

NB: SEE Organization of Humanitarian and Voluntary Work Act, 2006, which came into force 16 March 2006

Provisional Decree

Organization of Humanitarian Voluntary Work Act, 2005

Pursuant to sub-section 109(1) of the Interim Constitution of the Republic of the Sudan, 2005, the President of the Republic hereby issues the following provisional decree:

**Chapter (1)
Preliminary Provisions**

Title and Commencement

1. This decree shall be cited as “**The Organization of Humanitarian Voluntary Work Act, 2005**” and shall enter into force as from the date of signing.

Repeal and Save

2. (1) The following Acts shall be revoked as from the date of entry into force of this Act,
 - (a) The Humanitarian Aid Commission Act, 1995.
 - (b) The Organization of Cultural Groups Activities Act.

(2) Notwithstanding the repeal set forth in article (1), regulations under the above-mentioned acts shall remain in force and shall be deemed to have been duly made under this Act until revoked or amended.

(3) Functions and powers of the Ministry and units thereunder shall remain in force pursuant to the Presidential decree No. (24), 2002, which amended Decree No. (12), 2001, in article 32, paras (1) and (2).

The Scope of Application

3. The provisions of this Act shall be applied in case of conflict with the provisions of any other Acts, in a manner whereby the conflict shall be solved.

Interpretation

4. In this Act, unless the context otherwise requires:
“**Voluntary Work**”: means any non-profit, non-governmental, voluntary, charity and humanitarian activity performed by any civil society organization, charity institution, international non-governmental organization (INGO) whether it is a donor organization

or an organization which executes its programmes provided that such activity shall have cultural, social, development, relief, welfare, services, scientific or research objectives.

“Civil Society Organizations”: means organizations, unions, associations, non-governmental organizations, national semi-governmental organizations operating in the field of voluntary work and registered in accordance with this Act and shall not include the following:

- (a) Any company registered in accordance with the Companies Act.
- (b) Any political party.
- (c) Any group which seeks political objectives.
- (d) Any corporation registered under any other applicable law.

“International Corporations”: means foreign international corporations accredited in the Sudan and organizations affiliated to governments, UN specialized organizations and agencies.

“The General Registrar of Organizations”: means the Federal General Registrar of civil society organizations appointed pursuant to sub-section 17(a) of this Act.

“The Commission”: means Humanitarian Aid Commission (HAC) provided for in article (19) of this Act.

“The General Commissioner”: means the General Commissioner of HAC appointed under article (23) of this Act.

“Charity Institution”: means charity work performed by any able and financially competent Sudanese citizen gaining money from a lawful source qualifying the same to perform and continue such work.

“Reconstruction and Development”: means projects and activities leading to elimination of damage caused by emergency situations and consequences thereof and development projects proposed by civil society organizations in a non-emergency situations pursuant to this Act and regulations hereunder.

“Country Agreement”: means rules, regulations and directives organizing entry and activities of INGOs in Sudan.

“Networks”: means networks of non-governmental organizations and civil society organizations provided for in article (28).

“Emergencies”: means any emergency which may affect the human being or environment of the same resulting from natural or non-natural factors or any other emergencies preventing the human being from practicing a normal life as specified in the regulations.

“The Ministry”: means the Ministry in charge of humanitarian affairs.

“**The Minister**”: means the Minister designated by the President of the Republic.

Chapter (2)
The Registration of Organizations
Practicing Activities without Registration

5. (1) No non-government organization shall practice activities in its name unless it is registered pursuant to the provisions of this Act.
- (2) Non-government organizations, unions, associations, national semi-government organizations and INGOs existing before the commencement of this Act shall rectify conditions thereof for registration pursuant to this Act in 90 days as from the date of issue of this Act.
- (3) National civil society organizations shall be subject to the Ministry with respect to registration and subject to the competent authority in relation to technical and administrative aspects, in coordination with the General Registrar of Organizations.

Conditions of Registration
Of Civil Society Organizations

6. (1) Any federal national civil society organization wishing to register shall meet the following conditions:
 - (a) Members of the same shall not be less than thirty.
 - (b) The organization shall have a statute bearing the signature of the founding members, occupations, place of residence and functions thereof; eligibility for membership, legal quorum of sittings, validity of decisions, the financial system, type and sphere of activities, and geographical scope of work of the same; rules amending the statute and sessions for convening the General Assembly.
 - (c) The organization shall have a permanent seat.
- (2) The Minister or the General Registrar of Organizaitons may, as the situation may require, approve the registration of a civil society organization of less than thirty members.

Registration and Renewal of Registration Procedures

7. Civil society organizations and INGOs shall be registered in accordance with the regulations on the implementation of this Act.

The Corporate Personality of the Organization

8. The civil society organization shall have a corporate personality as from the date of registration pursuant to the provisions of this Act.

Review of Documents

9. Any member of any civil society organization may review the documents thereof deposited in the headquarters thereof or with the Ministry and may obtain a copy of the same upon an application to the General Commission and payment of the set fees.

Cancellation of Registration

10. (1) The General Registrar of Organizations may cancel the registration of any federal civil society organization or any INGOs if he is convinced, after having carried out the necessary investigation, that:
 - (a) The registration has been affected by fraud or on the basis of false information.
 - (b) The civil society organizations or the INGOs violated the provisions of this Act or regulations hereunder or violated the provisions of any other applicable law or the general policies of the State in connection with the voluntary humanitarian work.
 - (c) The founder members have ceased activities for a year.
- (2) All assets, movable or fixed properties and funds shall be transferred to the Ministry in case the registration of a civil society organization or INGO is cancelled.

Rejection of Registration

11. Registration of any civil society organization shall be rejected in the following cases:
 - (1) If the statute is in contradiction with the provisions of this Act or the general policies set in connection with the voluntary and humanitarian work.
 - (2) If the name suggested for the civil society organization is identical or similar to the name of an existing civil society organization in a manner which may cause ambiguity.
 - (3) If the competent or the technical specialized authorities do not approve the registration of the civil society organization.

Registration of National and Charity Institutions

12. (1) Notwithstanding article (6), any individual or a group of less than 30 people may submit an application for registration to the General Registrar of organizations to register a national and charity institution having charity objectives and purposes as prescribes in the registration application in accordance with the following conditions:
- (a) If the financial capability and the continuity of its activities are confirmed.
 - (b) Funds shall be obtained from lawful source.
 - (c) They shall have a board of directors.
 - (d) Fund raising is prohibited whether inside or outside the country.
 - (e) They shall have a private account in the name of the institution and they shall submit an annual report and shall keep accounts audited by a legal auditor.
 - (f) They shall be subject to, upon renewal of registration, regulations to this effect.
- (2) In case of performing no considerable achievement, registration shall be cancelled and funds shall be confiscated.

Chapter (3)
The General Registrar of Organizations
Appointment of the General Registrar of Organizations

13. (1) The President of the Republic shall appoint a General Registrar for the federal civil society organizations and INGOs, upon recommendation from the Minister.

Functions and Powers of the General Registrar of Organizations

14. (1) The General Registrar of Organizations shall have the following functions:
- (a) To register, renew registration, cancel registration of the federal civil society organizations and INGOs in accordance with this Act and regulations thereunder.
 - (b) To request any information or data concerning the work of any federal civil society organization or INGO, examine records thereof to ensure that procedures and actions taken are consistent with this Act and regulations hereunder.
 - (c) To supervise elections of federal civil society organizations.
 - (d) To accredit statutes of federal civil society organizations and INGOs and internal regulations thereof.
 - (e) To form administrative investigation committees, as the situation may require, to investigate violations committed by any civil society organization, INGO or individuals belonging to the same with respect to this Act or regulations thereunder.
 - (f) To settle disputes which may arise between civil society organizations or between them and others.
 - (g) To keep a central record for federal civil society organizations and INGOs.

- (h) To request any information concerning state civil society organizations with respect to the central record.

Chapter (4)
The General Assembly of the Civil Society Organizations

15. The General Assembly of the civil society organization shall be formed as prescribed in the statute thereof and it shall be deemed the supreme authority of the civil society organization.

The Executive Committee

16. Any registered federal civil society organization shall have an executive committee and the statute shall determine methods of elections and powers of the same.

Chapter (5)
Establishment of the General Union of the Civil Society Organizations, Sub-Unions and Networks
The General Union

17. (1) There shall be established, pursuant to this Act, a General Union of civil society organizations having a corporate personality and state unions, sub-unions, gender unions and networks as members.
(2) The General Union of the civil society organizations shall have Head Office in Khartoum.
(3) The statute of the General Union shall determine methods of management, keeping its funds and powers thereof.

Sub-unions

18. (1) The state civil society organization may establish sub-unions at the level of the state to organize and coordinate efforts of humanitarian voluntary work.
(2) The statute of the sub-unions shall specify functions and powers, methods of election and organizational structure thereof and other issues pertaining to its formation.

Federal Unions on Gender Issues and Networks

19. (1) Notwithstanding article (6), civil society organizations on gender issues having a geographic grassroots distribution and gender purposes and the statute of which allows membership of independent organizations or organizations belonging to the same or having relation with them either by way of alliance or unification shall have a General Federal Union on gender issues.
(2) The registered civil society organizations which have similar purposes may, in consultation with the General Federal Union or the General Union or Sub

- General Union and the General Registrar of Organizations, form networks to organize and coordinate efforts of voluntary work each in its area of work.
- (3) The statute of the Federal Union on gender issues or network shall determine functions, powers, method of election thereof and other related matters.

Rules of Accession to the External Unions

20. Any union or network may accede to any other union, network or civil society organization having its headquarters outside the Sudan upon approval by the Minister.

Chapter (6) The Commission Establishment of the Commission and Supervision thereof

21. There shall be established in the Ministry a Commission known as “The Humanitarian Aid Commission (HAC)” and shall be deemed part of the organizational structure of the Ministry and shall be subject in its supervision to the Minister with regard to tasks and duties.

Powers of the Commission

22. (1) The Commission shall, in its capacity as a specialized emergency unit of a high standby capability, have the following powers:
- (a) To take the initiative and assume leadership in determining the needs of the humanitarian aid which aims at the prevention of the effects of natural and non-natural disasters in coordination with the competent authorities.
 - (b) To supervise relief and reconstruction operations.
 - (c) To raise awareness and promote valid concepts about humanitarian aid to include reconstruction and relocation.
 - (d) To participate in mobilizing humanitarian campaigns inside and outside the country.
 - (e) To endeavour to make a strategic relief reserve in order to meet the basic needs in case of emergency.
 - (f) To mobilize internal and external efforts in coordination with the competent authorities in order to prevent disasters and reconstruct the affected areas.
- (2) For the purpose of implementation of such powers, the Council of Ministers shall be the reference in all conditions and circumstances.

Appointment of the General Commissioner and powers thereof

23. (1) There shall be appointed, upon a decision by the President of the Republic and recommendation from the Minister a General Commissioner for Humanitarian Work.
- (2) The General Commissioner shall be the top executive to report to the Minister with respect to the implementation of the Commission's powers set forth in article (20) and without prejudice to the generality of the aforementioned provisions, the General Commissioner shall have the following powers:
- (a) To collect and assess information and indicators which predict the occurrence of disasters and to inform the competent authorities for the purpose of coordination.
 - (b) To organize and coordinate relief operations in the affected areas.
 - (c) To conduct studies and researches which aim at avoiding emergency situations resulting from disasters in coordination with the competent authorities and consultation with the Minister.
 - (d) To protect and safeguard natural resources and reconstruct ecological systems in the affected areas in coordination with the competent authorities operating in the field of environment.
 - (e) To raise environmental awareness in relation to the field of natural resources in coordination with the competent authorities.
 - (f) To conduct the necessary surveys to determine the relief needs.
 - (g) Any other duties assigned to the General Commissioner by the Minister.

Privileges and Emoluments of the General Commissioner

24. The privileges and emoluments of the Commissioner and settlement of entitlements of the same shall be as prescribed in the decision of appointment issued by the President of the Republic upon recommendation from the Minister.

Chapter (7) Privileges

25. (1) The Federal Minister of Finance may, upon recommendation from the Minister, exempt civil society organizations and INGOs registered under this Act from the following:
- (a) Custom duties and any other duties levied on imported goods, equipments, machineries, apparatuses for its purposes.
 - (b) Taxes.
- (2) Rules and regulations shall decide on the validity of exemptions specified in paras (a) and (b) and enjoyment thereof.
- (3) Any natural or corporate personality may be exempted from paying taxes on the part of income allocated for voluntary and charity work.

Chapter (8)

The Financial System Accounts of Civil Society Organizations

26. Civil society organizations may keep sound accounts consistent with resources and expenses thereof as well records and account books in relation to such resources and expenses on the bases of sound accountancy standards and regulation to this effect.

Plan and Budget

27. Registered civil society organization shall prepare in accordance with this Act their respective annual plan and budget which include revenues and expenses provided that such accounts shall be audited by a legal auditor at the end of each year and which shall be prepared and approved in the manner prescribed in regulations under this Act.

Auditing

28. The Auditor General may audit accounts of any civil society organization or INGOs or any charity institution if requested by the General Registrar of Organizations or the Registrar of companies.

Funds, Assets and Properties of Organizations

29. For the purpose of the implementation of this Act, funds of civil society organizations and funds of INGOs shall be deemed public funds subject to the provisions of the Sudanese Criminal Act, 1991.

Transfer of Assets and Properties

30. No civil society organization or INGO shall dispose of its instruments or equipments either by way of selling, donation, mortgage, investment, or use them in a way or another during its work in the Sudan which is in conflict with the purpose for which it has been brought or in conflict with the manner specified in the regulations.

Chapter (9) General Provisions Offences

31. There shall be deemed to have committed offense:
- (1) Any person who violates this Act or regulations thereunder.
 - (2) Any civil society organization or INGO registered under this Act and which violates statute and regulations thereunder or violates this Act or regulations thereunder or the set general policies.

Penalties inflicted on Organizations

32. The General Registrar may, following the conduct of necessary investigation, in case of any violation of this Act or regulations thereunder and upon approval by the Minister, inflict any of the following penalties:
- a. Bring to attention.
 - b. Warning.
 - c. Freezing of the organization's activities for any period which he deems appropriate.
 - d. Dissolution of the Executive Committee and formation of transitional steering committee for a period not exceeding one year.
 - e. Cancellation of registration.
 - f. Expulsion of the INGOs from Sudan.
 - g. Confiscation of funds and properties of the organization or the charity institution following confirmation of indictment or charge against the same by a competent court.

Penalties Inflicted on Individuals

33. (1) Without prejudice to any severe punishment of any other law, the Commissioner may, upon approval by the Minister, inflict the following penalties on any person who violates this Act or regulations thereunder:
- a. To expel any foreigner appointed in any INGO or assigned tasks therein.
 - b. To dismiss any member of any national organization or charity institution upon recommendation from the competent authorities.
 - c. To prohibit any member from practicing any kind of public voluntary activity for a period which he deems appropriate.
 - d. To transfer any individual to a competent court on crimes and offenses with respect to public funds and unlawful and suspicious wealth.
 - e. To confiscate funds and properties unlawfully acquired by a member following confirmation of indictment or charge against the same by a competent court.

Prohibition of Practicing Activities Aiming at Discrimination

34. No registered civil society organization or INGO shall, under this Act, perform any activity which aims at or promotes discrimination between citizens on the basis of sex, origin, colour, language, religion, creed or any activity which aims at making profits.

Mandate of a Member Staff

35. A member staff of the Minister may be authorized to work in a civil society organization to provide the required assistance for performing its mission upon a request by the organization provided that the mandate decision shall be issued from the Minister and for a limited period agreed on.

Receiving Funds and Donations from outside

36. No registered civil society organization shall, under this Act, receive funds or donations from outside the country or from any foreign person inside the country or from any other body unless upon verification of the source of funds and approval by the Minister to this effect.

Amending Purposes

37. No civil society organization or INGO shall amend purposes for which it has initially been registered or expand the same or merge into other organization unless upon approval by the General Registrar of Organizations.

Power to Issue Regulations

38. The Minister may issue regulations necessary for the implementation of this Act.

Issued under my signature this day the 4th of August 2005.

**Field Marshal
Omer Hassan Ahmed El-Bashir
The President of the Republic**