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The National Council of Kurdistan of Iraq

Law on Non-government Kurdistan Organizations

Introduction

On 24 Jan. 2001 and based on our people's legitimate rights and interests in having non-government organizations to help meet its needs in terms of the activities of relief and reconstruction in Kurdistan, and in order to regulate the tasks and objectives of Kurdistan organizations being active in such fields, and to grant them more freedom and legal movement in achieving its objectives, the National Council of Kurdistan of Iraq has declared its endorsement for its taken decision in its ordinary meeting No. (9) held on 23/1/2001 on the Law on Non-government Kurdistan Organizations, No. (15) of 2001

In the name of Allah, the Merciful, the Most Compassionate

In the name of the people
The National Council of Kurdistan of Iraq
Issuance No. 15
Issuance date: 24/10/2001

Based on the paragraph (1) of the Article (56) and the Article (53) of the revised Law No. (1) of 1992, and based on what was presented by the Council of Ministers and on what legislated by the National Council of Kurdistan of Iraq, in its regular session No. (9), held on 23/10/2001 and the authorized power by the paragraph No. (3) of the Law No. (10) of 1997, we decided to issue the following law:

Law No. (15) of 2001 No. Law on Non-government Kurdistan Organizations in Kurdistan of Iraq

Article 1

For the purpose of law, the following expressions will have the following corresponding meaning:

1. Region: Region of Kurdistan of Iraq
2. Ministry: Ministry of Interior
3. Minister: Minister of Interior
4. Organization: Any non-government Kurdistan organization for relief, reconstruction, and human activities with public benefits.

Chapter One Foundation

Article 2

1. An organization is a non-government and independent agency that is comprised of natural persons to achieve its objectives in the fields of relief, reconstruction, and basic activities in the region.
2. It has the right to have legal personality and the right to possess movable property to achieve its objectives stated in this law.
3. It is allowed for the organization to work in the fields of human activities outside the region after receiving the approval from the Minister.
4. The organization shall not seek for profits to achieve its objectives.

Article 4

To establish the organizations, the following are required:

1. To submit an application- signed by the founding members not less than five members who have legal capacity- to the Minister, provided that its internal statute should be attached with the following data:
 - a. Name of organization, purpose of establishment, provided that its headquarter in the region.
 - b. Name of each member, his surname, nationality, age, profession, his residence, scientific qualifications.
 - c. Financial resources of the association and its resources.
 - d. The agencies which represent the association and run it and the list of its duties and methods of selection.
2. Its purpose should be clear and publicly declared and should not be in contradiction with the general system.
3. The organization should achieve its objectives with legitimate means according to the provisions of the laws in the region and should not contradict with the requirements of the federal governance regime.
4. Should not aim at sowing dissidence or discrimination amongst ethnicities, and different sects.

Article 5

1. The Minister should take the decision about the application within sixty days from the registration date with the Ministry and in case of not fulfilling all legal requirements of establishment application, it should be returned to its founders to complete the short documents, then the effectiveness starts from the date of application submission once again.
2. If the Minister rejects the establishment application for any reason, the founding members have the right to raise the decision of rejection to the Court of Region within fifteen days from the notification date and the decision will be decisive.

3. In case of not taking decision about the application, though the stated period in the paragraph (1) has already passed, the application will be considered as approved by the law.

Article 6

In the organization's internal statute, the provisions related to regulating its administrative, financial, technical affairs and how to select its members and acceptance of its members.

Article 7

The organization should keep the following records, provided they should be endorsed by the Notary office.

1. Record of members
2. Record of decisions and minutes of sessions
3. Record of projects
4. Record of accounts
5. Record of properties and furniture

Chapter Two

Objectives and Methods

Article Six: the Organization is aiming at achieving the following:

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The organization will achieve its objectives by the following means:

1. Available financial resources.
2. Contracting and entry into tenders and bids to implement reconstruction projects of Kurdistan.
3. Contacting with refugees and expatriates of Kurdistan who live abroad and to encourage them to invest their money in the projects of relief and reconstruction and development in the region.
4. Invitation to hold internal and international conferences to study and develop projects with aim of achieving its objectives.
5. The government of the region for the required public interests has the right to contribute with the organization to execute development projects in the region.

Chapter three

Organization's Financing

Article 10

The organization will assume the management of its money through an annual budget to regulate and execute according to the accounting system adopted by the official circles and its accounts should be subject to financial controlling and auditing in the region.

Article 11

The financial resources of the organization consist of the following:

1. Contributions of its members
2. Donations, gifts, presents, endowments, and wills from individuals and other agencies.
3. Revenues received by the organization due to its activities or investments of its money.

Article 12

The organization has the right to contract with the foreign organizations or accepting assistances or cash or in-kind donations from abroad and should notify the Ministries of Interior and Human Assistance and Cooperation about such resources.

Article 13

The organization should submit the following reports in the end of every financial year or when necessary to the competent agencies

- Financial report including revenues and expenses
- Detailed confidential report about its services, projects in the domain of relief, reconstruction, and human activities and beneficiaries.
- Reports including its plans, programs of its new financial year in the domain of relief, reconstruction and development in the region.

Article 14

The organization is exempted from the establishment fees and those of record endorsement.

Article 15

The organization has the right, after the approval of the Minister, to decide the dissolution of the organization or merging it with another organization having similar objectives with the approval of the majority of its members. The minister's rejection decision can be challenged before the Cassation Court within 15 days from issuance date.

Article 16

The dissolution of the organization is written from the primary court after acquiring the degree of decision based on a request to be submitted by the Minister or any one authorized in the following case:

1. If one year of the establishment of the Association has passed but the Association has not embarked its activities stated in the bylaw or stopped its activities for unidentified reasons.
2. If its activities have violated the purposes and means stated in the two articles (4 and 5) of this law.
3. In case the association has become unable to meet its commitments or dedicated its funds or profits for unintended purposes.

Article 17

If the association has been dissolved, a liquidator or more will be appointed by authorities if such a dissolution is voluntary or by the primary court in case of the dissolution is judiciary. The above court will proceed putting the upper hand on the association while the legal liquidation is carried out.

Article 18

The decisions of the court in the cases stated in the two articles (16 and 17) of this law are challenged before the Cassation Court within fifteen days from the following date of notification date.

General Provisions

Article 19

1. The existing non-government Kurdistan and Iraqi organizations must correct their situation in a way that is consistent with the provisions of this law within six months from the effectiveness.
2. The organizations which are not abiding by the provision of the paragraph (1) of this article is dissolved by the law.

Article 20

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Article 24

The Minister of Interior has the right to issue instructions to facilitate the implementation of this law.

Article 25

The Council of Ministers should implement the provisions of this law.

Article 26

This law is effective from the publication date in the gazette of Kurdistan

Dr. Routh Nouri Shawi
Chairman of National Council for Kurdistan of Iraq

Reasons:

For the interests of our people and its legitimate rights to have organizations in the fields of relief and reconstruction, especially in the period through which our democratic experience and to allow for Kurdistan organizations to contribute through providing services, projects and assistance to build up the national economy and to benefit from experiences and energies of all sections of community, this law has been legislated accordingly.