

Humanitarian Aid Commission Act 1995

Chapter One

Preliminary Provisions

Name of the Act

1. This Act may be cited as the Humanitarian Aid Commission Act, 1996.

Cancellation and Exemptions

2. (1) from the date of Issuance of this act, The following Acts/Laws will be repealed:-

- a) The law of Humanitarian Aid Commission 1957.
- b) The Law of The relief and Rehabilitation Commission, 1406 H (1986)
- c) The law of regulating Voluntary Foreign Aid 1988.

- (2) Notwithstanding sub section (1), all regulations made there under shall remain in force, until revoked or amended

Interpretations

3. In this Act unless the context other wise requires:

“Rehabilitation” Means any work or activities meant to eliminate or to reduce the negative impact or effect of emergency situations.

“Association”: Means any group formed by not less than 30 persons, which works on voluntary basis to achieve voluntary or charitable related objectives and registered according to the provisions of this Act and this does not include:

- a) Any group working towards achieving political aims or objectives;
- b) Any Company registered according to the Companies Act;
- b) Any legal Firm;
- d) Any institution or agency registered according to the provision of other laws

“Emergency Situation: Means any natural or unnatural emerging issue affect the human being or his / her environment or any other emergency which render the person unable to practise his normal life according to the regulations.

This Act was first issued as Provisional Decree in 12/11/1995 and it became law NO. 11 1996

"The Fund" Means the Voluntary Fund established according to the provision of Article 14(1) of this Act.

"Voluntary work" Means any voluntary, charity, humanitarian non - Governmental, non-profit making activity undertaken by any civil society organization, charity organization or institution, foreign voluntary donating or implementing organization or agency. Provided that this activity is having developmental objectives, cultural objectives, national objectives, service objectives or scientific or research objectives.

"The Council" Means the National Council for voluntary work established according to article 9 of this Act.

"Commissioner" Means the commissioner of Humanitarian Aid Commission appointed according to article 22 of this Act.

"The Commission" Means the commission of Humanitarian Aid provided for in article 19 of this act

"International NGOs" means Governmental or Semi voluntary NGOs which has international or regional affiliation and registered according to the provisions of this Act.

"International Institutions" Means any International foreign agency working in Sudan and organizations governments and specialized UN agencies

"Minister" means the Minister of the Ministry of Humanitarian affairs

Chapter Two

Establishment of the Commission and its Jurisdiction

4. (1) an independent public institution under the name of the Humanitarian Aid Commission with independent legal identity and independent stamp, is to be established.
- (2) The Commission shall be under the Supervision of the Minister.
- (3) The Commission should be based in Khartoum.
- (4) The Commission shall have Branches in the different States of the country.

Formation of the Commission

5. The commission shall be established from:
 - a) National council of Voluntary and Charitable Work
 - b) The General Commissioner.
 - c) The Voluntarily and Charitable Support Fund.

The Commission's Terms of Reference and Jurisdictions

6. (1) The Commission will have the following Terms of Reference:
 - a. To activate the social movement to enhance voluntarily and charitable work and to give relief the needy and protect people with special needs.
 - b. To work on keeping strategic aid storage to face the basic needs during disasters.
 - c. To encourage the efforts of women and youth to protect and defend the community.
 - d. To protect the environment from all the hazards and to develop it
 - e. To expand the zone of humanitarian and charity work to from national level to international level

Chapter Three

National Council for Voluntary and Charitable work

7. National Council for Voluntary and Charitable work shall be established.

The Council Terms of Reference

8. Council should have the following terms of Reference:
 - 1) To set up public policies and strategies to support voluntary, charitable and relief work and this may include undertaken research work and activities, training activities, conferences and media campaign.
 - 2) To propose laws, legislations and regulations needed for implementation of the policies.
 - 3) To make efforts to promote and attract capacities to work in the field of humanitarian and voluntary work.
 - 4) To approve all administrative and technical plans for the work of the Commissions and its work with other institutions.
 - 5) To prepare the necessary regulation for the implementation of the law and to submit it to the minister for approval.

Chapter Four

Formation of the Council

9. The council should be established from a president and members appointed by the president of the Republic upon recommendation from the minister.

Chapter Five

Appointment of the Commissioner and his Jurisdiction

10. 1) The President of the Republic assigns and appoints the commissioner in accordance to recommendation by the Minister.
- 2) The commissioner is supposed to be the higher administrative and executive authority in the commission

Terms of References and Authorities

11. The Commissioner will have the following Terms of References and Authorities:
 - a. Registration of all types of National and International Organizations.
 - b. To mobilize national and foreign efforts in the field of Humanitarian voluntary work and to attract the national and foreign aid and

assistance in the field of humeterian work in order to respond to emergency situations and enhance development interventions.

- c. To supervise and coordinate the activities of voluntary organizations
- e. To collect and monitor information in its relevant fields of work
- f. To Supervise the work of the Non – Governmental organizations and International agencies in the field of rehabilitation and voluntary work as well as evaluating the work of the concerned institutions and directs its programmes if deemed necessary .
- g. To suspend the work of any voluntary organization if there is practical or security reasons.
- h. To make recommendation to the minister to cancel the registration of any national voluntary organization or foreign voluntary organization if after the necessary investigation he convinced that the organization committed violations.

Chapter Six

Financial Provisions

12. The financial Resources of the Commissions shall be the following:-

- a) Resources allocated to the commission by the Government
- b) Saving and profits made by the Fund.
- c) Donations from national and International NGOs and institutions.
- d) Resources left behind by the NGOs.
- e) Any other resources specified by the council.

Accounts and Auditing

13. (1) the commission shall keep proper books of accounts in which shall be entered full, true and complete accounts of the affairs and transactions of the commission.

(2) The general auditor may make inspection for the accounts of the commission annually.

The Fund

14. (1) A Fund named "The Voluntarily and Charitable Support Fund" shall be established. The Fund shall have legal entity and be based in Khartoum and may have branches in the states.

(2) The objective of the Fund is to make available the needed finical support for implementation of national voluntary work.

(3) Relevant regulations will set out the formation of the fund, its resources and, management.

Chapter 7

Exemptions

15. (1) all the imported items of the commission should be exempted from taxes and customs duties.

(2) Upon recommendation from the Commissioner the Minister of Finance may issue a decree or order exempting any organization from taxes and fees for its items and equipments used in relief, rehabilitation or voluntarily or charitable work.

(3) Upon recommendation from the Commissioner and approval from the Minister of Finance, national and foreign voluntary work can be exempted from any taxation fees or customs duties on its imported items

Penalties

16. Any one who violates any provisions of this act or its regulations may be subject to the following penalties

- a. Give notice
- b. Warnings
- c. Cancellation of registration

17. In case of cancellation of registration of any NGO all its current and fixed assets will be under the disposal of the Commissioner till its transference to the voluntarily and Charitable Support Fund.

Chapter Eight

Final Provisions

18. No one is allowed to practise any national or foreign voluntarily work inside Sudan if not registered according to the provisions of this Act and its regulations.

(2) No official or popular institution is allowed to make contacts with national or foreign NGOs to provide assistance except through the Commissioner.

(3) No NGO or International institution is allowed to evaluate or estimate the relief needs in any part of Sudan, except with the approval and permission from the Commissioner

Power of Suspension and Cancellation of Registration

19. The Minister has the power to suspend or cancel registration of any organization

Power to Issue Regulations

20. The Minister may issue the regulations necessary for the implementation of this Act. Notwithstanding of the previous provisions of this Act it may include:

- a) Organization and regulation of the work of the commission including its accounts, stores, procurements, regulation of expenditure and regulation of the work of the Fund.
- b) Regulation of the work of the different divisions of the Commission their jurisdictions and benefits of its staff.
- c) To regulate the registration monitoring and evaluation of activities of the national and International NGOs.