuge, or sustainable integration in any part of South Sudan;

“Guiding Principles” means the 1998 United Nations Guiding Principles on Internal Displacement referred to in Article 1(3) of the 2006 Protocol on Assistance and Protection to Internally Displaced Persons;

“Integrated Fund means the Integrated Fund established by section 10(e) for humanitarian and development action to finance the cost of integrated humanitarian responses and development strategies for addressing internal displacement based on a whole of society approach;

“Inter-Ministerial Committee means the Inter-Ministerial Committee established by section 9 as the National Coordination body for the whole of Government approach to the primary responsibility for providing protection and assistance as well as achieving durable solutions for internally displaced persons and displacement affected communities in South Sudan.

“internally displaced person” means a person or groups of persons who have been forced or obliged to flee or to leave their homes or

places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, large scale development projects, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized State border;

“Kampala Convention” means the 2009 African Union Convention for the Protection and Assistance of Internally Displaced Persons;

“Minister” means the Minister in charge of Humanitarian Affairs and Disaster Management;

“Monitoring and Evaluation Committee” means the Monitoring and Evaluation Committee established by section 45 to monitor and evaluate the implementation of this Act;

“property” means the autonomous possessions of economic value such as, moveable and immovable property including land, corporeal and incorporeal possessions like intellectual property or copy right, money, pecuniary gains, debts, and contractual rights as defined in Article 1(5) of the Protocol on the Property Rights of Returning Persons;

“protection” means all activities aimed at obtaining full respect of the rights of internally displaced persons in accordance with the letter and spirit of the fundamental rights and freedoms under the Bill of Rights of the Transitional Constitution of South Sudan and applicable regional and international human rights treaties and international humanitarian law;

“Protocol on Protection and Assistance to Internally Displaced Persons” means the 2006 International Conference on the Great

Lakes Protocol on Protection and Assistance to Internally Displaced Persons;

“Protocol for the Prevention and Suppression of Sexual Violence” means the 2006 International Conference on the Great Lakes Protocol for the Prevention and Suppression of Sexual Violence;

“Protocol on the Property Rights of Returning Persons” means the 2006 International Conference on the Great Lakes Protocol on the Property Rights of Returning Persons;

“Relief and Rehabilitation Commission” means the independent Relief and Rehabilitation Commission under Article 148.1 of The Transitional Constitution of South Sudan and as established by section 6 of the Relief and Rehabilitation Commission Act, 2016; and

“Returnees”, means internally displaced persons and refugees who return to their original places of residence in their country of origin, as defined in Article 1(8) of the Protocol on the Property Rights of Returning Persons.

CHAPTER II
FRAMEWORK GOVERNING PROTECTION AND
ASSISTANCE

6. Subject to the Constitution, and in accordance with the provisions of this Act, the framework governing protection and assistance as well as durable solutions for internally displaced persons in South Sudan shall be based on the-
- (a) Bill of Rights relating to the protection of human rights and fundamental freedoms contained in Part II of the 2011 Transitional Constitution of the Republic of South Sudan or in any successive Constitution of South Sudan;
 - (b) rights and freedoms enshrined in human rights treaties ratified or acceded to by the Government of the Republic of South Sudan, which are applicable by virtue of Article 9(2) of the Transitional Constitution of South Sudan;
 - (c) 2018 Revitalized Agreement on the Resolution of the Conflict in South Sudan, particularly Chapter 3 of this Agreement;
 - (d) relevant aspects of the Framework for Return, Reintegration and Relocation of Displaced Persons: Achieving durable Solutions in South Sudan;
 - (e) relevant periodic National Development Plans or other official Strategic Plans; and

- (f) 2010 United Nations Inter-Agency Standing Committee Framework on Durable Solutions for Internally Displaced Persons.

CHAPTER III

RESPONSIBILITY FOR PROTECTION AND ASSISTANCE

Primary duty and responsibility

7. (1) Primary responsibility for protecting and assisting internally displaced persons as well as for achieving durable solutions shall lie on the whole of Government at national, state, and local levels, as specified in Principles 3(1) and 28(1) of the Guiding Principles, Article 5(1) of the Kampala Convention, and Article 3(3) of the Protocol on Protection and Assistance to Internally Displaced Persons.

(2) The primary duty and responsibility of the Government includes-

- (a) implementation of this Act and the framework of international obligations which it incorporates, at national, state, and local levels;
- (b) preventing and avoiding conditions that might cause or lead to the displacement of persons in accordance with Principle 5 of the Guiding Principles and Article 3(1)(b) of the Kampala Convention;
- (c) preventing arbitrary displacement as defined in Principle 6(2) of the Guiding Principles and Article 4(4) of the Kampala Convention, and under this Act shall include cattle raiding or rustling, inter-clan violence, and communal violence;
- (d) coordination of protection and assistance as well as of durable solutions for internally displaced persons;

- (e) establishing and designating a focal body for coordinating such protection and assistance as well as durable solutions, with national and international actors, as specified in Art 3(2)(b) of the Kampala Convention;
- (f) provision of humanitarian assistance, as specified in Principle 25(1) of the Guiding Principles; and
- (g) establishing normal conditions conducive to achieve durable solutions for internally displaced persons, as specified in principles 28(1) and 29 of the Guiding Principles, and Art 11(1) of the Kampala Convention, and Part VIII of this Act.

Discharge of primary duty and responsibility

8. Under this Act, the Government shall-

- (a) discharge its primary duty and responsibility in cooperation with international organizations or humanitarian agencies, and civil society organizations, based on Principles 25(2) and 27(2) of the Guiding Principles, Article 4(3) of the Kampala Convention, and Article 3 (10) of the Protocol on Assistance and Protection to Internally Displaced Persons.
- (b) respect the mandates of the African Union and the United Nations, as well as the roles of international humanitarian organizations to provide protection and assistance to internally displaced persons as specified in Article 5(3) and according to Article 6 of the Kampala Convention;
- (c) uphold and ensure respect for the humanitarian principles of humanity, neutrality, impartiality, and independence of humanitarian actors, as specified in Art 5(8) of the Kampala Convention;

- (d) allow rapid and unimpeded passage of all humanitarian consignments, according to Art 3(1)(j) and as specified in Art. 5(7) of the Kampala Convention;
- (e) respect and protect from attack or other harm humanitarian personnel and resources or other materials deployed for the assistance or benefit of internally displaced persons, as specified in Art. 5(10) of the Kampala Convention; and
- (f) the right of internally displaced persons to request protection and assistance, as specified in Principle 3(2) of the Guiding Principles, and Article 5(9) of the Kampala Convention.

CHAPTER IV

ALIGNMENT OF GOVERNMENT STRUCTURES AND FUNCTIONS

Establishment of Inter-Ministerial Committee

9. (1) An Inter-Ministerial Committee is hereby established and designated as a focal point body for the whole of Government approach to the responsibility for providing protection and assistance as well as achieving durable solutions for internally displaced persons and displacement affected communities in South Sudan.
- (2) The Inter-Ministerial Committee shall be a National Coordination body established under the office and authority of the Presidency of the Republic of South Sudan.
- (a) The Inter-Ministerial Committee shall be composed of all relevant line Ministries, including the Ministry of Humanitarian and Disaster Management or its equivalent.

- (b) The Chairperson of the Relief and Rehabilitation Commission shall be a standing invitee of the Inter-Ministerial Committee and shall attend its meetings as a full participant.
- (c) The Chairperson of the Refugee Commission shall be a standing invitee of the Inter-Ministerial Committee and shall attend its meetings as a full participant.

Functions

10. The functions of the Inter-Ministerial Committee shall include, but are not limited to-
 - (a) serve as a National Coordination body for coordinating protection and assistance throughout all the phases of displacement, including durable solutions;
 - (b) establish a Task Force composed of technical experts as focal points of protection and assistance as well as achieving durable solutions in the relevant line Ministries;
 - (c) coordinate with the Relief and Rehabilitation Commission and the Task Force and oversee implementation of the technical guidance given by the Task Force to the Inter-Cluster Working Group;
 - (d) coordinate protection and assistance as well as achieving durable solutions, with national, state, and local authorities;
 - (e) establish, in accordance with Art 3(2)(d) of the Kampala Convention, an Integrated Fund for humanitarian and development action to finance the cost of integrated humanitarian responses and development strategies for addressing internal displacement based on a whole of society approach;
 - (f) ensure the use of the Integrated Fund to meet capital and recurrent expenditure for protection and assistance, self-

reliance, resilience, and durable solutions for internally displaced persons and displacement affected communities on a whole of society basis;

- (g) safeguard control and supervision of the Integrated Fund by an Accounting Officer appointed by the Relief and Rehabilitation Commission to; and
- (h) receive reports from the Accounting Officer on the reserves and use of the Integrated Fund every six months.

Replenishment

11. (1) An allocation of not less than 30 percent of the national budget shall be deposited annually by the treasury into the Integrated Fund for Humanitarian and Development Action.
- (2) An agreed percentage by the Inter-Ministerial Committee of not less than 15 percent of the proceeds from oil national revenue shall be deposited into the Integrated Fund for Humanitarian and Development Action annually.
- (3) Bilateral, multilateral, and private donors may make such annual or periodic donations to the Integrated Fund as appropriate.
- (4) The establishment of the Integrated Fund under this Act shall not prejudice support or finance for protection and assistance as well as durable solutions for internally displaced persons and displacement affected communities from any other existing Funds, including the Central Emergency Response Fund or the Social Reconstruction Fund created by the Revitalized Agreement on the Resolution of the Conflict in South Sudan.

CHAPTER V

SCOPE OF PREVENTION, PROTECTION AND ASSISTANCE

Prevention

12. The Inter-Ministerial Committee shall-
 - (a) protect communities and individuals from arbitrary displacement as provided in this Act and according to Principle 6 of the Guiding Principles and Article 4(4) of the Kampala Convention;
 - (b) prevent displacement by addressing or mitigating its structural root causes, as specified in Art 3(1)(b) of the Kampala Convention and Article 3(1) of the Protocol on Protection and Assistance to Internally Displaced Persons, and avoid conditions leading to displacement, as specified in Principle 5 of the Guiding Principles;
 - (c) put in place, and carry out, measures of preparedness for prevention, including early warning, and risk assessment by monitoring areas at risk of displacement or cattle rustling or raiding or disasters or the effects of climate change, and implement mitigation and disaster risk reduction strategies;
 - (d) ensure that relocation due to disasters or effects of climate change related displacement shall be an exceptional measure to be carried out only where there is foreseeable and recurring risk to safety, health, life, and displacement, and such relocation shall constitute a durable solution to avoid a situation of displacement; and
 - (e) put in place measures of adaptation to the effects of climate change related displacement as well as slow onset disasters.

Development related displacement

13. The Inter-Ministerial Committee shall as much as possible prevent the displacement or relocation of persons due to development projects by public or private actors, as specified in Article 10 of the Kampala Convention and Article 5 of the Protocol on Protection and Assistance to Internally Displaced Persons.
14. Resort to displacement for reasons of development shall be exceptional and undertaken only after exploring all feasible alternatives to displacement. A decision to undertake displacement for reasons of displacement shall be made by a Minister. Provided that development projects inducing displacement must be justified by compelling and overriding public interests. In particular, such projects must-
- (a) be justified by necessity on compelling and overriding public interests, evidenced by holding public hearings and consultations on the justification and planning of the project, including any displacement that may occur as a result of the project;
 - (b) pursue a legitimate public aim authorized by applicable law and a written decision made in accordance with such a law, giving justification for the project, with clear compelling and overriding evidence that no feasible alternatives to avoid displacement exist;
 - (c) be proportionate to the planning and implementation of the development project as a legitimate aim, on the one hand, and on the other hand, the protection of persons displaced or affected by the project in question; and
 - (d) minimize and mitigate the consequences of development related displacement including by seeking the free and

informed consent of affected persons, and providing them with protection and assistance as well as durable solutions or restitution, as provided in Chapter VIII of this Act.

Protection and Assistance

15. The Inter-Ministerial Committee shall-
 - (a) accord protection and assistance, including durable solutions, to all internally displaced persons and displacement affected communities, regardless of the cause and place of displacement;
 - (b) accord protection and assistance, including durable solutions, to all internally displaced persons without discrimination of any kind, such as race, colour, sex, language, religion or belief, political or other opinion, national, ethnic or social origin, legal or social status, age, disability, property, birth, or as a result of their having been displaced, on any other similar criteria, as specified in Principle 4(1) of the Guiding Principles.
 - (c) ensure special protection for internally displaced persons with special needs, including children, especially unaccompanied minors, expectant mothers, mothers with young children, female heads of households, persons with disabilities, and elderly persons according to Principle 4(2) of the Guiding Principles;
 - (d) collaborate with relevant Government bodies to ensure that any person convicted of an offence under this Act shall not escape justice or punishment.

CHAPTER VI

PROTECTION DURING DISPLACEMENT

Measures

16. The Inter-Ministerial Committee shall take measures to protect internally displaced persons during displacement, as specified in Principles 10 to 23 of the Guiding Principles and Article 9 of the Kampala Convention.

17. The Inter-Ministerial Committee shall take specific measures to protect-
 - (a) the right of internally displaced persons to seek safety in another part of South Sudan and against forcible return or settlement in any place where their life, safety, liberty, or health would be at risk, as specified in Principle 15(a)(d) of the Guiding Principles and Article 9(2)(e) of the Kampala Convention;

 - (b) internally displaced persons, especially women and children, from sexual and gender based violence, rape, mutilation, harmful practices, slavery, recruitment, recruitment of children in armed conflict, forced labour, enforced prostitution, sexual exploitation, and human trafficking and smuggling, according to the Protocol on Prevention and Suppression of Sexual Violence against Women and Children.

 - (c) property rights of internally displaced persons, including women and children, as specified in Principle 21 of the Guiding Principles, Article 9(2)(i) of the

Kampala Convention, and the Protocol on the Property Rights of Returning Persons;

- (d) property and possessions, including cultural property, left behind by internally displaced persons or acquired by them, against destruction and arbitrary and illegal appropriation, occupation or use, as specified in Principle 3 of the Guiding Principles and Article 9(2)(1) of the Kampala Convention;
- (e) The property and possessions of internally displaced persons against pillage, direct or indiscriminate attacks or other acts of violence, being used to shield military operations or objectives, being made the objects of reprisal, and being destroyed or appropriated as a form of collective punishment, in situations of armed conflict, as specified in Principle 21(2) of the Guiding Principles.

18. Measures taken by the Committee shall specifically be aimed at protecting internally displaced persons from-

- (a) discrimination or stigmatisation because of their displacement;
- (b) genocide, crimes against humanity, and war crimes;
- (c) arbitrary killing, summary execution, arbitrary detention or abduction and enforced disappearances;
- (d) torture, cruel, inhuman or degrading treatment or punishment; and
- (e) starvation.

Civilian and humanitarian character

19. The Inter-Ministerial Committee shall-
- (a) take particular measures to maintain and safeguard the civilian and humanitarian character of protection and assistance to internally displaced persons; and
 - (b) shall protect internally displaced persons against infiltration by armed groups or elements by disarming and separating out such groups or elements, according to Articles 3(1)(F) and 9(2)(g) of the Kampala Convention.

CHAPTER VII

ESSENTIALS OF PROTECTION AND ASSISTANCE

Operational measures

20. The Inter-Ministerial Committee shall carry out and coordinate the implementation of measures that are essential to the operationalization of protection and assistance, and enabling the achievement of durable solutions for internally displaced persons.
21. These measures shall include-
- (a) issuing internally displaced persons with civil or personal documentation, new or replacement documentation such as passports, personal identification documents, and marriage or divorce certificates, within 3 months of displacement, according to Principle 20 of the Guiding Principles and Article 13(2) of the Kampala Convention;

- (b) registration of all internally displaced persons according to Article 13(1) of the Kampala Convention in order to maintain a secure data-base, within 3 months of displacement;
- (c) collecting disaggregated data aimed at establishing a profile of internally persons to enable evidence based planning and programming for protection and assistance as well as durable solutions, according to the requirements of Principle 4(2) of the Guiding Principles and Article 9(2)(c) of the Kampala Convention;
- (d) periodic assessment of the protection and assistance needs of internally displaced persons and displacement affected communities, based on Principle 27 of the Guiding Principles, Article 5(5) of the Kampala Convention, and Article 3(4) of the Protocol on Protection and Assistance to Internally Displaced Persons;
- (e) periodic assessment of the risk of displacement at national, state, and local levels and carry out necessary measures to prevent or mitigate displacement or prepare for displacement;
- (f) consultation with internally displaced persons and facilitating their participation in decisions relating to their displacement, as specified in Article 9(2)(k) of the Kampala Convention;
- (g) periodic survey of the intention of internally displaced person as to their likely choice of durable solution in order to provide an evidence based approach to durable solutions; and
- (h) cooperating with relevant international organizations or humanitarian agencies, and civil society organizations, in carrying out and implementing these measures, as specified in Article 5(5) of the Kampala Convention.

CHAPTER VIII

DURABLE SOLUTIONS

Conditions for durable solutions

22. The primary duty and responsibility of the Government to establish conditions for durable solutions shall involve a whole of Government approach coordinated at national, state, and local levels and an inclusive whole of society approach to achieving durable solutions.

A whole of Government approach

23. A whole of Government approach shall involve:
- (a) Implementation of the Revitalized Agreement on the Resolution of the Conflict in South Sudan, which constitutes a peace agreement for the purpose of finding sustainable solutions to the problem of internal displacement under Article 3(2)(e) of the Kampala Convention;
 - (b) Uphold a permanent ceasefire and operationalize the Transitional Security arrangements in accordance with the Revitalized Agreement on the Resolution of the Conflict in South Sudan;
 - (c) Urgently addressing the challenge of reconstruction, voluntary repatriation, resettlement, rehabilitation and reintegration of internally displaced persons and returnees as critical factors affecting peace building and elections under the Revitalized Agreement on the Resolution of the Conflict in South Sudan; and

- (d) Participation of internally displaced persons and returnees in transitional justice, accountability, reconciliation and healing according to Chapter V of the Revitalized Agreement on the Resolution of the Conflict in South Sudan.

A whole of society approach

- 24. A whole of society approach shall involve:
 - (a) Implementation of Chapter III of the Revitalized Agreement on the Resolution of the Conflict in South Sudan, which deals with humanitarian assistance and reconstruction, and solutions for refugees and internally displaced persons;
 - (b) durable solutions on a comprehensive basis, for internally displaced persons, displacement affected populations, and returning refugees who have not found a durable solution, and solutions to housing, property, and land.

Housing, Land and Property

- 25. The Inter-Ministerial Committee shall-
 - (a) ensure that the property of internally displaced persons shall be protected in all possible circumstances against arbitrary and illegal appropriation, occupation or use, as provided for in the Protocol of the Property Rights of Returning Persons;
 - (b) take into account the application of the United Nations Principles on Housing and Property Restitution for this purpose;
 - (c) guarantee of equal access to housing, land, and property rights, inclusive of internally displaced persons;
 - (d) provide special protection for the property of returning women, children, including orphans and children born out of wedlock, and communities with special attachment to land;

- (e) establish affordable housing, land and property registration schemes under which security of tenure, title to property, including land held under both customary and statutory land tenure systems is protected;
- (f) ensure that internally displaced persons, upon return to their areas of origin, recover their property with the assistance of the local, traditional, and administrative authorities;
- (g) provide for restitution where internally displaced persons are unable to recover their housing, land and property;
- (h) provide compensation for loss where housing, land or property of internally displaced persons has been sold to a *bona fide* purchaser for value and without notice; and
- (i) establish alternative and informal community based mechanisms and processes for resolving property disputes concerning competing claims, with simple requirements of proof of ownership based upon reliable and verifiable testimony.

Achieving durable solutions

26. The Inter-Ministerial Committee shall-
- (a) take concrete measures and means to achieve durable solutions for internally displaced persons in safety and with dignity; and
 - (b) apply to that end Principles 28 and 29 of the Guiding Principles and Articles 11 and 12 of the Kampala Convention, and the United Nations Inter-Agency Standing Committee Framework on Durable Solutions for Internally Displaced Persons.

27. The following durable solutions shall be achieved for internally displaced persons-
- (a) voluntary return and sustainable reintegration to their homes or places of habitual residence;
 - (b) sustainable local integration in areas where internally displaced persons take refuge; and
 - (c) settlement and sustainable integration elsewhere in another part of the country.
28. The Inter-Ministerial Committee shall ensure the exercise by internally displaced persons of a free and informed choice of durable solutions and their full participation in the planning and management of durable solutions.
29. In the process of achieving durable solutions, the Inter-Ministerial Committee shall-
- (a) liaise with local government authorities to promote the absorption of internally displaced persons in urban areas in long-term urban planning and development plans;
 - (b) use integrated humanitarian and development strategies to achieve durable solutions; and
 - (c) offer development incentives and projects for promoting self-reliance and resilience for internally displaced persons, displacement affected communities, and returning refugees who have not found a durable solution.

Indicators of durable solutions

30. The following conditions shall underline the achievement of durable solutions-
- (a) long-term safety and security of internally displaced persons;
 - (b) full restoration and enjoyment of freedom of movement and choice of place of residence;
 - (c) enjoyment of an adequate standard of living without discrimination;
 - (d) access to employment and livelihoods;
 - (e) access to effective mechanisms that restore housing, land and property;
 - (f) access to documentation;
 - (g) family reunification and the establishment of the fate and whereabouts of missing relatives;
 - (h) equal participation in public affairs; and
 - (i) access to justice without discrimination.

Area based solutions

31. Area based solutions shall be human rights based, multi-sectorial, coordinated, and appropriate to local areas taking into account local humanitarian assistance and development needs.

Transitional solutions

32. Transitional solutions shall be aimed at improving the living conditions and livelihoods of internally displaced persons pending the achievement of durable solutions.
33. Transitional solutions may include cash grants, tenancy or provisional housing or leased land.

CHAPTER IX
BUILDING CAPACITY TO MOBILIZE AND PROVIDE
HUMANITARIAN ASSISTANCE AND DEVELOPMENT
ACTION

Role of the Relief and Rehabilitation Commission

34. The Relief and Rehabilitation Commission shall be the operational body to provide humanitarian assistance and development support aimed at building self-reliance, resilience, and durable solutions for internally displaced persons and displacement affected communities.
35. For this purpose, the Relief and Rehabilitation Commission shall act in liaison with the Inter Cluster Working Group.
36. In its operational role, the Relief and Rehabilitation Commission shall-
- (a) comply with the principles of humanitarian assistance as specified in Article 5(8) of the Kampala Convention;
 - (b) cooperate with international humanitarian organizations and agencies, and civil society, according to Principle 25(2) the Guiding Principles, Article 4(3) of the Kampala Convention, and Article 4(10) of the Protocol on Protection and Assistance to Internally Displaced Persons;
 - (c) apply the development related aspects of the Kampala Convention in conjunction with development actors;
 - (d) carry out needs assessments for capacity building from time to time to enable and facilitate effective humanitarian assistance and development action;

- (e) integrate into this Act the Framework for Return, Reintegration and Relocation of Displaced Persons: Achieving durable Solutions in South Sudan, as updated; and
- (f) shall have direct access to the use of the Integrated Fund.

CHAPTER X

SENSITIZATION, PUBLIC AWARENESS, EDUCATION AND TRAINING

Public sensitization

37. The Inter-Ministerial Committee shall-
- (a) provide public information on the situation of IDPs and of the importance of addressing their protection and assistance needs as well as resolving their situation of displacement;
 - (b) facilitate the provision of education and training to build public awareness on the causes, consequences, and impact of internal displacement;
 - (c) create public awareness nationwide on prevention, protection and assistance by effective sensitization;
 - (d) foster inter-communal dialogue and reconciliation;
 - (e) promote use of the principles of the Kampala Convention in such dialogue, reconciliation, and implementation of the Revitalized Agreement on the Resolution of the Conflict in South Sudan to address the situation of internally displaced persons; and
 - (f) work out processes and roles for providing public information on the situation of internally displaced persons, provision of education and sensitization to create public awareness, fostering inter-communal dialogue, reconciliation and peaceful co-existence, and

(g) promoting use of the principles of the Kampala Convention in this connection.

CHAPTER XI

INDIVIDUAL CRIMINAL RESPONSIBILITY FOR DISPLACEMENT

Offences and Penalties

38. Arbitrary displacement as defined in this Act is prohibited. Commission of any of the acts of arbitrary displacement as defined in this Act constitutes a crime of strict liability, except for the crimes of genocide, war crimes or crimes against humanity which require proof of intent to commit such crimes.
39. Any person who commits, aids or abets or conspires to commit an act of arbitrary displacement shall be guilty of an offence under this Act.
40. Any person who commits arbitrary displacement by means of genocide, war crimes or crimes against humanity as defined in international criminal law shall be guilty of an offence under this Act.
41. Any person who commits any of the following acts with intent or knowledge or aids or abets their commission against internally displaced persons shall be guilty of an offence under this Act-
- (a) arbitrary killing in circumstances not justified by the legal requirements of self-defence;
 - (b) assault or grievous bodily harm or physical or mental harm;
 - (c) impeding access to internally displaced persons;
 - (d) obstructing the provision of humanitarian assistance;

- (e) stealing or looting or destroying humanitarian supplies;
 - (f) misuse or abuse the use of humanitarian or development assistance;
 - (g) harm or cause harm to a humanitarian worker;
 - (h) impede the work of a humanitarian worker; and
 - (i) impersonate an internally displaced person by false pretense or providing false information about being an internally displaced person.
42. A person who is convicted of committing an offence under this Chapter shall be liable to imprisonment for a term of not less than 15 years without the option of a fine.

CHAPTER XII

INDIVIDUAL CRIMINAL RESPONSIBILITY FOR MEMBERS OF ARMED GROUPS

Criminal liability of members of armed groups

43. The criminal liability of members of armed groups shall be determined under this Act according to Article 7 of the Kampala Convention.
44. A member of an armed group shall be held-
- (a) criminally responsible as an individual for criminal offences that he or she commits contrary to this Act as provided in Article 7 of the Kampala Convention;
 - (b) criminally liable for committing any of the crimes or offences specified in Chapter XI of this Act;
 - (c) strictly liable for committing any of the acts prohibited in Article 7(5)(a) to (i) of the Kampala Convention; and

- (d) A member of an armed group who is convicted of an offence under this Chapter shall be liable to imprisonment for a term of not less than 15 years without the option of a fine.

CHAPTER XIII

MONITORING AND EVALUATING IMPLEMENTATION

Monitoring body

45. A Monitoring and Evaluation Committee is hereby established to monitor and evaluate the implementation of this Act.
46. The Monitoring and Evaluation Committee shall meet as often as required and at least once every month and issue annual reports on the implementation of this Act, evaluate the effectiveness of protection and assistance and achievement of durable solutions, and make recommendations to improve the overall implementation of this Act.
47. The Monitoring and Evaluation Committee shall comprise:
- (a) The Chairperson of the Inter-Ministerial Committee, who shall serve as Chairperson of the Monitoring and Evaluation Committee;
 - (b) The Chairperson of the Relief and Rehabilitation Commission, whose shall serve as Secretary of the Committee;
 - (c) Chairperson of The Task Force, which shall evaluate and report annually on the implementation of the Act;
 - (d) Chairpersons of the Human Rights, Humanitarian Affairs, and Legislation and Justice Committees of Parliament, who shall

- facilitate Parliamentary oversight and scrutiny of the implementation of the Act;
- (e) Chairperson of the Human Rights Commission, whose role is to monitor the human rights based approach to protection and assistance to IDPs; and
 - (f) The United Nations Protection Cluster Coordinator, who coordinates the work of the United Nations Protection Cluster.

CHAPTER XIV

MISCELLANEOUS PROVISIONS

Asylum

48. Nothing in this Act shall prevent an internally displaced person from seeking asylum in another country, as specified in Principle 15(c) of the Guiding Principles.

Rules and policy

49. The Inter-Ministerial Committee or the Minister shall-
- (a) make regulations for the effective and efficient implementation of this Act; and
 - (b) formulate a policy to guide the operation of this Act.

Treaty obligations

50. The following treaties shall be incorporated into this Act and shall apply as part of it-
- (a) Kampala Convention;
 - (b) Protocol on Protection and Assistance to Internally Displaced Persons;
 - (c) Protocol on the Property Rights of Returning Persons; and

- (d) Protocol on the Prevention and Suppression of Sexual Violence against Women and Children.

ASSENT OF THE PRESIDENT OF THE REPUBLIC OF SUDAN

In accordance with the provisions of Article 85(1) of the Transitional Constitution of the Republic of South Sudan, 2011, I Gen. Salva Kiir Mayardit President of South Sudan, hereby Assent to the Protection and Assistance to Internally Displaced Persons Act 2019 and signed into Law.

Signed under my hand in Juba, this.....day of the month of

Gen. Salva Kiir Mayardit

President

Republic of South Sudan

RSS/Juba