

How to Set up an NGO in the Kurdistan Region of Iraq

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Despite the exceptional security issues faced by the Kurdistan Region in Iraq, the number of local and international Non-Governmental Organizations (NGOs) that operate in the area continues to increase to cover the needs of tens of thousands of refugees coming from all parts of Iraq and neighbouring Syria. Unlike some of the NGOs, the government of the area has little experience in the field of humanitarian relief and how to support displaced people.

Article 39 of the Iraqi Constitution Provides for the freedom of establishment of any association, organization or political party, and the freedom to join the same is guaranteed based on specific laws to be issued in this regard. Accordingly, the Kurdistan Non-Governmental Organizations Law No. 1 of 2011 (The “NGO Law”) has been enacted by the National Assembly of the Kurdistan Region of Iraq to regulate the legal framework for these organizations in the Region.

The NGO Law gives the right to registered NGOs in the Region to open branches inside and outside Kurdistan and Iraq. The constitutional documents of the NGOs will determine the conditions and age of membership, voting and nominating rights, and can authorize any individuals to represent the organization before the courts, and official and unofficial bodies. The NGO Law stipulated that the NGO’s objectives shall be compatible with the principles of democracy and international human rights agreements, and to be clear and public. In addition, the NGOs can assess the role of the Regional governmental institutions, access information, organize civil activities (gatherings, demonstrations, conferences, etc...), and publish reports, information, and opinion polls.

Registration Types and Procedures

Local Kurdish NGOs

For Local Kurdish NGOs the founding members, who must be at least three individuals, must submit a written request to the Region’s NGO department, signed by all of them and attached with the organization’s constitutional document which shall include the following information:

- Name of the NGO, its purposes and objectives
- Name, title, gender, nationality, age, profession, level of academic achievement, and address of the founding members.
- The NGO’s organizational structure and how it is to practice its activities

Iraqi NGOs

Iraqi NGOs registered by the federal government in mainland Iraq shall automatically be considered registered in the Kurdistan Region. However, to legally operate there they should provide the Region’s NGO department with the following information in both Arabic and English:

- Name of the NGO, and its representative in the Region.

- Address and telephone number of the NGO's headquarter in mainland Iraq.
- Working plan for the activities that the NGO intends to practice in the Region.
- Certified copies of the NGO registration documents in mainland Iraq.

Foreign NGOs:

The registration of foreign NGOs in Kurdistan requires submitting the following information to the Region's NGO department in the Kurdish language:

- NGO's name.
- Address and telephone number of the NGO's headquarter in Iraq and in the parent company.
- Objectives and activities that the NGO intends to achieve in the Region.
- Certified copy of the NGO's constitutional documents.
- Certified confirmation letter proving that the organization is registered as an NGO in its native country.

The Kurdistan Region's NGO department will then respond to the registration application, for any type of the above NGO types, within 30 days from the application submission date. In case of non-fulfilment of any legal conditions contained in the application for registration in accordance with this law, the Region's NGO department will return the application to the NGO within 15 days from the application submission date for the purpose of completing any missing requirements. However, in case of failure to respond to the application within the 30 days mentioned above, the NGO is to be considered registered and a registration certificate has to be issued upon request. Such approved registration should be published in a daily newspaper in the Region.

If the registration application is rejected, the Region's NGO department shall send an official letter to the NGO stating the reasons for the rejection. The NGO has the right to appeal the rejection decision before the Administrative Court of Kurdistan Region within 30 days from the date of receiving the rejection decision, and the latter is to issue its decision within 15 days.

NGO's Revenues

The NGO Law identifies several sources of financial support for NGOs in the Region, such as the financial assistance provided by the NGO members; donations; gifts; grants from individuals, private sector, and other foreign or local entities; income from the NGO's investments and activities; the NGO's share of the annual Region's budget; and any other grants provided by the Kurdistan Region Government (KRG).

The NGOs are to manage their funds through an annual budget according to the adopted accounting system in the Region, including opening bank accounts in any of the Iraqi or international licensed banks there, and submitting annual financial reports to the Region's NGO department to be audited by the Supreme Audit Bureau in the Region. All the NGO's revenues, properties, and funds shall be exempted from taxes and customs duties.

Merger and Networks of NGOs

The NGO Law allows two or more NGOs to merge and form one NGO in accordance with the constitutional documents of each of them, and the provision of this law. All the moveable and immovable property shall devolve to the newly established NGO. In addition, any two or more registered NGOs have the right to establish a network among them. This network is eligible to be legally registered according to the NGO Law, and acquire a legal personality independent from the legal personality of its founding NGOs, and any two or more networks of NGOs may join together and establish a network of NGOs includes Kurdish, Iraqi, and foreign NGOs. Any natural or legal person can be a member of a network of NGOs.

Conclusion

The NGO Law has been enacted to facilitate NGO operations in the Kurdistan Region of Iraq due to the

positive contribution of such organizations in the development of democratic and civic life. It will enable NGO's to work better with the Region's institutions and offer greater support through the implementation of joint projects.