

Proposed law on the National Fund to Support NGOs in Development Projects:

In the name of People

Republic Presidency

In accordance with what is passed by the Council of Representatives and approved by the President of the Republic, and according to the provisions of (First) of Article (61), and (Third) of Article (73) of the Iraqi Constitution, the following law was issued:

Law No. () for 2012

Law on National Fund to Support NGOs in Development Projects

Article (1)

This law is called (the law of the National Fund to Support NGOs in Development Projects).

Article (2)

The following terms, wherever they appear in this Law, shall have the following meanings:

Fund: National Fund to Support NGOs in Development Projects

Board: The Board of Directors of the Fund

Chairman: Chairman of the Board of the Fund

Article (3)

First - A Fund shall be established that called (National Fund to Support NGOs in Development Projects) that enjoys a legal personality, with financial and administrative independence and it is linked to the Ministry of Planning.

Second - The HQ of the Fund shall be in Baghdad and has to establish branches and offices in other provinces and regions.

Article (4)

The Fund aims to support NGOs registered under the NGOs law No (12) of 2010, including NGOs operating in Kurdistan region for the implementation of development projects to support building of the State and society, and according to need and benefit of the society taking into account the competence of the NGOs and their capacity to implement projects.

Article (5)

The Fund shall achieve the objectives set out in Article 4 of this law is to contribute to the following:

First: Provide the necessary funding for development projects implemented by NGOs.

Second: The funding includes institutional support for NGOs winning projects from the Fund during the period of completion of the project.

Third: Develop the capacities of NGOs.

Forth: Coordination and communication with international donors to finance development projects implemented by NGOs

Fifth: Conduct scientific research and field studies to identify the need of the beneficiaries and determine priorities.

Article (6)

The Fund resources are from the financial allocations for it by the general budgets of the State.

Article (7)

The Fund applies transparency principles in awarding grants, as follows:

First: Public announcement about the projects to be implemented.

Second: The public announcement about differentiation and evaluation standards among the competing NGOs, which include:

A. Providing documents and CV to prove the competence and efficiency of the qualifications of the NGO implementing the project.

B. Acceptance of monitoring the implementation of the project and submission of the preliminary and final reports of the project along with the necessary documentations.

Third: Public announcement of the NGOs selected for the implementation of projects.

Forth: A specialized organization or company shall assume the evaluation of projects granted by the Fund as well as the training of Fund staff.

Article (8)

The administration of Fund's affairs shall be assumed by Board of Directors that consists of:

A - A representative from the Ministry of Planning with a director general rank nominated by the Minister of Planning for a period of four years, (non-renewable) to be the Chairman of the Board of Directors.

B - Three representatives, at least Assistant Director General rank, from the NGOs Directorate in the General Secretariat of the Council of Ministers, the Board of Supreme Audit and the Ministry of Finance. One of them shall be the Vice Chairman of the Board of Directors.

C - Four people representing NGOs to be nominated by the parliamentary Civil

Society Committee for a period of two years (non-renewable) according to mechanisms established by the Committee.

D – A representative from the Council of Representatives as an observer nominated by the parliamentary Civil Society Committee for a period of four years (non-renewable).

Article (9)

First: In case the membership of the members mentioned in paragraphs (A) and (B) of Article (8) could not continue for any reason whatsoever, another representative shall be nominated instead of him/her from the same entity to complete the remaining term of office.

Second: NGOs that belong to members of the Board of Directors are not entitled to obtain any financing from the Fund for the duration of the membership plus one year after the expiry of his/her membership, it does not preclude his/her resignation from the NGO after he/she becomes a member in the Board .

Third: The Board members are prohibited from participating in the discussion and vote in favor of the NGOs that include members from their relatives of the fourth degree.

Forth: Membership of representatives of NGOs as stipulated in paragraph (C) in Article (8) of this law shall be terminated in one of the following cases:

A - If they are absent from three consecutive regular meetings without an acceptable excuse to the Board.

B - If they lost the status for which they were appointed in the Board.

C - If they are convicted of a felony or misdemeanor involving moral turpitude.

D - If it is impossible for them to exercise their work as members for four consecutive months.

Fifth: If someone referred to in paragraphs (C) and (D) of Article 8 lost its membership in the Board, the parliamentary Civil Society Committee shall nominate his/her replacement.

Article (10)

First: The Board will hold its regular meeting at least every two weeks or as needed by the invitation of the Chairman or his/her Deputy during his/her absence and the Board meeting is convened by an absolute majority in the presence of Chairman or Deputy Chairman or any person nominated by the Chairman to preside over the meeting and take decisions by a simple majority of those who are present and when there is a tie, the Chairman of session casts deciding vote.

Second: NGOs have the right to object to the decisions of the Fund to the Chairman within seven days from the date of announcement of the results, and the Chairman shall decide about objection within seven days from the date of its submission.

Third: The Chairman shall create a committee of three members of the Board to consider the appeals.

Article (11)

The Board shall assume functions and powers specified in this law and the regulations issued hereunder, including:

A - Issuing the bylaw of the Fund.

B – Design the general policy of the Fund and to prepare the necessary plans and programs for its implementation and development.

C - Identify priorities for the activities of the Fund, according to regions, targeted groups and the quality of the projects in accordance with criteria established for this purpose.

D – Signing contracts, grants and agreements that the Fund is part of it and delegating any person behalf of the Fund to sign them.

E - Follow up the implementation of projects financed by the Fund.

F - Discuss the annual budget of the Fund, approve and submit it to the Council of Ministers for approval and inclusion in the general budget of the State.

G - Discuss the annual report, annual final accounts of the Fund and approve them.

Article (12)

The Board may form one or more committees from among its members to assume the duties and functions specified by the Board.

Article (13)

A – Monthly bonuses shall be awarded to members of the Board from NGOs by the Board decision.

B - The members mentioned in paragraph (A), shall not enjoy any pension rights or financial privileges after the end of their terms.

Article (14)

First: The Chairman exercises the following powers and responsibilities:

A – Issues decisions about the implementation of the general policy of the Fund and the assigned tasks.

B- Supervises the executive organ of the Fund.

C - Supervises financial matters related to the Fund.

D - Any financial and administrative powers assumed by him/her under regulations issued pursuant to this law.

Second: The Deputy Chairman replaces the Chairman in the exercise of his/her powers and responsibilities in the absence of the Chairman and for any other reason.

Third : An executive office shall be established to be run by a director called the Executive Director of the Fund and a number of staff, the number, qualifications and privileges of those staff shall be determined pursuant to instructions issued by the Board, and appointed in accordance with the Civil Service Law No (24) of 1960 as amended.

Fourth: The organizational structure of the Fund consists of:

A - Administrative and Financial department.

B - Legal department.

C - Projects department.

D – Research, Training and Capacity Building department.

E - Control and Audit department.

F- Coordination and Follow-up department.

G - Information and Public Relations department.

Fifth: The tasks, the number of staff and their qualifications of these departments shall be determined according to the instructions issued by the Board and approved by the Minister of Planning.

Article (15)

First: The Fund finance are considered public funds.

Second: The Fund shall enjoy exemptions and facilities awarded to ministries and government departments, the Fund's transactions, claims, property, movable and immovable money, and imports are exempted from taxes and government fees, and stamps of all kinds.

Article (16)

The Fund shall be subject to the monitoring and auditing of the Board of Supreme Audit and the Integrity Commission.

Article (17)

If the Fund is dissolved, its property of all movable and immovable money, rights and obligations shall be transferred to public funds of the State.

Article (18)

Any text contradicts with the provisions of this law shall not be applied.

Article (19)

All concerned entities shall implement this law.

Article (20)

The Minister of Planning shall issue instructions prepared by the Board to facilitate the implementation of this law within 60 days from the date of commencement of Chairman work.

Article (21)

This law is implemented from the date of its publication in the Official Gazette.

Justifying Reasons

Based on Article (45 / First) of the permanent Iraqi constitution, which stipulates (The State shall seek to strengthen the role of civil society institutions, to support, develop and preserve its independence in a way that is consistent with peaceful means to achieve its legitimate goals), and for the importance of the governmental support for these institutions to assume their development role by establishing an independent National Fund, this law was enacted.