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PRESS RELEASE

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Representatives of the Iraqi Government, Parliament and NGOs agree on recommendations for the Implementing Regulation to the new Iraqi NGO law

Erbil, 5 July 2010 Representatives of the Iraqi Council of Ministers Secretariat (CoMSec) including the NGOs Directorate, several Iraqi Government Ministries, outgoing Chair of Iraqi Council of Representatives' Civil Society Committee, and Iraqi and International NGOs, yesterday agreed on recommendations to guide the implementing regulations for the new Iraqi Law on Non-Governmental Organizations (Law No. 12 of 2010), which entered into force in April 2010.

“The passing of the NGO law in early 2010 was the successful result of years of consultations and negotiations, but without clear guidelines for how to put its provisions into practice, neither Iraqi authorities nor NGOs will fully benefit from the law”, said UNOPS Portfolio Manager for Civil Society Mr. Adam Styp-Rekowski.

Over the course of the past months, the Iraqi Council of Ministries Secretariat (CoMSec) worked on drafting guidelines, but during a three day roundtable organized by the United Nations Office for Project Services (UNOPS) and the International Center for Not-for-Profit Law (ICNL) with funding from the European Union (EU), the Government of Finland and other donors through the UNDG Iraq Trust Fund, the stakeholders, supported by international experts, had an additional opportunity to draft implementing regulations that would reflect Iraqi needs and be in line with international best practices.

“This has been very productive” said the outgoing Chair of the Iraqi Council of Representatives Civil Society Committee, Ms. Alaa Talabani. “Procedures drafted by the Government should make it easier, not harder, to implement the law, and this is what we have achieved.”

Jamal Al-Jawahiri, Public Relations & Finance Secretary of the NGO Iraqi Al-Amal Association, concurred, adding that “for me as a member of civil society to sit with representatives of the Government and Parliament and be accepted as an equal in these discussions is a great achievement. The roundtable has brought us closer and listening to each other as well as to international, regional and KRG experts has enabled us to meet half way and agree on a number of important issues.”

The recommendations agreed on by the participants will be used by CoMSec to finalise the draft regulations.

“With consensus on the practical issues, we will soon be able to look beyond the law and see how we can support civil society further”, concluded Ms. Alaa Talabani.

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Roundtable Recommendations:

Registration of New NGOs and Re-Registration of Existing NGOs

- Registration procedures should be simple, clear and straightforward.
- In counting the number of days that have elapsed between each step of the registration process (and for all other deadlines mentioned in the NGO law) only normal business days should be counted. Weekends and public and religious holidays should not be counted.
- When NGO applications for establishment or registration are filed, the NGOs Directorate should give a dated receipt to applicants. This document will serve as a legal document for proving the official deadlines.
- Verification of NGOs' addresses will be accepted via a letter certified from either a provincial council, a local council, or a municipal council.
- Forms to streamline registration and establishment should be provided by the NGOs Directorate.
- The verification of the criminal record shall be conducted by the NGOs Directorate.

NGO Reporting Requirements

- All annual reports should be due on 31 March for the previous fiscal year (1 January – 31 December).
- Model financial and activity report forms should be made available by the NGOs Directorate, as they must be instructive not obligatory.
- Activity reports should be brief and include a summary of achievements, projects, beneficiaries, and geographic scope. Financial reports should also be brief – no more than five pages.
- If reports are not filed by 31 March, the NGOs Directorate should notify the NGO immediately. If three additional months pass and the NGO does not respond (30 June), only then can enforcement actions be taken pursuant to Article 23 of Law No 12 of 2010.

Mergers

- Merger applications should currently be subject to the same process as that for registering a new NGO.

Public Benefit Status

- The NGOs Directorate should establish clear guidelines and procedures for forwarding NGOs' public benefit applications to the Council of Ministers.
- The minimum length of time for which NGOs must have existed to be eligible to apply for public benefit status should be not subjected to any period associated with its establishment and work. There should be no property ownership requirement for NGOs seeking public benefit status.
- The criteria for evaluating public benefit applications should be based solely upon the activities of the NGO.

- Refusals of applications for public benefit status must be made in writing, and should specify the exact reasons why the application has been refused.
- An illustrative list of acceptable public benefit purposes should be made public for NGOs.
- The NGOs Directorate should define a procedure for withdrawing public benefit status from a NGO. NGOs should be given the opportunity to appeal such decisions.

Other Issues

- Given the current security situation in Iraq, notifications issued by the NGOs Directorate as part of registration, reporting, suspension, and other processes outlined in the law should be made simultaneously by the following three means: publication in all nationally-available media, publication on the NGOs Directorate website, and communicated via an email sent to the email address of the NGO.
- It is recommended to open branches for NGOs Directorate in all Iraqi governorates.
- The NGOs implementing small-fund projects should be treated with the same mechanisms and procedures that are used with other organizations.
- When an NGO is registered with NGOs Directorate, the NGOs Directorate in the Region shall be notified with this registration and vice versa.

Recommendations on Administrative and Technical Structures of NGOs Directorate

- Reorganizing the administrative and technical structure to improve the efficiency of the Directorate.
- Increasing the number of staff with more focus on ongoing training and rehabilitation for them.