

In the Name of Allah, the Gracious, the Merciful

Political Parties Act 2007

Be it hereby passed by the National Assembly and assented to by the President of the Republic in accordance with the provisions of the Interim National Constitution, of the Republic of the Sudan the following Act .

Chapter I

Preliminary Provisions

Title and Commencement

1. This Act, may be cited as the, "Political Parties Act , 2007", and shall come into force as of the date of signature .

Repeal

2. The Political Association and Parties Act 2001. is hereby repealed,

Interpretation

3. In this Act , unless the context otherwise requires :-
 - "Political party". means any political party or organization, constituted or registered or adopted itself according to the provisions of this Act, and act in an organized form to serve specific political objectives, and strive to achieve the same by peaceful means ;
 - "Council". means Political Parties Council established under Section 5 of this Act;
 - "Court". means the Constitutional Court or any Court of National Jurisdiction established by law, as the case may be;
 - "Secretariat General". means the secretariat general established under section 10(1).

compatibility of Status

- 4.(1) Notwithstanding the provisions of section 2, the political parties whose registration has been made under the provisions of the Political Associations and Parties Act 2001, shall remain in force, as if they are registered in accordance with the provisions of this Act .
- (2) The existing political parties , which are not registered, including the notified (parties) shall make their status according to the provisions of Article 14 of this Act, and submit the basic rules and Basic Regulations thereof, to the Council within ninety days of the date of promulgation of this Act. and they shall be deemed registered in accordance with the provisions of section 16 hereof.
- (3) Every political party, save as provided for under sub-section (1) and (2). shall not practice politics on the National level, South Sudan level. or state level without being registered in accordance with the provisions of this Act.

Chapter II

The Council

Establishment Seat and Tenure of the Council

- 5.(1) There shall be established. by virtue of the provisions of this Act, a council to be called the "Political Parties Affairs Council" which shall have corporate personality, perpetual succession and a common seal.
- (2) The Seat of the Council shall be in the National Capital .

Independence of the Council

6. The Council shall be independent of all the Authorities in the performance of its functions; and shall submit periodical reports of its business to the National Assembly, and shall publish the same to the public opinion .

Constitution of the Council

- 7.(1) The Council shall be constituted of a chairperson whose job shall be permanent and eight non permanent members, nominated by the President of the Republic with consideration of the Presidency . The said persons shall be persons known for their integrity, experience and of no affiliation to a political party ; such nomination shall be endorsed through a resolution issued by two thirds majority of the National Assembly .
- (2) The Chairperson and members of the Council shall, before assuming their functions, take the oath of office as attached to this Act, before the President of the Republic .
- (3) The President of the Republic , by a decision made thereby , shall specify the emoluments and remunerations of the chairperson of the council and the members thereof.

Functions of the Council chairperson

8. The Council Chairperson shall have the following functions :
 - (1) Chair and control the Council meetings and represent it inside and outside the Sudan .
 - (2) Supervise over the Council administrative and financial affairs.
 - (3) Call for the extraordinary meetings of the Council .
 - (4) Sign the regulations and resolutions of the Council and speak in its name .

Meetings of the Council

- 9.(1) The Council shall hold an ordinary meeting at least once a month and may hold an extraordinary meeting upon call by one third of its members.
- (2) Five members of the Council shall constitute a quorum for a meeting.
- (3) Save as provided for in this Act, decisions of the Council shall be made by not less than four members present in the meeting, provided that the quorum exists at the time of voting.
- 4) The Council shall make internal Regulations to organize the conduct of its business and procedure of its meetings.

Functions and Powers of the Council

- 10.(1) The Council shall have the following functions; to :-
 - (a) register the political parties in accordance with the provisions of this Act;
 - (b) issue the certificates of registration of the political parties;
 - (c) indicate any change in the register that may occur to the political party in the Register;
 - (d) prepare and keep the register of all Political Parties;
 - (e) prepare annual budget proposals and submit the same to the Presidency of the Republic for approval and endorsement by the National Assembly;
 - (f) approve the organizational and job scale for the Secretariat General and conditions of service for the employees thereof.
- (2) For the purpose of the implementation of the Provisions of sub-section (1) hereof , the Council shall have the following powers, to :-

- (a) receive complaints regarding the application of this Act, or the basic rules and regulations of a political party, and to investigate such complaints and make decisions on the same;
 - (b) request from any political party to abide by the provisions of the Interim National Constitution its basic rules , regulations and all other obligations provided for in this Act. or make its position compatible according to the provisions of section (4) hereof.
- (3) In the event of failure of a Political Party to observe the provisions of paragraph 2(b) above, the Council shall refer the matter to the court .

The Secretariat General

- 11.(1) There shall be established a Secretariat General for the Council headed by a Secretary General to be appointed by the Council from persons of experience and high efficiency and the council shall determine his emoluments.
- (2) The Secretary General shall operate under the supervision and directives of the Council.

Chapter III

Constitution of the Political Parties

The Right to Constitute Political Parties

- 12.(1) Every Sudanese citizen who has attained the age of eighteen years, shall have the right to participate in the constitution of a political party or in joining its membership .
- (2) Subject to provisions of Article 65 of the Constitution and notwithstanding the provisions of subsection (1) above, any person

or persons hereunder shall not constitute a Political Party, or become member thereof, while occupying a position as :

- (a) a member of the organized forces;
- (b) judges of the Judiciary;
- (c) legal counsels of the Ministry of Justice;
- (d) high leadership posts of the civil service;
- (e) diplomats of the Ministry of Foreign Affairs.

Obligations of Political parties

13. Every Political Party shall :-
- (a) keep a register which includes decisions made or implemented thereby, the attendance and the manner of voting;
 - (b) submit comprehensive accounts including financial resources and expenditure for legal Auditing and shall keep books of such accounts for a period of at least five years. A copy of the same shall be deposited with the Council .

Conditions for the Establishment of Political Parties

14. IN order to establish any Political Party or the continuity of activity thereof :-
- (a) it shall have open membership for any Sudanese who abides by its objectives and principles ;
 - (b) it shall have a programme which does not contradict with the Comprehensive Peace Agreement and the Interim National Constitution, 2005;
 - (c) it shall have its leaders and the leadership of its institutions at all levels, elected democratically subject to women representation according to the percentages defined by political parties ;
 - (d) it shall have transparent and declared sources of income;

- (e) it shall have basic rules approved by the founders of the political party during the first meeting of the constituting Assembly and in the presence of the representative of the council during which the high political leadership shall be elected, and the list of the founders consisting of both sexes to be endorsed;
- (f) it shall not have less than five hundred men and women as its founders to exercise political activity at the national level or at the level of Southern Sudan, provided that where the Political party exercises political activity at the national level or at the level of southern Sudan, the said number shall be represented by at least three states subject to the exception provided in Section (4) ;
- (g) it shall abide by democracy and (the Shura) as the basis of political practice and peaceful succession to power;
- (h) its principles shall not amount to attaining its objectives through secret or overt armed formations, whether within its ranks or in the ranks of the Armed Forces, or any other organized forces;
- (i) it shall not practice or abet violence and shall not incite hatred among ethnic, religious or racial groups;
- (j) it shall not be a branch of any political party from outside Sudan.

Depositing Documents

15.11: Every Political Party shall deposit with the Council the following documents :

- (a) three certified copies of the basic rules and regulations;
- (b) a list of its leadership members;
- (c) a certified copy of the names of the founders including particulars about each one of them as specified by the regulations made under this Act;
- (d) an approved copy of the minutes of the Constituting Assembly .

- (2) The Council shall make a record of the documents of the Political Party so deposited as prescribed in sub-section (1) and shall deliver to the Political Party a document acknowledging the documents so deposited with the Council .
- (3) The Council shall deliver a record of the documents of the political party to the Ministry of Justice to be published in the official gazette.
- (4) The Council shall cause to be published a summary of the record referred to in sub-section (2), in two news papers within fifteen days from the date of depositing the documents.

Registration of a Political Party

- 16.(1) the Council shall scrutinize the documents submitted thereto by a Political party for the purpose of registration. If the Council finds that they satisfy the provisions of this Act, it shall issue within fifteen days from the date of receiving the documents a decision for the Registration .
- (2) The political party shall have corporate personality as from the date of registration.
- (3) The Council shall, based on the decision issued under subsection (1), provide documentation indicating the registration of the Political Party, and cause the same to be published in the official Gazette and in two newspapers .
- (4) If it appears that the documents of the Political Party submitted to the Council under the provisions of sections 4 and 5 contradict the provisions of the Interim National Constitution, or this Act, or the Regulations thereunder , or if such documents are incomplete and do not provide the information required, or if the Political Party is formed on false information, the Political Party shall be granted a period of fifteen days to complete the requirements. Thereafter, the

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Council shall make a decision for the registration of the Political Party .

- (5) If the political Party fails to complete the requirements within the specified period in accordance with the provisions of subsection (4), the council shall notify the Political Party concerned in writing , of none registration and the reasons thereof.
- (6) The political Party whose registration has been refused may appeal to the court against that decision .

Basic Rules and Regulations for the Political party

17. Each Political Party shall have Basic Rules and Regulations which cover its programmes, and regulation of its political, organizational, financial and administrative affairs consistent with the Interim National Constitution and this Act. Notwithstanding the generality of the foregoing, the basic rules shall include :-
 - (a) Name of the Political Party;
 - (b) Address of its Headquarters;
 - (c) Specification of the objectives and principles which the Political Party seeks to pursue. The Political Party may, in this regard, adopt appropriate emblems;
 - (d) Conditions for acquiring membership of the Political Party and the procedures for joining it ; conditions for dismissal or for resigning therefrom and the rights and duties of the members;
 - (e) Specify the organizational scales and the methods of selection of its leadership and the methods of convening its conferences ;
 - (f) The method of vesting the ownership of the properties of the Political Party and the entity entitled to receive the same in the event of voluntary liquidation .

The General Conference of the Political Party

- 18.(1) Every Political Party shall hold a general conference at least once every five years.
- (2) The Political Party shall inform the Council in writing of its general conference before three weeks from the date of convening the general conference provided that the representative of the council shall be present .

Prohibition of contest in Election or suspension

Of Activity or Dissolution of a political party

- 19.(1) A political party shall be suspended or dissolved if it voluntarily submits an application to the Council indicating that it has decided to suspend its activity or dissolve it according to its Basic Rules and Regulations .
- (2) A political party shall be prohibited from contesting in elections, its activity shall be suspended or it shall be dissolved by a resolution from the Constitutional Court based on a petition submitted by not less than two thirds of the Council members, upon conviction that the concerned political party has violated Article 40(3) of the Constitution .

Chapter IV

The Emblem

The Emblem of a Political Party

- 20.(1) Every Political Party shall have an appropriate emblem to be used in all its publications and during its activities on condition that the emblem shall not be identical to an emblem of any other political party adopted by the Council .
- (2) The Political Party shall inform the Council of its emblem and shall not be changed save after notification of the council.

- (3) The council shall not prohibit the continuity of the emblem or its registration, or its use, or to delete it from the record except on the application by the Political party, or by an order of court, or upon final dissolution of the Political party .

Chapter V

Financial Provisions

Financial Resources of the Political Party

And disposal thereof

- 21.(1) The financial resources of a Political Party shall consist of :-
- (a) subscriptions by members;
 - (b) contributions and donations from individuals, institutions and non-governmental national companies ; provided that such contribution and donation shall be declared, and registered with the council:
 - (c) proceeds accruing from the investment of its properties in the manner specified by law;
 - (d) any subsidy contributed by the Government and passed as part of the state general budget .
- (2) The resources of the political party shall not be disposed of except in the fields specified by the basic rules and regulations made thereunder .
- (3) The political party shall not accept any financial donation from any foreign person or body.

Engaging in Commercial Business

- 22.(1) A Political party shall not engage in commercial business in its own name.
- (2) Notwithstanding the provisions of subsection (1), a Political Party may invest in cultural activities and may establish publishing , information and press enterprises and other media activities.

Chapter VI

Immunity and Exemptions

Immunity of the Premises of a Political Party

23. Any premises of a Political Party shall not be searched except with the permission of the chairperson of the Council and in accordance with procedures provided by law .

Establishment of Charity Organizations

- 24.(1) A Political Party may establish non-profit, charity organizations, and may cooperate with organizations with similar goals inside or outside the country, provided that such cooperation shall within the context of voluntary and non-profit work. The finance of the Political Party shall not receive financial support from this Charity work.

Press, Information and the Convening of Meetings

- 25.(1) the Political Party shall have the right to publish newspapers, magazines and produce publications and to circulate the same according to the law regulating the same in a democratic society.
- (2) Political Parties shall have the right to hold internal meetings, to conduct social, cultural, political and sports activities and to organize peaceful assemblies and processions according to the law regulating the same in a democratic society .

Exemption from Taxes

26. The Council shall determine in the regulations issued under this Act, in consultation with competent authorities at the national level, at the Southern Sudan level and at the states level, the rules of exemption from taxes at these levels .

Chapter VII

General Provisions

Perusal of Register

27. Any citizen may submit to the Council a reasoned application for permission to peruse the register of any political party and its basic documents, subject to prior payment of the prescribed fees.

Settlement of Legal Disputes

- 28.(1) In the event that any dispute arises between the Council and a Political party concerning the constitutionality or legality of any matter relating to the basic rules, or the activities of a Political party, any one of them may raise the matter before the Court for resolution of the dispute.
- (2) If the dispute relates to the name of a registered political party , the council shall endeavor to solve such dispute amicably and a in case they fail to reach a solution thereof , then the dispute shall be referred to the court .

Accounts and Audit

- 29.(1) The National Council shall establish an accounts unit to operate on the basis of proper and sound accounting, basis including keeping books of accounts that shows the resources and manner in which they are spent .
- (2) The National Auditor General Chambers or whoever it authorizes shall audit the accounts of the Council and forward financial reports thereon to the National Assembly .

power to Make Regulations. and Rules

30. The council may make regulations, and rules for the implementation of the provisions of this Act. Without prejudice to the generality of the foregoing such regulations and rules may include :-
- (a) regulation of administrative, financial and technical matters;
 - (b) administrative and financial penalties.

Oath

The Chairperson and every member of the Political Parties Affairs Council shall make the following oath before the president of the Republic, before assuming his/her functions.

....., appointed as a member of the Political parties Affairs Council, swear in the Name of God, Almighty to abide by the Interim national Constitution and the laws, and to be sincere and honest, and to exert all efforts in the performance of may duties, with honesty, selflessness and impartiality. God is a witness to what I say.