

The voluntary and Humanitarian Work (Organization) Act, 2006

Be it hereby approved by the national assembly and signed by the president of the republic .in accordance with provisions of the interim constitution of the republic of the Sudan. 2005., the following Act:-

CHAPTER (1)

Preliminary provisions

Title and commencement

1. This Act may be cited as the, “Voluntary and humanitarian work (organization) act, 2006 “and shall come into force, as of the date of signature.

Repeal and saving

2. The humanitarian aid commission act, 1996 shall be repealed; provided that all measures and regulations, made there under, Shall remain in force, until revoked, or amended in accordance with the provisions of this act.

Provisions of this act, to prevail

3. The provisions of this act in case of inconsistency thereof, with the provisions of any other law, shall prevail, to the extent or removal of such inconsistency

Interpretation

4. In this act, unless the context otherwise requires the following phrases and words shall have the meanings, set forth opposite each:-

“**Charitable organization** “means such organization, as may be established by citizens, groups or individual having financial ability to establish and sustain charitable activities ;

“**Civil society organization** “**means** a civil society organization, which practices voluntary and humanitarian work, not for profit purposes, and which is registered, in accordance with provisions of this act ;

“**Commission**” means the voluntary and humanitarian commission, established under the provisions of section 18, hereof;

“**Commissioner**” means the voluntary and humanitarian work commission general, appointed in accordance with the provisions of section 20 hereof;

“**Country agreement**” means the collection of provisions, regulations and directives, which organize the entry of foreign organizations into the Sudan, and practice of their activities therein;

“**Emergencies**” mean every emergency, which affects the human being, or his environment of natural or UN natural factors, or any other emergency, which renders human being unable to practice his natural life:

“ **foreign voluntary organization**” : means the non- governmental , or semi governmental organization , having international , or regional capacity , which is registered under the provisions of this act ,or licensed to work in the Sudan , in accordance with country agreement,

“**Minister**” means the Minister of humanitarian affairs;

“**Ministry**” means the ministry of humanitarian affairs;

“**National voluntary organization**” means a Sudanese non- governmental voluntary organization, registered in accordance with the provisions of this act, and does not include any
(a) company , registered in accordance with the provisions of the companies act , 1925 ;
(b) Political party;

“**Network**” means national and foreign non-governmental voluntary organizations networks, working inside the Sudan;

“ **project**” means the humanitarian aids services, reconstruction, rehabilitation, resettlement, and rehousing programmes, which any of the voluntary organizations applies and is implemented by the organization , in individually, or jointly with the ministry ,or competent institution ,or any other organization, the community, or group of persons ;

“**Reconstruction, rehabilitation, resettlement and rehousing**”: include such projects and activities, as may target the removal of damages, resulting from emergent conditions and their effects;

“**Registrar**” means the registrar general of voluntary humanitarian work, appointed under the provisions of section 22 (1), hereof:

“**voluntary and humanitarian work**” means any non-profit voluntary humanitarian activity ,carried out by any national, or foreign voluntary , or charitable organization, registered in the Sudan , targeting rendering humanitarian aids, relief, public services, human rights services

protection of the environment or enhancement of economic and social standards of the beneficiaries, and renders voluntary humanitarian work in the said fields

Principle governing humanitarian work.

5. Voluntary and humanitarian work organizations in the Sudan shall operate in accordance with the following principles:-

(a) Non – discrimination , on ground of race , gender , ethnicity, political affiliation or religious beliefs ;

(b) Chastity, in selection of projects sites, taking into consideration the areas having greatest need;

(c) Accountability before beneficiaries, donors and public bodies having connection, who are responsible for services in the area, and such bodies as the basic rules of the organization may specify;

(d) Sustainability of remedial programmes, for preparation of such circumstances, as may enable local communities to depend upon themselves in the long run;

(e) Having due regard to the desires of the local community, at all stages of the project, through participation of local communities, at all stages of implementation of the project

(f) Non- interference of foreign voluntary organizations in the internal affairs of the Sudan , in such way , as may affect the sovereignty of the country .

Objectives of humanitarian work

6. The main humanitarian objectives of the organizations, registered under the provisions of this act shall include, but not be restricted to rendering the following services (including services of human rights protection of the environment):-

(a) Emergent relief to citizens suffering from natural and unnatural disasters, by concentrating on the most affected group

(b) Parrying, Reducing and managed the disasters risks;

(c) Tying aid relief with resettlement, reconstruction and development

(d) Care for the internally displaced people, refugees and returnees, through preparing and implementing the programmes of relief, reconstruction and resettlement, in accordance with bodies concerned;

(e) reconstruction of economic and social infrastructure , which are destroyed by war , or natural disaster , in co-ordination with national institutions , established for such purpose :

(f) specifying priorities for relief , resettlement ,rehousing and reconstruction , in consultation and coordination with beneficiaries and government authorities having connection ;

(g) Building of local capacities, to enable national organizations to depend upon their capabilities;

(h) Implementing relief and humanitarian services projects, through non-governmental and charitable organizations, and voluntary organizations, or civil society organizations, whose objectives are harmonies with public policies and beneficiaries interests

Funding and grants rallied and received

7. (1) Grants and rally of funding for organizations programme shall be through a project instrument to be approved by the commission, as the regulations may elaborate.

(2) No civil society organization, registered in accordance with the provisions in this act shall received funds, or grants from abroad, from an alien person internally or from any other body, save upon approval of the ministry thereof.

CHAPTER II

REGISTRATION

Registration of non-governmental voluntary

Organizations and charitable institutions

8 .(1) subject of the exclusive competences of the government of southern Sudan, or the states specified in the constitution, voluntary and charitable organizations and civil society organizations, which practice humanitarian aid shall register with the registrar , as to such way , as may be compatible with the provisions of this act.

(2) All voluntary organizations, which have been registered, before the promulgation of this act, shall reconcile their conditions, in accordance with the provisions of this act, within ninety days, of the date of promulgation of the same.

Conditions of registration

9. (1) for the purposes of registration of national voluntary and charitable organizations and civil society organizations, the following conditions shall be satisfied, namely that:-

(a) The organization shall present, to the registrar, an application including a list of names and addresses of the founder members of the organization; provided that their number shall not be less than thirty members;

(b) a copy of the organization constitution, and its organization chart , shall be attached to the application ;

(c) The temporary manger, the higher executive responsible person, the board of directors or the preparatory aboard of trustees shall attach an authorized decision , from the general assembly for establishment of the organization .

(d) The organization shall pay the fees prescribed for registration;

(2) notwithstanding the provisions of sub-section (1) the minister may approve the registration of any organization , upon an application presented by less than thirty members, with the same conditions set out in the said sub-section ; on condition of setting forth the financial ability , sustainability and sources of funding the organization ; intended to be registered ;

(3) For the purposes of registration of any foreign voluntary organization, the following conditions shall be satisfied, namely that:

(a) it shall be registered in accordance with the laws in force in the state of origin ;

(b) it shall produce a registration certificate approved by the Sudan embassy , or its diplomatic mission in the state concerned;

(c) it shall present an application showing the type of the work , which it intends to practice the Sudan ;

(d) Its quarters or origin shall not be in any state , in state of war with the Sudan , or boycotted thereby;

(e) It shall produce what may prove its financial and technical capabilities to practice the activity, or the work intended to be practiced in the Sudan, and the sources of such capabilities;

(f) It shall implement its programme s in co-operation, or jointly with one national organization, or more;

(g) it shall sign the country agreement ;

(h) any other conditions, as the minister may lay down, from time to time .

Registration certificate granted

10. (1) the registrar shall grant a registration certificate, to every national or foreign organization, which satisfies the registration conditions, set out in section 19

(2) The registrar shall grant a registration certificate, within one month, of the date of registration application (satisfying the conditions), to any national organization and within three months, to any foreign organization

Licensing renewed

11. There shall annually be renewed the licence of every organization as to such conditions, as the regulations may specify.

Exclusion from registration

12. The United Nations, its specialized agencies and the international red cross committee shall be excluded from registration under the provision s of this act; provided that they shall sign a technical agreement in the field of humanitarian work and abide by the principles of voluntary and humanitarian work.

Rejection of registration

13. (1) the registrar may reject the registration of any organization where:-

(a) The activities, which it practices are inconsistent with principles provided for in section 5 ;

(b) The application includes false information, or inconsistent with the registration conditions

(c) the organization fails to satisfy the registration conditions, set forth in section 9;

(d) The activity, or work which the organization intends to practice contravenes the law.

(2) The registrar, upon rejecting the registration of any national, or foreign organization, shall inform the same, in writing, of the reasons for such decision.

(3) The decision of rejection of registration may be applied to the minister, within fifteen days.

Striking the registration off

14. (1) The registrar may strike off the registration of the national , foreign or charitable organization , or civil society organization , registered under the provisions of this act , after his conducting the necessary inquiries and being convinced with the following , that:-

(a) The registration has been obtained by forgery, or the way of fraud, or upon false information;

(b) The non-governmental, or charitable organization, or civil society organization has contravened the provisions of this act , the regulations or any other law in force;

(c) The organization concerned has failed, without acceptable justification, in practicing its activities for a period of a full year;

(d) The organization used the humanitarian aid for obtaining unlawful gains;

(e) The organization has, by decision of its general assembly, presented a application to approve its voluntary dissolution, or strike its registration off.

(2) Any voluntary organization, whose registration has been struck off, in accordance with the provisions of sub-section (1) (a), (b) , (c) and (d), may appeal against the decision of the registrar, to the commissioner , within thirty days, of the dated of its issue .

(3) Where the commissioner does not reply to the appeal, within one month, or he reject the same , then the applicant may appeal ,against the decision, to the minister , within fourteen days .

Chapter 111

Branches, network, national rostrum and unions

Organizations Branches and networks

15. (1) A non-governmental , or charitable organization , or civil society organization may, after notifying the commissioner , establish its branches in southern Sudan , or any of the state ; on condition that the branches shall abide by the constitution of the organization , and obtain approval of the authorities concerned , at the level of the government concerned .

(2) non- governmental , or charitable organizations, or civil society organizations of similar objects and registered , in accordance with the provisions of this act, may establish net work s, between themselves, and with other regional and international organizations, for the purpose of exchange of experiences, promoting the professional performance thereof and rally the joint efforts .

National rostrum

16. The registered national organization may form a national rostrum , council , congress or union, to exchange information , experiences, promote voluntary and humanitarian a work , lay down standards and rules of conduct for their members and specify priorities of work

Joint issues and those having special needs unions

17.(1) civil society organizations of joint issues , basic geographical spreading , and comprehensive objects , whose basic rules avail the membership of other organizations independent thereof, and affiliated thereto, may form union in such joint affairs .

(2) Organizations of those having special needs may establish a union to care for their joint affairs and defend their issues.

Chapter 1V

The humanitarian aid commission

Establishment of the commission

18. There shall be established a commission, to be known as the, "voluntary and humanitarian aid commission", and shall exercise the functions specified in this act.

Functions of the commission

19. The commission shall have the following functions, to:-

- (a) Raise the degree of awareness, and entrench the accurate concept of voluntary and humanitarian work, in co-ordination with other bodies;
- (b) Train in disasters management, at all levels, in co-ordination with other bodies
- (c) Mobilize resources prepare and promote comprehensive lists in case of disasters, and arising of the need to use such resources;
- (d) Initiate projects and specify humanitarian aid needs, aimed at parrying the effects of natural and unnatural disasters, in co-ordination with the competent bodies;
- (e) Strive to provide strategic emergencies stores to meet the necessary needs;
- (f) Co-ordinate with foreign bodies, in cases of disasters, and facilitate the entry thereof to perform the work of the same;
- (g) Rally internal and external efforts and co-ordinate with the authorities concerned in reconstruction of the affected areas, and resettlement of the displaced;
- (h) Follow-up and evaluate all programmes of voluntary and humanitarian work in the Sudan.

The commissioner general

20. The president of the republic of the Sudan, upon recommendation of the minister shall appoint a commissioner general for voluntary and humanitarian work, and specify his emoluments and privileges.

Functions of the commissioner

21. (1) the commissioner shall be responsible, before the minister, for implementation of the humanitarian work polices and plans, and shall have the following functions to:-

- (a) Collect and evaluate such information and indicators, as may portend the possibility of occurrence of disaster, and notify the competent authorities of the same;
- (b) Organize and co-ordinate the operations of humanitarian assistances for the affected areas;
- (c) Conduct such studies and researches, as may aim at parrying the occurrence of emergent cases, and co-ordinate with the competent bodies having connection;
- (d) Conduct the necessary surveys, to specify priorities and needs in the field of humanitarian aid;
- (e) Rally internal and external efforts, and co-ordinate with the authorities concerned, in order to predict the disasters, prevent, or lessen the effects thereof, and reconstruct and rehabilitate the affected areas;
- (f) Supervise training operations, on disaster management, at all levels;
- (g) Build and manage a strategic reserve of relief materials, to meet the basic needs in cases of emergencies;
- (h) organize and co-ordinate the organizations work and plans in the geographical and sect oral frameworks , assume the responsibility controlling, evaluating and follow – up of all voluntary and humanitarian work programmes ,and resolve any such disputes , as may arise between themselves , or with any other bodies ;
- (i) Conduct preliminary inquiries, with any organization, to ascertain the presence, or non-presence of any legal contraventions, and take the necessary legal proceedings, with respect thereof, with the competent juridical bodies, where the matter so requires;
- (j) Supervise all administrative organs at the commission;
- (k) Perform any other tasks, as the act, or the regulations made there under may specify, or the minister may assign thereto.

(2) The commissioner general may delegate any of his functions, to any person, or committee, as he may constitute, as to such conditions and safeguards, as he may deem fit.

The registrar general

22. (1) The minister shall appoint a registrar general for voluntary and charitable organization, from those possessed of legal expertise and know how, and the decision shall specify his emoluments and privileges.

(2) The registrar shall exercise the following tasks and powers, to:-

(a) Registrar voluntary and charitable organizations, and civil society organizations, and issue the registration certificate, reject, or strike the registration off, in accordance with provisions of this act;

(b) Keep the basic documents, records and reports, about voluntary and charitable organizations, and civil society organizations;

(c) Revise the records of any voluntary, or charitable organization, or civil society organization, working in the field of humanitarian aid, to ascertain that its activities are consistent with provisions of this act, or any other law;

(d) Discretionally supervise the elections of national organizations, registered under this act, to ascertain that they have been made in accordance with the constitution of the organization, and the provisions of this act;

(e) Any other tasks, as the minister may assign thereto.

Chapter V

Contraventions, sanctions, penalties and appeals

Contraventions

23. There shall be deemed to have committed a contravention, every person, or group of persons, who practice the activity of voluntary organization, without registration in accordance with the provisions of this act.

Penalties, sanctions and appeals

(1) Whoever contravenes the provisions of section 23 shall, upon conviction, be punished with fine, together with the funds obtained by the organization may be confiscated.

24. (2) in case any organization committing any other contravention, the registrar, upon approval of the commission, may inflict thereon any of the following sanctions:-

(a) Drawing attention;

(b) Warning;

(c) Freezing the organization activity, for a term not exceeding six months.

(3) Without affecting the right of the registrar to take any criminal proceedings, against any person, or people for committing a contravention of the provisions of this act, or regulations made there under, the registrar may deprive the person, or persons concerned of practicing any voluntary humanitarian activity in the Sudan, for a term, not exceeding one year.

(4) The organization may appeal the decision of the registrar, to the minister, within fourteen days, of the date of its issue.

(5) in case of conviction, by the court , of any person for any contravention, under sub-section (3) above, or under any other law, the court may, in addition to any other penalty , pass both, or one of the following orders ,to:-

(a) Confiscate the funds, subject of the contravention;

(b) Deportation from the Sudan, where the convicted person is not Sudanese.

Chapter V1

General provisions

Corporate personality of the organization

25. A national or foreign voluntary organization, charitable or civil society organization, registered in accordance with the provisions of this act, shall have corporate personality, as of the date of rejection thereof.

Perusal of instruments

26. Any member of the organization, after payment of the prescribed fee, may peruse the basic instruments of the organization.

Reports

27.(1) Every organization registered in accordance with the provisions of this act, shall present, to the registrar , or the commissioner , as the case may be, the following reports:-

(a) a semi – annual report , on its business;

(b) An annual report, on the progress of its business;

(c) a copy of the annual budget, approved by a certified auditor.

(2) The summary of the report, on progress of work, shall include a summarized budget, and any changes, as may have occurred in the plan of work, and the reasons of the same.

(3) A report, on any difficulties, as may have faced execution of the project, together with the necessary proposals

Accounts, books and record

28.(1) every organization , registered in accordance with the provisions of the act, shall keep accurate and comprehensive accounts , and of its resources and expenditure, in accordance with sound accountancy bases.

(2) Every organization shall audit the annual accounts and financial statements, by a certified auditor.

(3) No organization, registered under this act, shall dispose of its unmovable property, whether by sale, gift, mortgage, barter investment or any of the other forms of disposal, or use the same in such way , as may be inconsistent with the purpose for which the organization has been established , or the project , which it carries its execution out.

Privileges

29. (1) The minister of finance and national economy , upon recommendation of the minister , may exempt any of the national , or foreign voluntary organizations, or civil society organizations, registered in accordance with the provisions of this act, from the following:-

(a) customs duties and other duties , due from commodities, equipment, machinery and instruments, which it imports for the achievement its objects ;

(b) taxes.

(2) privileges , set out in sub-section (1), shall be subject to financial regulations and rules in force .

(3) There shall be exempted from taxes, the funds granted from any body to any voluntary or charitable work.

Vesting of property

30. (1) in case of the striking of the registration of any organization , in response to the application of general assembly , the property of the same shall be disposed of as follows, to:-

(a) settle its financial obligations ;

(b) transfer the remaining property by agreement , between the commission and the organization concerned, to an existing projects , or any other organization having the same objectives , or by any other form , in which due regard shall be given to the desire of the organization , whose registration has been struck off.

(2) in case of striking off the registration of such organization , by a decision of the registrar , or by an order of the court , the funds and property of such organization shall vest into the project , the execution of which it has assumed, before striking its registration off; and in case of non-existence of such project , the property shall be transferred to any other voluntary humanitarian work.

Object of the organization amended

31. No organization, which has been registered under the provisions of this act, shall amend its objectives or objects for which it has been registered, or extend such objectives, or objects, or merge with any other organization, without obtaining the prior written approval from the commissioner.

Power to make regulations, rules and orders

32. The minister, upon recommendation of the commissioner, may make such regulations, rules, orders as may be necessary for implementation of the provisions of this act.