



Prepared by: British Red Cross

IFRC Review of Emergency Decrees: SOUTH SUDAN

Overview

At the date of writing (31 March 2020), no cases of COVID-19 have yet been confirmed in South Sudan.¹

It appears no declaration of a disaster or public health emergency has been made and, according to a UNICEF South Sudan Press Release of 30 March, the South Sudan Government is at this stage focussing on a campaign to raise awareness of COVID-19.²

The same release indicates that the Government has restricted entry into South Sudan of personnel from COVID-19 affected countries.³ A report of arrests on the borders with Sudan and Uganda appears to confirm that such measures are in place and are being enforced.⁴ This report also suggests that a 14 day quarantine period is being imposed on new entrants into the country.⁵

Very few South Sudanese laws could be found online. A website in the name of the Government of the Republic of South Sudan appears to have been frozen and archived at the start of 2014 and the web address to which this site redirects readers is either not set up or the link broken.

A copy of the 2011 Constitution can be accessed on the Constitute Project's website.⁶ The most relevant provisions would seem to be those dealing with the declaration of a state of emergency. These permit the President, upon the occurrence of an imminent danger (which expressly includes natural disaster or epidemic) to declare a state of emergency.⁷ During a state of emergency the President may, by law or orders, take any measures (that do not derogate from the provisions of the Constitution):

¹ Source: Africa Centres for Disease Control and Prevention.

² <https://www.africa-newsroom.com/press/coronavirus--south-sudan-south-sudan-scales-up-nationwide-coronavirus-awareness-raising-campaign-as-neighbouring-countries-confirm-cases?lang=en>. The report appears based on a UNICEF South Sudan press release: <https://www.unicef.org/southsudan/press-releases/south-sudan-scales-nation-wide-coronavirus-awareness-raising-campaign-neighbouring>

³ <https://www.africa-newsroom.com/press/coronavirus--south-sudan-south-sudan-scales-up-nationwide-coronavirus-awareness-raising-campaign-as-neighbouring-countries-confirm-cases?lang=en>

⁴ <https://radiotamazuj.org/en/news/article/over-300-people-arrested-for-illegally-entering-south-sudan>

⁵ <https://radiotamazuj.org/en/news/article/over-300-people-arrested-for-illegally-entering-south-sudan>

⁶ https://www.constituteproject.org/constitution/South_Sudan_2011.pdf

⁷ Constitution, Article 189.

- (a) to suspend part of the Bill of Rights (so long as there is no infringement of the right to life, prohibition against slavery, prohibition against torture, the right of non-discrimination on the basis of race, sex, religious creed, the right to litigation or the right to fair trial);
- (b) to dissolve or suspend any institution of the National Executive;
- (c) to dissolve or suspend any of the state organs or suspend such powers conferred upon the states under the Constitution; and
- (d) to take any such measures as deemed necessary to the state of emergency.⁸

A copy of a Non-Government Organizations Bill 2015 also came up in searches.⁹ This provides a legal framework for the registration, coordination and monitoring of operations of NGOs (including what are termed international NGOs) in South Sudan. It is not clear though whether the Bill has been enacted or whether the Non-Governmental Organizations Act 2003 (not available online), which was to be repealed by the 2015 Bill, remains in force.

Beyond this, however, it has not been possible to find any other relevant laws. Nor does there appear to be anything online, beyond news reports, identifying what action the Government has taken in response to COVID-10 (for example the apparent controls at the borders) or the legal basis for such action.

1. Is there coordination between state and non-state actors, e.g. through a national emergency response mechanism?

No documents could be found. The 30 March press release from UNICEF South Sudan indicates that the nationwide risk communication campaign is supported by UNICEF, WHO and “other partners”.¹⁰

The WHO website references the South Sudan Humanitarian Response Plan 2017, which identifies outbreaks of infectious disease as a major health risk and talks of the provision of coordination and operations support as a WHO strategic objective.¹¹ Although there appears to be no national mechanism for coordination, coordination appears to have been secured in previous disasters through the RC National Society.¹²

The WHO South Sudan 2018 Annual Report¹³ refers to the launch of the first national public Health Emergency Operations Center to coordinate hazard preparedness and actively monitor risks.¹⁴ The Report also mentions health cluster coordination and over 100 partner coordination meetings that brought together emergency responders comprising international and national NGOs and health cluster observer groups at national and sub-national levels.¹⁵

⁸ Constitution, Article 190.

⁹ <http://www.gurtong.net/LinkClick.aspx?fileticket=4AiFzUI-rw0%3d&tabid=342>

¹⁰ <https://www.unicef.org/southsudan/press-releases/south-sudan-scales-nation-wide-coronavirus-awareness-raising-campaign-neighbouring>

¹¹ <https://www.who.int/emergencies/response-plans/2017/south-sudan/en/>

¹² See Emergency Plan of Action South Sudan Floods 2019 (IFRC), <https://reliefweb.int/sites/reliefweb.int/files/resources/South%20Sudan%20Floods%20MDRSS008.pdf>

¹³ The Work of WHO in South Sudan 2018, <https://www.afro.who.int/sites/default/files/2019-10/WHO-South%20Sudan%20Annual%20Report-2018.pdf>

¹⁴ Ibid, p 23.

¹⁵ Ibid, pp 29 and 30.

2. Is there mention of the role of Red Cross (RC) or humanitarian actors? In what areas/sectors? What responsibilities are ascribed to RC?

In the materials available there is no mention. The 30 March UNICEF South Sudan Press Release, in describing action taken to date, does refer to the support of UNICEF, WHO and “other partners”.

3. Are there exceptions to travel restrictions that will facilitate the movement of RC/humanitarian relief teams and/or aid across borders? What (if any) quarantine requirements or other conditions are attached?

It is not clear. There appears to be restricted entry at borders (see above) but the basis for this action has not been found and it is therefore not possible to see what exceptions (if any) may be applied.

4. Are there exceptions to quarantines, curfews and other restrictions on movement that allow RC/humanitarian organizations access to vulnerable populations (including for psychosocial or non-medical aid)?

At the date of writing, it appears that no restrictions, quarantines etc have been imposed. If measures are imposed, in the absence of more specific legislation (public health/ disaster), it would seem that the powers given to the President under the Constitution (see above) would be used. These are wide ranging and could, presumably, include exceptions for RC/ Humanitarian Organisations.

5. Have any special legal facilities or exemptions been put in place for the importation of medical aid or other relief items or personnel (International Disaster Response Law)? What (if any) quarantine requirements or other conditions are attached?

There appear to be no new measures yet. It is presumed that until the situation changes existing arrangements will continue to apply.

6. Is the RC (or humanitarian organizations) categorized as 'essential' or 'emergency' services, for the purposes of exemptions to restrictions on business operations and opening hours?

No essential services have yet been prescribed.

7. What other measures are provided in the emergency decrees? (for governmental actors, for communities, for health workers, etc).

Beyond the restrictions on entry, no other measures appear to have been made yet.

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