



Annex 12

Political Parties Act 2007 (unofficial translation)

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

Political Parties Act, 2007

Pursuant to provisions of the Interim Constitution of the Republic of the Sudan 2005, the National Assembly passed, and the President of the Republic signed, the following Act:-

Chapter I Preliminary Provisions Title and Commencement

1. This Act shall be cited as “**The Political Parties Act, 2007**” and shall go into force from the date of its signature.

Repeal

2. The “Political Parties and Organizations Act, 2001” shall be repealed.

Interpretation

3. In this Act, unless the context otherwise requires:

“Political Party” : Shall mean any party or political organization registered or adjusted in accordance with provisions of this Act and works in a regular manner to serve certain political goals and seeks to realize these goals by peaceful means.

“Council” Shall mean the Political Parties Affairs Council established under the provisions of Article (5) of this Act;

“Court” Shall mean the constitutional court or court of natural competence established in accordance with this Act, as the case may be;

“General Secretariat” Shall mean the General Secretariat established in accordance with provisions of Article 11 (1);

Adjustment

4. (1) notwithstanding provisions of Article (2), the Political Parties registered in accordance with provisions of the Political Parties and Organizations Act, 2001 (repealed), shall exist as though registered in accordance with provisions of this Act;
 - (2) The existing unregistered political parties, including the banned political parties shall adjust in accordance with provisions of Article (14) of this Act and shall submit their statute and terms of reference to the Council within 90 days from the date of issuance of this Act and on the basis of that they shall be considered to have been registered in accordance with Article (16) of this Act;
 - (3) No Political Party except as provided for in (1) and (2) above shall be allowed to engage in political work/activity at the national, Southern Sudan or State level before it is registered in accordance with provisions of this Act;

Chapter II The Council

Establishment of the Council, its Headquarters and Term/Duration

5. (1) There shall be established under the provisions of this Act a Council known as "**Political Parties Affairs Act**" and shall have a legal personality and constant rotational character and general seal;
- (2) The premises/HQ of the Council shall be located in the National Capital;
- (3) The term/tenure of membership of the Council shall be five years renewable;

Independence of the Council

6. The Council shall be independent from all authorities in the performance of its functions and shall submit regular reports to the National Assembly on the progress of its work and shall be made public;

Formation of the Council

7. (1) The membership of the Council shall consist of a full- time chair and eight (8) part-time members nominated by the President of the Republic after consultation within the Presidency and shall be persons known of their probity/uprightness, experience and with no political affiliations and shall be approved by a resolution adopted by two-third majority of the National Assembly members;
- (2) The chair and members of the Council shall be sworn-in in front of the President of the Republic in accordance with the text attached thereto before they assume their functions;
- (3) Emoluments/entitlements and remunerations of the chair and members of the Council shall be determined by a decree from the President of the Republic;

Mandate of the Chair of the Council

8. The chair of the Council shall have the following jurisdictions:

- a) To preside over meetings of the Council, maintain its order and represent it within Sudan and abroad;
- b) To supervise the Council's financial and administrative matters;
- c) To call extraordinary meetings of the Council;
- d) To sign rules/regulations and resolutions of the Council and correspond in its name;

Meetings of the Council

9. (1) The Council shall hold regular meetings at least one meeting per month and if necessary may hold an extraordinary meeting at the invitation of the chair or on the basis of request from one-third of its members;

- (2) Presence of five (5) members of the Council shall constitute a quorum for holding a meeting;
- (3) Except where excluded by this Act the resolutions of the Council shall be issued on the basis of approval of not less than four present members provided there is quorum;
- (4) The Council shall issue its terms of reference to organize its work and procedures of its meetings;

Competences and jurisdictions of the Council

10. (1) The Council shall have the following jurisdictions:

- a) To register political parties in accordance with provisions of this Act;
- b) To issue certificates indicating/confirming registration of political parties;
- c) To indicate in the register/record that changes take place in the political party;
- d) To prepare and maintain register/record of all political parties;
- e) To work out its annual budget proposals and submit it to the Presidency for approval and endorsement by the National Assembly;

(2) For the purposes of implementation of the jurisdictions referred to in subsection (1), the Council shall have the following powers:

- a) To receive complaints relating to application of this Act or the statute and rules of the political party and investigate and decide on them;
- b) To demand any political party to abide by the Constitution, statute, rules and obligations set forth in this Act or adjust in accordance with provisions of Article (4) of this Act;

(3) In case of non-commitment of provisions of Para (b) of subsection (2) the Council shall refer the matter to the court;

General Secretariat

11. (1) There shall be established a General Secretariat for the Council to be chaired by a secretary general appointed by Council and shall be a person known of his experience

and high efficiency and his emoluments/entitlements shall be determined by the Council;

(2) Jurisdictions of the General Secretariat and the Secretary General and their powers shall be determined by rules;

(3) The Secretary General shall function under the supervision of the Council and its directives;

Chapter III **Establishment of Political Parties** **Right to establish political parties**

12. (1) Any Sudanese who attained the age of 18 years old has the right to participate in the establishment of a political party and the right to become a member or join a political party;

(2) Notwithstanding provisions of subsection (1) and subject to provisions of Article (65) of the Constitution, any of those mentioned below shall not be a member of any political party or join a political party while performing their functions:

- a) Members of organized armed forces;
- b) Judges/justices of the Judiciary;
- c) Legal advisors in the Ministry of Justice;
- d) Senior civil service leaders;
- e) Diplomats of the Ministry of Foreign Affairs;

Obligations of Political Parties

13. Any political party shall:

- a) Maintain a record of resolutions taken or implemented and names of those present and manner of voting;
- b) Submit comprehensive statements of accounts for all resources and expenditure for legal auditing and retain the said statements of accounts for at least five years and a copy of the same shall be submitted to the Council;

Conditions for Establishment of Political Parties

14. The following conditions shall be met for the establishment or continuity of activity of any political party:

- a) Membership shall be open for any Sudanese who abide by the goals and principles of the political party;

- b) Its manifesto shall not contradict the CPA and the Interim National Constitution, 2005;
- c) Its leaders and leaders of its institutions at all levels shall be democratically elected subject to representation of women on the basis of percentages specified by the political party;
- d) Its sources of funding shall be transparent and public;
- e) Shall have a statute approved by founders of the political party at a founding meeting in presence of representative of the Council at which the highest political leadership shall be elected and the approval of the list of names of founders from both sexes;
- f) Its founders shall not be less than 500 persons male and female and in case the political party operates at the national level or the level of southern Sudan its founders shall at least be from three States with regard to exclusion contained in Article (4);
- g) abide by democracy, Shura (consultation) and its principles as a means for political exercise and peaceful transfer of power;
- h) Its means to achieve its goals shall not include the establishment of covert or overt military cells within the party itself, the armed forces or within any other organized forces;
- i) Shall not engage in or incite violence, promote communalism or hatred among ethnic, religious or racial groups;
- j) Shall not be a branch of any political party outside Sudan;

Submission of Documents

15. (1) The political party shall submit the following documents to the Council:

- a) Three approved copies of the statute and rules;
- b) List of names of political leaders;
- c) Copy of the approved list of founders including particulars of each of them as required by rules issued under the provisions of this Act;
- d) Approved copy of minutes of the founding meeting;

(2) The Council shall prepare minutes confirming that the political party has submitted the key documents referred to in subsection (1) and shall issue the political party a document acknowledging submission of the same;

(3) The Council shall submit to the Ministry of Justice a summary of the minutes of key documents of the political party to be published in the official gazette;

(4) The Council shall publish a summary of the minutes referred to in subsection (2) in two daily newspapers within fifteen (15) days from the date of submission;

Registration of the Political Party

16. (1) The Council shall check the documents submitted by the political party for the purpose of its registration; if the Council establishes that the documents are according to the provisions of this Act shall issue a resolution for the registration of the political party within fifteen days (15) from the date of receiving the documents;

(2) The political party shall acquire a legal personality from the date of its registration;

(3) The Council shall issue, on the basis of the resolution referred to in subsection (1) a document showing that the political party is registered and that shall be published in the official gazette of the state and in two daily newspapers;

(4) Should the documents of the political party submitted in accordance with provisions of Article (15) contradict provisions of the constitution or this Act or rules thereof or be incomplete or not including the required information or should the political party be established on the basis of incorrect data, the political party shall be given fifteen (15) days to complete what is required then the Council shall issue a resolution registering the political party;

(5) Should the political party fails to complete what is required in accordance with provisions of sub-section (4) within the specified period, the Council shall notify the political party in writing of non-registration and reasons for not registering it;

(6) The political party whose registration is rejected by a resolution may appeal against the resolution before a court;

The Statute of the Political Party

17. Every political party shall have a statute and rules/terms of references containing the programme/manifesto and the organization of all its political, organizational, financial and administrative matters in harmony with provisions of the constitution and this Act, and without prejudice to all the above the statute shall include the following:

- a) Name of the political party;
- b) Address of the premises/HQ;
- c) Determination of the objectives/goals the political party is seeking to achieve and the political party shall have the right to have an emblem/logo it deems appropriate;
- d) Conditions for membership of the political party, procedures/requirements for joining it, dismissal and resignation as well as rights and obligations of members;
- e) Organizational structures and the manner in which organs and leaders shall be selected and how the conferences of the party will be convened;

f) The manner in which its funds and property shall be devolved/transferred and the body to which the same will be devolved should the party be dissolved voluntarily;

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 before three weeks from the date of holding of the general conference provided the conference shall be convened in presence of a representative of the Council;

Barring from contesting elections, freezing or dissolution of the political party

19. (1) The political party shall be frozen or dissolved if the party itself submit a request to the Council stating that the party has taken a decision to freeze its activity or dissolve itself under its statute and rules;

(2) The political party shall be barred/prevented from contesting elections, its activity shall be frozen or shall be dissolved by a ruling from the Constitutional Court on the basis of a suit filed by not less than two-third majority members of the Council whenever established that the political party has contravened provision of Article 40 (3) of the constitution;

Chapter IV

Emblem/logo

Emblem of Political Party

20. (1) every political party shall have a suitable logo/emblem for use in all its activities and publications provided the logo shall not be identical with any logo of another political party registered and approved by the Council;

(2)The Council shall not prohibit the continuity, registration or use of the logo or its removal from the record except on the basis of a request from the political party or by an order from the court or upon the dissolution of the political party for good;

Chapter V

Financial Provisions

Financial Sources of the Political Party and Expenditure

21. (1) The financial resources of a political party shall consist of the following:

- a) Subscriptions of members;
- b) Contributions and donations from national non-governmental individuals, corporations and companies provided these contributions and donations shall be made public and registered with the Council;
- c) Revenues of investment of its funds in the activities specified by this Act;
- d) Any support contributed by the government and approved in the general budget of the state;

(2) The resources of the political party shall not be disposed of/spent except in the areas specified by its statute and rules issued in accordance with this Act;

(3) The political party shall not accept any financial donation/contribution from any foreign person or from any foreign body;

Business

22. (1) The political party shall not do business in its name;

(2) Notwithstanding provisions of subsection (1) the political party may invest in cultural activities, establishing publishing houses, newspapers and other mass media;

Chapter VI

Immunities and Exemptions

Immunity of the Political Party Premises

23. Any premises of the political party shall not be searched except by permission from the chair of the Council and in accordance with procedures provided for by law;

Establishment of Charity Organizations

24. The political party may establish charity and non-profit organizations and may cooperate with organizations of similar objectives/goals within the country or abroad provided cooperation shall be within the framework of non-profit, voluntary and charity work and the political party shall not be funded from this charity work;

Newspapers, Information and Meetings

25. (1) the political parties shall have the right to issue and publish newspapers, bulletins, magazines and publications and other mass media and communications in accordance with the law in a democratic society;

(2)The political parties shall have the right to hold internal meetings, organize social, cultural, political and sport activities and to stage peaceful processions/marches in accordance with the law in a democratic society;

Exemption from Tax

26. The Council shall specify in the rules issued under this Act, after consultation with the competent bodies at the national, southern Sudan and State levels, bases of exemption from tax at the said levels;

Chapter VII

General Provisions

Accessibility of the Record

27. Any citizen, on the basis of a justified ground and after the payment of the required fees, may request the Council to allow him to go through the record of any political party and its key documents;

Consideration of Legal Disputes

28. (1) Should any dispute between the Council and the political party arise over constitutionality or legality of any matter relating to statute or activity of the party, either party may submit the matter to court for consideration and appropriate decision;

(2)If the dispute is over the name of any registered political party, the Council shall settle it amicably and if it failed to settle it, then the matter shall be referred to the court for decision;

Accounts and Auditing

29. (1) The Council shall establish its own accounting unit to function in accordance with bases of sound accountancy including ledgers/accounts books containing resources and aspects of expenditure;

(2)The National Chambers of General Auditing or any body duly authorized by it shall audit the accounts of the Council and submit a report about these accounts to the National Assembly;

Authority to issue Rules and Regulations

30. The Council may issue rules and regulations necessary to enforce provisions of this Act and without prejudice to the above these rules and regulations may include the following:

- a) Organization of administrative, financial and technical matters;
- b) Administrative and financial penalties;

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

Table attached to the Political Parties Act, 2007
(See Article 7 (2))

Oath

The chair and every member in the Political Parties Affairs Council, in order to assume his functions, shall take the following oath before the President of the Republic:

I,having been appointed a member of the Political Parties Affairs Council, swear by Almighty God to abide by the constitution and the law and be faithful and truthful and do my best to perform my duties honestly, impartially, neutrally and faithfully;

(May Allah be the witness of what I say)
