

Attachment A: Ministry of Internal Affairs NGO Registration Application Form

Name of NGO/CSO:
Address in Vanuatu:
Other Address if Applicable:
Email:
Website, if any:
NGO Representative Name:
NGO Representative Phone #:
Mission of the NGO:
Date Established:
Examples of projects and activities:
MOU with Ministry of:
Number of staff:
Number of Ni-van staff:
Annual budget:
Vanuatu islands where NGO operates:
VFSC registration (most recent):
VANGO membership date:
Is this 1 st time registration with MIA?
If applying for renewal, describe any major changes in NGO structure or operation:
Appropriate fee included: <ul style="list-style-type: none">- 1st registration application VUV 9,000- Renewal without major changes VUV 5,000- Renewal with major changes VUV 9,000
In filing this application, the NGO and its representative hereby acknowledge their responsibility to abide by the rules and conditions of registration, including filing an annual report, abiding by all the laws of the Republic of Vanuatu, including those pertaining to immigration and employment. Signed: Date:

Preface

Dear Readers and Implementers,

I am pleased to deliver the first ever Vanuatu Civil Society Organization Policy Direction 2018 which we will officially refer to as the "Non-Governmental Organization (NGO) Policy".

This document is designed to be a living document that will provide direction and will greatly enhance the work of Non-Governmental Organizations (NGOs), Civil Society Organizations (CSOs), and Community-Based Associations (CBAs) in Vanuatu. These organisations are recognised as Major Groups providing sustainable development to society.

However, it is important that their work be aligned with the strategic direction chosen by our country and that it complies with important laws and regulations. This Booklet is provided to assist in this matter, by offering direction and guidance from the Ministry of Internal Affairs to all people and active participants in all sectors of society.

As the Minister responsible for Internal Affairs, I have placed my full confidence in all Civil Society Organizations, Non-Governmental Organisations, and Community-Based Associations that your daily organisation will be informed by and be compliant with this NGO Policy book.



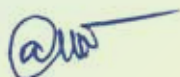
Hon. Andrew Solomon Napuat
Minister of Internal Affairs

Acknowledgements

The Minister of Internal Affairs would like to acknowledge the following people and organisations for their hard work in bringing this policy into life:

Dr. Leshi Korovavala	Live and Learn – Port Vila
Mrs. Cherol Ala, Director General	Londua Technical School – Ambae
Mr. Jones Ephraim, Executive Manager	Loume Rural Training Centre – Tanna
Mr. Edward Kaltamat, Director – Department of Local Authorities	Malampa Disability - Malekula
Mr. Henry Tamashiro – Former Director – Department of Immigration	Mother's Union – Santo
Mrs. Marie Laure Koulon – Executive Secretary	Mothers Union Anglican Church of Melanesia – Santo
Mr Johnson Simon - NGO Desk Officer	Nasituan – Tanna
Dr. Astrid Kersten, HCDI, Port Vila	Ndui Ndui Market Vendors – Ambae
ADRA – Port Vila	Northern Care Youth Centre , Santo
Autabulu Women's Club – Ambae	Oxfam – Port Vila
Butterfly Trust – Port Vila	Santo Rotary Club – Santo
Camp Shining Light – Santo	Save the Children – Port Vila
Care International – Port Vila	Shapi Anglican Youth – Santo
Catholic Youth Association, Sainte Therese, Santo	Tangaurivanua West Ambae Youth – Ambae
Chapui Presbyterian Youth Association, Santo	Torba Counselling Centre – Banks
Dr. Mark Turnbull – Banks	Uripiv Fishermen Association – Malekula
Euta Community Association – Show Grounds – Santo	VANGO
Frangipani Pikinini Association – Santo	Volunteer Vanuatu
Friends of Ndui Ndui Hospital – Ambae	Vunausi Conservation Area Community Association. Santo
Green Hill City Trade School – Tanna	Women Handicraft Association, Malekula
LDS Cyclone Pam Re-Building – Tanna	World Vision, Port Vila
	Youth with a Mission

And all others who participated in the development of the NGO Policy in one way or another, your valuable efforts are very much appreciated.



Hon. Andrew Solomon Napuat
Minister of Internal Affairs, Vanuatu



Conclusion

The Vanuatu Policy for the Regulation of NGOs provides continuing support for the Government of the Republic of Vanuatu to ensure efficient NGO service deliveries, consistent with the national development goals. This policy further guides and regulates the NGOs to achieve their goals at the end of every project. In addition, the policy seeks to ensure that skills, knowledge and relevant resources are handed over to locals after the completion of each project, that communities have full ownership of the development process, and that equitable and inclusive accessibility to services is achieved. The Government also seeks to decentralize the development process within the 6 provinces, through working with the area councils to meet priority needs and to assist communities to be self-reliant.

Way Forward

The Policy for the Regulation of the NGOs under the Ministry of Internal Affairs can only be implemented effectively through the support and collaborative efforts of all staff members of the Departments of Internal Affairs, Border Control (Immigration), and Labour, and all Provincial Authorities. The Department of Internal Affairs expresses its appreciation to all those involved for its collaboration in making this policy work, for the NGOs, and for Vanuatu.

Policy for the Regulation of Non-Governmental Organisations

1. Introduction

Non-governmental organisations (NGOs) have been a feature of Vanuatu's development landscape since Independence. Many of these NGOs are locally funded in the quest to contribute to national and community development, with a desire to promote self-reliance and self-help. However, development issues continue to emerge and become even more pronounced. Some of the issues are related to the challenges of democratising society and responding to people's needs for human dignity and welfare. Other issues include an increase in the frequency and intensity of natural disasters, including slow onset disasters, the impact of globalisation on development, and the need to improve the standard of living, health and education.

As a result of all these issues, we have seen an increase in the role of non-state actors, with NGOs as the principal players in the field. In order to do more with less and to reach out to communities and individuals in as efficient a manner as possible, not only the number but also the utility and value of NGOs must increase. During the immediate aftermath of TC Pam in 2015, for instance, the presence and size of NGOs in Vanuatu increased dramatically, but we also learned that, as NGO participation in complex, multi-dimensional projects increases, the need to regulate and coordinate NGOs becomes urgent and compelling.

NGOs, by their very nature and definition, can take many forms, function in many situations, and have a broad activity scope¹. NGOs may be funded by inter-governmental organisations like the EU, UN and IOM or by donations coming from corporations, businesses, churches, or communities. And, even though they are sometimes funded by a donor (sovereign) government whose representatives have diplomatic status, NGOs should not and cannot be treated as either sovereign states or as inter-governmental organisations. Therefore, to avoid confusion and misunderstanding, we must regulate the establishment, activities, movement (entries and exits) and presence of NGO employees.



World Vision assist farmer in Cocoa Project



Vanuatu chocolate From Cocoa

¹ For the purpose of this policy, the term NGO will include non-governmental organisations, civil society organisations, community-based associations, charitable organisations, not-for-profit organisations and all other organisations similar in scope, purpose and function.



ADRA deliver water pipes for water supply



Butterfly Trust medical team

The current process manages the movement of NGO employees along the same line as staff of diplomatic missions. This default treatment is due mainly to the generalised nature of the existing visa system. During the recent visa policy review consultation, a number of key stakeholders raised the need to treat NGOs separately from diplomatic missions and the need for a separate visa that matches their nature and functions. The blatancy with which some NGO personnel abuse visa conditions during the immediate aftermath of TC Pam further raised the need for tighter control through a separate registration process and visa category.

2. Purpose

The purpose of this policy is to provide a guide on the:

- Registration, establishment and functions of NGOs,
- Management of NGO presence and local engagement, and
- Process of the visa application and allocation process.



Frangipanni Association - Santo

3. Policy Development Process

There is a total of seventy-four (74) recognised NGOs, operating in various sectors in Vanuatu and of this total, six (6) are international NGOs (INGO). Due to their nature, size and mode of operation, the INGOs tend to play a more dominant role, in spite of their small number.



Santo Rotatory Club

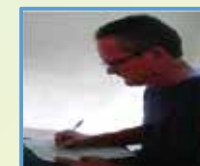
To solicit input into the draft NGO policy, a questionnaire was distributed to all known NGOs, charitable organisations and not-for-profit organisations in Vanuatu. Twenty-five (25) NGOs or 33.3% responded to the survey. In addition, the review of Vanuatu's visa policy, which happened concurrently with the formulation of the draft NGO policy, was also used to gauge the views of key stakeholders on NGO operation and regulation. Because the final form of the visa policy determines a range of issues in the NGO policy, the visa policy was finalised before the NGO policy.

Therefore, it is imperative that NGOs consider the employment of local expertise, in support of the national localisation policy. This may be achieved using a foreign worker to local worker ratio of 1:1 or no less than 50% of local worker components across the board. Where situations and expertise allow, a higher percentage of local workers will be expected.

In addition, all vacancies must be advertised in the local media on an open and competitive basis, so that local candidates have a fair opportunity to be considered for the job. A copy of the advertisement in the local media must accompany the application for visa and work permit, for verification purpose, should a foreign candidate be selected.

In relation to this process, the Labour Department in collaboration with the Ministry of Education and the Vanuatu Immigration Service will develop and maintain a National Skills List to inform this process. The National Skills List will maintain a record of Vanuatu graduates and certified skilled nationals in all job categories and sectors. The joint Labour, Education and Immigration panel shall ensure that the National Skills List is updated on a bi-annual basis.

Furthermore, any trade-skills related work must have a recognised local understudy with capacity building programme, leading to eventual succession at the end of the foreign employee's term. This requirement shall be incorporated in the work permit applications, in the form of a training programme for the local understudy. A progress report of the succession programme shall accompany any application for a fresh visa and/or work permit. The Labour Department will monitor the implementation of this succession programme.



Dr. Mark Turnbull – Banks

7. Implementation and Revision

It bears reiterating that the underlying purpose of the Policy for the Regulation of NGOs is to regulate the establishment of NGOs so as to bring a measure of transparent oversight and accountable management to their presence and activities in Vanuatu. The Policy has a high capacity in seeing that the localization is being implemented and carried out within the country. The policy shall be deemed as a living document and is therefore subject to periodic reviews as and when there is a significant change in the operating imperatives and environment relating to NGOs.

- d. In the event that no response is received from the concerned NGO regarding the intention to de-register within the specified period, such de-registration shall be automatic.

Once de-registration is completed, the appropriate information shall be shared with VIS who shall include such information in its Prohibited Immigration List (PI List) under Part 5 of the Immigration Act 2010.

5. Applicable Visa Categories and the Visa Application Process

In accordance with the Vanuatu Visa Policy, any application for visa by NGOs (including charitable organisations and not-for-profit organisations) is to be considered under the 'Development Support Visa' category.

Applications for visas shall be submitted through the DO who shall vet the application according to official records in the Register. A checklist indicating the required documents is provided in Attachment B. Following the verification of the application, the DO shall forward the appropriate endorsement, signed by the Director General or his designate to the Director of Vanuatu Immigration Services to process the appropriate visa.

It must be noted that the process verification will serve only to indicate that the applicant is a registered legal entity and has fulfilled the requirements under the registration process and can proceed to apply for the required visa.

In addition to NGO registration and Internal Affairs verification, the applicant is required to meet all the VIS requirements for the visa. Nothing in this process shall be deemed to compel VIS to waive any part of its visa requirements. That is, should VIS determine that the applicant has failed to meet any part of its requirements, including the character check, VIS shall exercise its lawful obligations under the Immigration legislation. Furthermore, and in collaboration with the Labour Department regarding the issuance of work permits, VIS will also consider the engagement of local expertise as discussed below.

The Vanuatu Immigration Service (VIS) shall charge the requisite fee for the visa applied.

Following the issuance of the visa, VIS must provide a copy of the visa document to the DO for filing in the Register.

6. Local Engagement, Local Expertise and Capacity Building

NGOs participate mainly in development-related activities, including humanitarian programmes in pre- and post-disaster periods. Much of the pre-disaster work focuses on disaster-preparedness and building resilience. These activities are usually tailored to local specifications and conditions, largely at community level. Effective engagement with local counterparts is not only a critical imperative for their efficient delivery and long-term success, it also builds local capacity and expertise, and lowers costs.



Studio 5 North - Santo

The policy recognizes the important role that NGOs play in Vanuatu's national development, but it also directs attention to their purpose – the *raison d'être* – and operating process - the *modus operandi* - including their organisation structure, funding structure, areas of engagement, and human resource management. The overriding rationale is to find ways to enable the host government to carry out its national responsibility of managing and overseeing all functioning entities operating in the country while simultaneously providing an environment where these entities can function efficiently and effectively, in ways that meaningfully contribute to promoting the welfare of Vanuatu and its peoples, consistent with national policies, priorities and realities.

Any NGOs that are established in Vanuatu should always uphold our culture, traditional values and Christian principals or faith in God.

4. NGO Registration

There is unanimous agreement among the key government agencies that NGOs should be treated differently from diplomatic missions. As a first step, an NGO Register will be established at the Ministry of Internal Affairs, clearly signalling the separation between diplomatic and non-diplomatic entities, with the former being processed through the Ministry of Foreign Affairs.



Anglican Church of Melanesia, Luganville

a. Registration Application:

- i. For registration purposes, each NGO is to provide the following information:
- ii. Name of the organisation;
- iii. Business account number or other banking details (if any);
- iv. Vanuatu Financial Services Commission (VFSC) certificate;
- v. Organisation documents, including current Vanuatu Financial Services Commission (VFSC) certificate, Terms of Reference, Constitution or Charter, By-laws, Memorandum of Agreement /Understanding /Association, or any similar documents that explain its structure, operating procedures, reporting methods, financial guidelines, accountability requirements, code of conduct;
- vi. VANGO membership document;
- vii. Activity sector;
- viii. Programme, scope of activity(s) and duration;
- ix. Number of employees (if available);
- x. Funding source(s);
- xi. Objectives, intended benefits and beneficiary(s);
- xii. Local counterparts; and
- xiii. Capacity building component (see local engagement section)

This information will be shared with the Vanuatu Department of Strategic Planning and Aid Coordination.



Chapuis Presbyterian Youth Association



Malampa Disability Association - Malekula

Registration Process

The following process of registration shall apply:

- i. The NGO applicant shall apply for registration, using the prescribed form (Attachment A), to be submitted to the NGO Desk Officer (DFO) of the Ministry of Internal Affairs.
- ii. The DO shall only accept and register complete applications.
- iii. All applications must be accompanied by the prescribed fee. This fee is not refundable, regardless of the outcome of the registration process. It is in the best interest of the applicant to ensure that all requirements are met before lodgement.
- iv. Applicants must submit their application no less than 21 working days from the required date of establishment or the intended date of effectiveness.
- v. On receipt of the application, the DO shall conduct the necessary due diligence checks to ensure the transparency and accountability of the applicant. Appropriate advice should be received from the relevant government law enforcement agencies such the FIU, TCU, VIS, Justice to inform the registration decision.
- vi. On fulfilling the requirements, a Certificate of Registration (Attachment D) shall be issued by the Ministry. The certificate is to be signed by the Director General (DG) of the Ministry or his certified designate.

b. Registration fee

An application and registration fee of VUV 9,000² shall be paid on lodgement of the application. Any application that is not accompanied by the requisite fee will not be accepted.

Fees may be adjusted from time to time according to the national fees and charges review procedure, stipulated in the Financial Regulation.

² Registration and processing: VUV 6,000; Certificate: VUV 3,000

c. Registration Certificate, Duration and Renewal

Once an NGO has been duly registered, a certificate will be issued. The registration certificate shall be valid for a period of five years from the date of certification. Provided the NGO has complied with all relevant laws, rules and procedures, they will be eligible for renewal on application.

If no further changes apply to the information provided at the time of initial registration, the renewal processing fee shall be 50% of the registration fee. However, if there are any major changes, the full registration fee will apply, to allow for the due diligence process required for the renewal of registration.



Northern Care Youth Centre, Luganville

d. Regular Reporting

The NGO Register will record all information pertaining to the NGO and any changes, including structure, mandate, reporting process, and so forth. The Register should also keep an annual record of the NGO's activities including specific achievement(s) and/or projects.

Once registered, the NGO has the responsibility of providing both annual updates and any updates, based on changes in circumstances.

Tangaurivanua Youth – West Ambae



e. De-Registration

De-registration or termination of registration may occur under the following circumstances:

- a. Failure to meet the application requirements; or
- b. A serious breach(s) is committed by the NGO, its members or representatives.

For the purpose of clarity, serious breaches shall include:

- a. Violation of visa conditions; or
- b. Any action that threatens public order, security and/or welfare of Vanuatu, its institutions and people; or
- c. Offenses committed by the organisation and/or its employees that are criminal in nature and upon conviction by the Court, carries a sentence of ten years imprisonment or more, or a fine of VUV 10,000,000 or more.

In the case of 'serious breaches,' a letter shall be issued to the NGO by the Director General outlining his or her intention to de-register. The letter shall include the following:

- a. Outline of the breach(es).
- b. De-registration date or deadline.
- c. Process of appeal against the intention to de-register. This process shall include the time given to the NGO to appeal which is 14 days (including holidays and weekend).