

-REPORT-

-EXTERNAL-

NGO Asset transfer, handover and disposal – Survey findings

South Sudan | July 2024

About the survey

Background

Reports of issues and complications related to the process of asset transfer, handover or disposal impacting NGO operations have consistently increased in frequency and severity. This report reflects the findings of a recent survey conducted by the NGO Forum to examine the issues and incidents related to NGO asset transfers in South Sudan, exploring the underlying causes and potential solutions.

Objective

The purpose of the survey is to:

- **Gather Evidence to Support Advocacy:** Collect data and case studies to highlight the challenges faced by NGOs in asset transfer, aiming to use this information to advocate for better policies and practices.
- **Identify Trends and Hotspots:** Analyse data to identify specific trends, hotspots, and challenges related to NGO asset handover, transfer, and disposal. Understanding these patterns helps in formulating targeted interventions.
- **Build Recommendations and Inform Engagement:** Develop actionable recommendations and inform the engagement of the NGO Forum and other stakeholders with relevant authorities. The goal is to reduce the frequency and severity of incidents related to asset transfer.

Methodology and Limitations

The NGO Forum conducted an online survey with national and international NGOs to collect statistics on issues related to NGO asset transfer, handover and disposal in South Sudan between January 2023 and May 2024. The quantitative data collection was complemented by qualitative information gathering through interviews, and through the NGO Forum's own experiences with NGOs and authorities.

A total 59 NGOs, comprising of 15 national NGOs and 44 international NGOs participated in the survey. The respondents operate across all ten states and three administrative areas in South Sudan supporting all sectors.

The survey did not involve other stakeholders such as government representatives, security personnel and local communities. Its findings reflect the experiences and perceptions of NGOs only.

Survey findings

Incidents related to asset transfer, handover or disposal affect NGOs countrywide

50% of respondents reported facing issues related to their asset transfer, handover or disposal during the reporting period. Except for Abyei and Ruweng Administrative areas, incidents occurred across all states and administrative areas in South Sudan, with a concentration of incidents in **Central Equatoria State, Unity State and Northern Bahr El Ghazal**. States highlighted in red in the below graph witnessed the occurrence of critical incidents involving NGO staff that impeded the process of assets transfer or handover, including arrests and detentions. Eight NGO staff were reportedly detained or arrested in relation to six distinct incidents, sometimes for several days.

Between January 2023 and May 2024, NGOs reported at least **36 incidents** related to the transfer, handover or disposal of their assets.

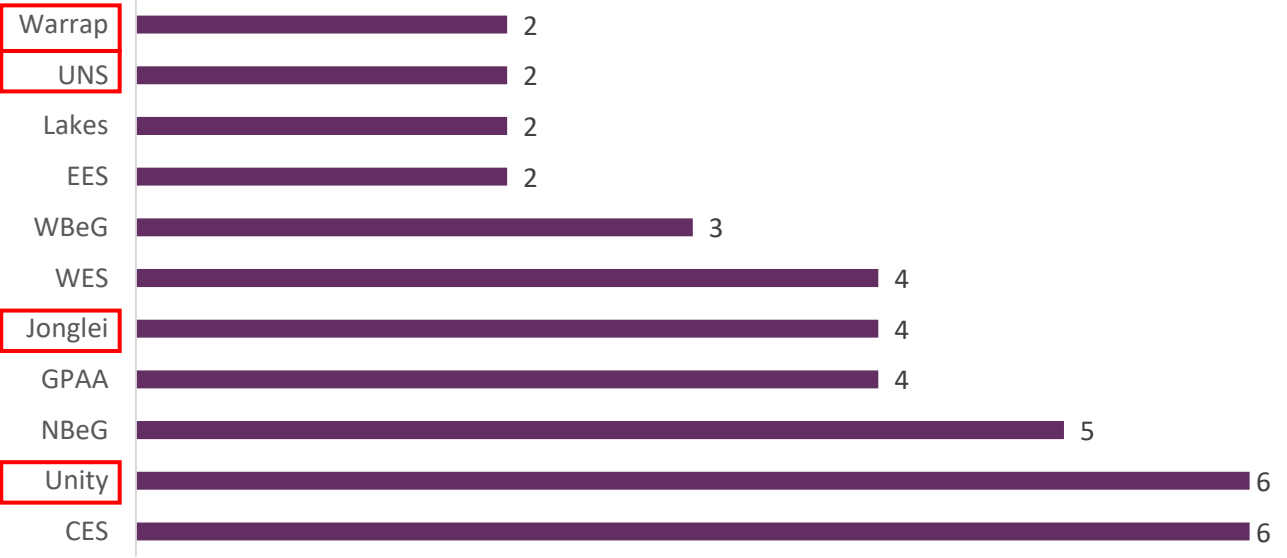


Figure 1 - Number of reported NGO asset incidents by state and administrative area between January 2023 and May 2024

Impediments occur predominantly during transfer of NGO assets between project locations

Out of the 36 incidents reported, the majority occurred when an NGO attempts to transfer its assets from one project location to another, or to Juba, especially at the end of projects. Respondents have also reported facing impediments while handing over assets to other I/NGOs and even government entities.

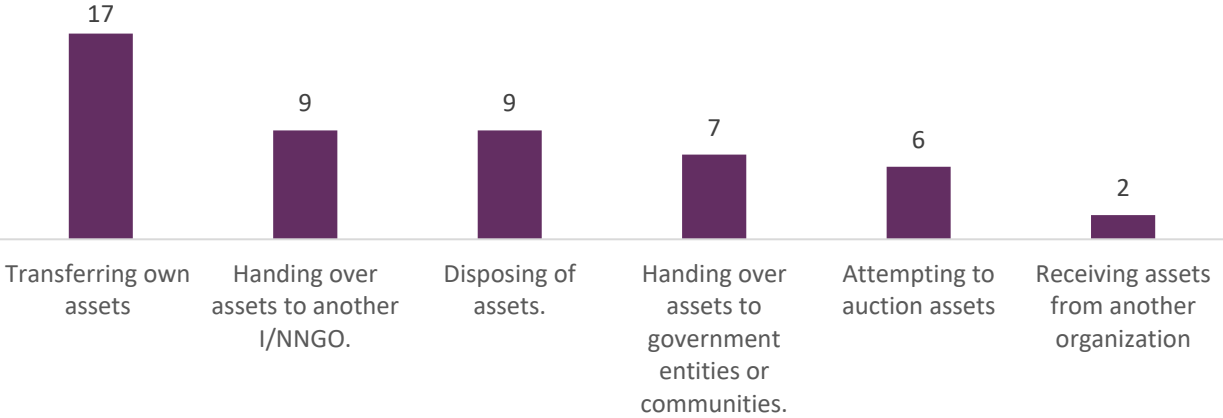


Figure 2 - Breakdown of impeded NGO asset related process

Increasingly so, NGOs report the inability to auction assets reaching the end of their life cycle. Reportedly, involved stakeholders who object the auctioning of NGO assets express their expectation to be recipients of such assets.

National NGOs specifically have reported facing impediments while receiving handed over or disposed assets by international NGOs to implement activities, often left alone facing pressure from involved stakeholders to pass on the assets.

The involvement of multiple stakeholders adds more complexity

As issues occur mainly at county level, where projects are located and assets are based, county Relief and Rehabilitation Commission (RRC) Coordinators and county Commissioners are often key stakeholders when incidents arise, which complexifies the discussions.

The involvement of state RRC Chairpersons and national RRC counterparts, including the office of the national RRC Chairperson and the Registrar of NGOs, is often required to resolve incidents and lift the impediments impacting the transfer of asset. In some instances, and especially when county commissioners oppose the transfer or handover of NGO assets, the intervention of representatives from State Governor's offices and Chief Administrators of Administrative Areas is necessary. This is perceived as a result of the complex governance structures at subnational level, and undermines NGOs ability to timely engage and negotiate with the adequate stakeholders for the quick and amicable resolution of incidents.

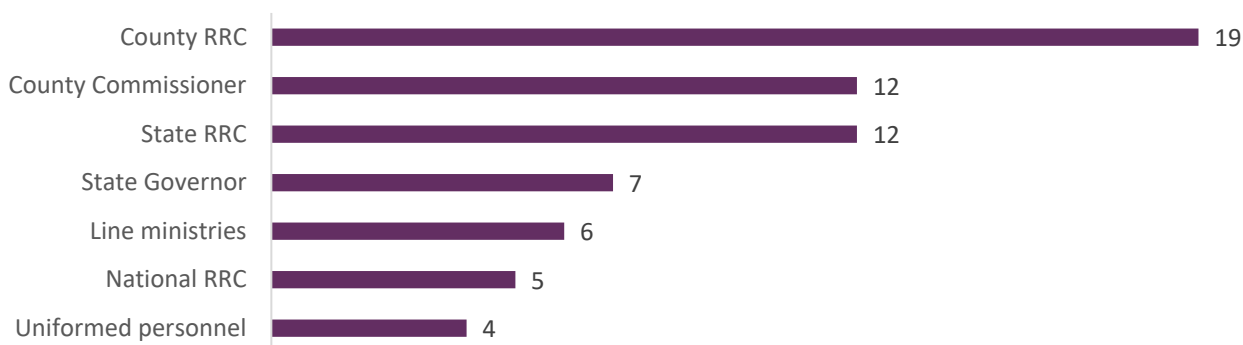


Figure 3 - Main reported involved stakeholders in incidents affecting NGO assets

The lack of understanding of the rules framing NGO asset transfer, handover and disposal is a leading impediment

When asked about the perceived reasons causing the impediments to the transfer, handover or disposal of their assets, NGOs consistently reported a lack of understanding by county and state actors of the rules framing the transfer of assets. Reportedly, a common misinterpretation of the NGO Act 2016 leads county authorities to expect all NGO assets to be handed over to them by default at the end of each project.

The below graph highlights the most frequently perceived reasons leading to the impediments affecting assets transfer, handover or disposal.

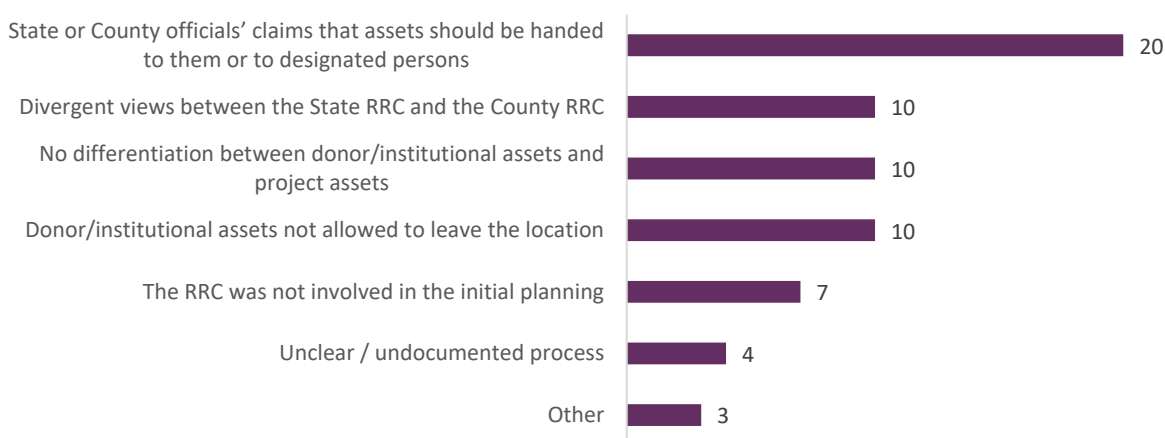


Figure 4 - Most frequently perceived reasons leading to impediments to assets transfer and handover

Efforts to convince county or state level stakeholders that assets may not be linked to a single individual projects, or that the assets are needed to provide much needed assistance in other parts of the country often require the involvement of the national RRC, and sometimes donors, through written formal communication. These time-consuming engagements have often led to delays in the implementation of activities and delivery of aid.

The resolution of issues varies greatly, and depends on the type of assets involved, but also on the stakeholders engaged. The intervention of the national RRC or donors have been perceived to facilitate the resolution of incidents are at varying levels. According to respondents, 33% of incidents were resolved after up to 3 months of engagement and negotiations, while the resolution of 29% incidents took over 6 months. In frequent instances, concerned assets are impounded, seized or confiscated during the engagement period, but NGOs also reported being able to keep custody of the assets in other instances.

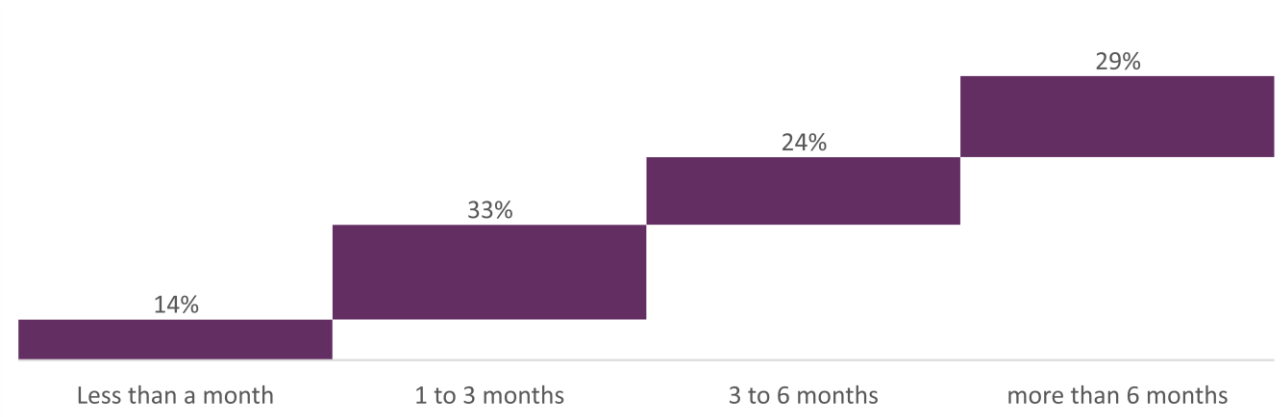


Figure 5 - Required time to resolve issues related to asset transfer and handover

At the time of reporting, there are at least 5 additional ongoing cases of impeded asset transfer or handover processes.

Three main categories of assets are regularly impacted

75% of respondents reported facing issues related to three main categories of assets: **Vehicles** (including cars, trucks, boats, motorbikes, quadbikes, etc.) involved in approximately 60% of incidents, **Technical Equipment** (solar panels, pumps, borehole/WASH equipment) and **Office & IT equipment**. Other less frequent incidents included medical supplies, and attempts to take over NGO compounds.

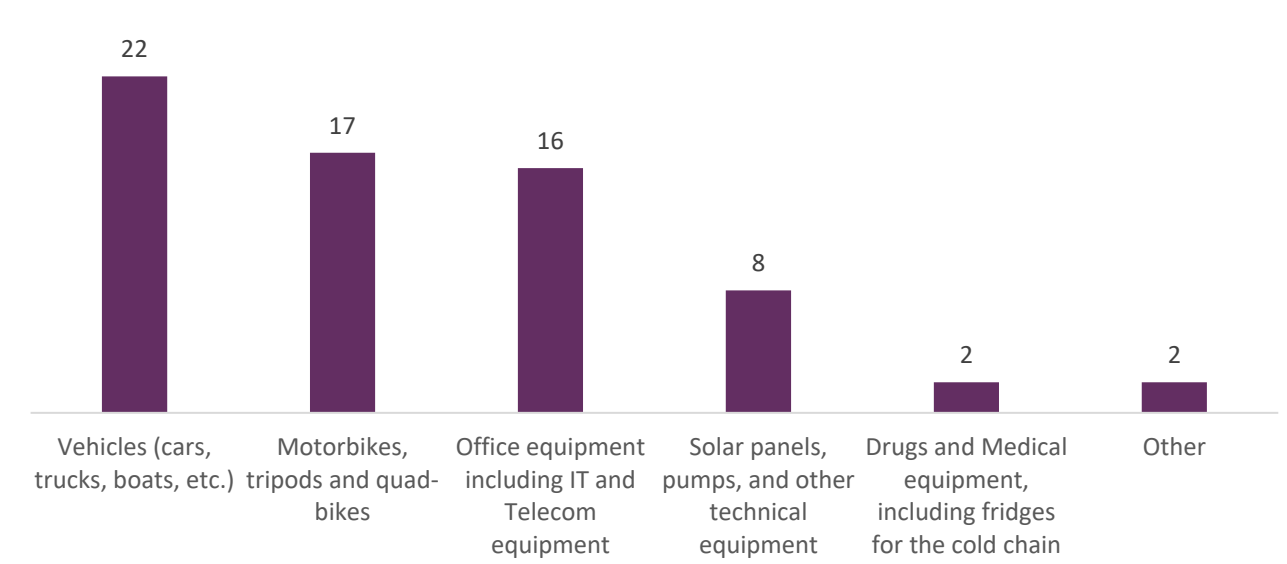


Figure 6 - Type of assets most frequently impacted

NGOs have reported difficulties in assessing the overall financial impact of these impediments on their budgets, but they have consistently mentioned the following incurred costs:

- Staff travel to field locations to engage with county and state level stakeholders, including flights and accommodation
- Lawyer fees when issues escalate and require legal intervention
- Opportunity costs when asset cannot be auctioned
- Net losses of several thousand US dollars reflecting the asset values when they must be written off.

Recommendations

Based on the findings of the survey, South Sudan NGO Forum issues the following recommendations to reduce the frequency and severity of incidents related to assets transfer and handover, building on the ongoing support provided by the national RRC and the Ministry of Humanitarian Affairs and Disaster Management.

1. Streamline and formalize the NGO asset transfer, handover and disposal Processes

Simplify and clarify the regulatory framework governing asset transfers. This can be achieved through engagement with the RRC and the Ministry of Humanitarian Affairs, ensuring that the processes are straightforward and easily navigable by NGOs and government officials alike, and allowing NGOs comply with both government and donor regulations simultaneously.

2. Ensure capacity building of government stakeholders, promoting understanding of rules and regulations.

Conduct comprehensive awareness and sensitization sessions for government officials at both the state and county levels to ensure they have a clear understanding of the rules and regulations related to NGO asset transfers. This includes regular workshops, seminars, and on-the-job training sessions aimed at enhancing their knowledge and competence in handling asset transfer processes. The South Sudan NGO Forum and the national RRC are organizing a workshop in this sense in August 2024.

3. Promote common donor policies, and feedback to government authorities.

Explore the standardization of donor policies to ensure consistency and clarity in asset transfer procedures. Regular feedback sessions with government authorities should be held to address any ambiguities and ensure alignment with these common policies.

4. Strict adherence to government policies and donor regulations.

Implement a zero-tolerance policy towards non-compliance with established rules and regulations. NGOs and government authorities should collaborate to establish clear recourse processes for breaches of compliance, ensuring that all parties understand the policies applicable to them. This approach aims to foster a culture of accountability and transparency.

5. Explore a complaint mechanism for RRC at state and county levels.

Establish robust frameworks for the RRC at the country, state and county levels allowing the escalation and timely resolution of incidents. These mechanisms will help to ensure that RRC officials are allowed to ensure a conducive environment for NGO operations is preserved, and that NGOs remain compliant with formalized government policies.