

In the Name of Allah, the Gracious, the Merciful

The Forests' National Corporation, Act 1989

Be it hereby enacted, in accordance with the provisions of Articles 56 (2) and 58 (1), of the Sudan Transitional Constitution, 1985, by the Head of State and the Constituent Assembly as follows :

Chapter I

Preliminary Provisions

Title and Commencement

1. This Act may be cited as the "Forests' National Corporation Act, 1989", and shall come into force as from the date of promulgation.

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

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| "Act" | means the Forests Act 1989; |
| "Board" | means the Board of directors of the Corporation, established under the provisions of section 5(1). |
| "Chairman" | means the Chairman of the Board, appointed under the provisions of section 5(2) (a); |
| "Corporation" | means the Forests' National Corporation, established under the provisions of section 3(1); |
| "Employees" | mean both officials and workmen; |
| "Forests" | mean the national forests, regional and other forests, as to their interpretation, set out in the Forests Act, 1989; |
| "Manager" | means the General Manager of the Corporation, appointed under the provisions of section 12; |
| "Minister" | means the Minister of Agriculture and Natural Resources; |
| "Secretary" | means the Secretary of the Board, appointed under the provisions section of 11(1). |

Chapter II

Establishment, Functions and Powers of the Corporation

Establishment, Headquarters and Supervision of the Corporation

3. (1) There shall be established an independent public Corporation, to be known as, "the Forests' National Corporation", which shall be a body corporate, having perpetual succession, a common seal and the right of litigation in its own name.
- (2) The headquarters of the Corporation shall be in Khartoum, and it may establish branches thereof in any place in the Regions.
- (3) The Corporation shall be under the supervision of the Minister.

Function and Purpose of the Corporation

4. (1) The Corporation shall have the following functions and purposes namely, to :
 - (a) lay down the general policies for forests, the taking stock and development thereof, and make the rules and methods which secure the good utilization of the same, and achieve full protection of the environment;
 - (b) propose laws, which achieve the implementation of the approved policies for the development of forests;
 - (c) follow-up the implementation of the forests' general policies;
 - (d) technically supervise all forests at the country's level;
 - (e) disseminate awareness with respect to forests and trees, among responsible persons, citizens and investors;
 - (f) conduct studies and lay down the necessary plans for taking stock of forests, survey and development thereof, at the country level;
 - (g) increase the reserved forest areas up to a minimum of 20% of the area of the country;

- (h) intensify tree plantation, for the purposes of protection and production, and rally the people's effort, in this respect;
- (i) encourage the establishment of forests, and strive to provide seedlings, and tender technical advice;
- (j) develop the production of gum, especially gum Arabic, and care for other minor forest products;
- (k) co-ordinate :
 - (i) between the various bodies, in order to implement forests' general policies, particularly to prepare desertification combating projects, and implement the same;
 - (ii) with the competent bodies, by specifying the fields of land use and investment for the purpose of establishing forests, developing the same, and encouraging agricultural tree plantation;
 - (iii) with the bodies working in the field of forest research, encourage applied research.
- (2) levy of fees on forest produce in accordance with the law or as approved by the Minister or in accordance with normal business practices.

Chapter III

Management of the Corporation

Establishment and Constitution of the Board

5. (1) There shall be established a board of Directors for the management of the Corporation, to assume management of its affairs, and exercise, on its behalf, all the powers, provided for in this Act.
- (2) The Board shall be constituted, by an order of the Council of Ministers, on a recommendation therefore, by the Minister, as follows ;
 - (a) a Chairman, to be appointed from among personalities of high qualification and experience;
 - (b) the Manager; }
 - (c) Under-Secretary, Ministry of Agriculture and Natural Resources; }

- (d) Under-Secretary, Ministry of Finance and Economic planning; }
 - (e) Under-Secretary, Ministry of irrigation; }
 - (f) Under-Secretary, Ministry of Public Works and Housing; }
 - (g) Under-Secretary, Ministry of Local Government; }
 - (h) Under-Secretary, the Attorney-General's Chambers; }
 - (i) Under-Secretary, Ministry of Power and Mining }
 - (j) Director of the Forests Research Centre; }
 - (k) General Manager, of the Mechanised Farming Corporation; }
 - (l) Director General, Energy National Administration; }
 - (m) one representative of University teachers in the field of forestry; }
 - (n) two representatives of the employees of the Corporation, to be selected by election by their respective trade unions; }
 - (o) two persons of qualifications and experience, to be selected by the Minister. }
- } members
- (3) Every one of the member shall remain in his office, for a period of two years, and may be re-appointed.
 - (4) Any of the members, mentioned in paragraphs (b) to (l) inclusive, may authorize any person to attend any meeting; provided that his salary scale shall not be less than Grade 4.

Remuneration of the Chairman and members of the Board

- 6. The Corporation shall pay to the Chairman and members of the Board such remuneration and emoluments, as may be specified by the Board, and approved by the Minister.

Vacation of Post

7. (1) The post of the Chairman or any of the members of the Board shall fall vacant, in any of the following cases, namely, where he :
- (a) absents himself from three consecutive meetings, without an excuse acceptable to the Board;
 - (b) represents any body, and his representation terminates, for any reason;
 - (c) resigns;
 - (d) is convicted of an offence involving honour or honesty, or is relieved of public work;
 - (e) became of unsound mind;
 - (f) dies.
- (2) The board shall pass a decision of vacation of post, where the requirements therefore are satisfied in accordance with the provisions of subsection (1).
- (3) Where the post of the Chairman or any of the members of Board falls vacant, for any of the grounds set out in subsection (1), the post shall be filled in the same way provided for in section 5(2).

Disclosure of Interest

8. The Chairman and every member of the Board who has a direct or indirect interest in any matter or proposal submitted before the Board for consideration, shall disclose to the Board the nature of the interest which connects him with such matter or proposal. He shall not participate in any deliberation, proposals or decisions passed by the Board in respect of the said matter or proposal.

Powers of the Board

9. The Board shall have the power to lay down the general policy of the Corporation, control its business and strive to achieve its objects and exercise its functions, on a sound basis; and without prejudice to the generality of the foregoing, there shall be conferred upon the Board, the following powers, namely, to :

- (a) prepare the annual budget, the profit and loss account and the final account of the Corporation;
- (b) conclude contracts and agreements on behalf of the Corporation;
- (c) invest the surplus funds of the corporation in such a way as may be approved by the Minister;
- (d) lay down such plans as it may deem necessary for the promotion and improvement of the management of the Corporation, together with methods and style of its business, and submit the same to the Minister for approval;
- (e) submit periodical reports to the Minister on the activities of the Corporation;
- (f) appoint employees of the Corporation;
- (g) train the employees, in co-ordination with universities and high institutes;
- (h) constitute any technical committee, to help it in the performance of its duties and functions, and specify the functions of such committees;
- (i) secure contacts and attract technical and material aid in the field of forests and combating desertification, both inside and outside the country;
- (j) acquire immovable and movable property, and dispose of the same, in accordance with the laws in force.

Meetings of the Board

- 10. (1) The Board shall hold a periodic meeting at least every four months; provided that the Chairman, or half the members, may call it for an emergency meeting, where necessity requires holding the same.
- (2) The Chairman shall call the Board to convene, and, in case of his absence, the Secretary shall do the same.
- (3) The quorum for meetings of the Board shall be constituted by attendance of half the members, and decisions shall be passed by the majority of the members present, including the Chairman.
- (4) Where the Chairman absents himself from any meeting, the members present shall elect one from among themselves to preside over such meeting.

Appointment and duties of the Secretary

11. (1) The Board shall appoint a secretary therefore, on such terms as may be specified in the appointment order.
- (2) The secretary shall perform the following duties, namely, to :
 - (a) prepare the agendas of the meetings of the Board, under the supervision of the Chairman, attend all its meetings, record the minutes, submit the same to members and keep the records thereof;
 - (b) keep the seal of the Corporation and affix it to such documents as may be specified by the Board, and sign in authentication of such seals, together with the Chairman; provided that he shall record particulars of all sealed documents on a register, to be prepared for this purpose;
 - (c) send the decisions and recommendations of the Board to the bodies concerned, and inform the Board of the position of execution;
 - (d) any other duties with which he may be charged by the Board, or the Chairman.

Appointment of the Manager

12. The Council of Ministers shall appoint the General Manager, upon a recommendation therefore by the Minister, as to such terms and privileges as may be specified in the appointment order; provided that he shall be from among persons having scientific qualifications and experience in the field of forests.

Functions of the Manager

13. The Manager shall be the first executive official of the corporation, having in general, the function of managing it and conducting its business; within the limits of the directions of the Board.

Duties and Powers of the Manager

14. The Manager shall have the following duties and powers, namely, to :

- (a) prepare the estimates of the annual budget, including estimates of the Corporation's revenues and expenditure during the financial year and submit the same to the Board;
- (b) spend, in accordance with the approved budget; provided that he shall not spend on any of the objects of expenditure to which a certain item is specified from another, save upon the approval of the Board;
- (c) supervise the administrative and professional performance, and direct the abilities of employees, in order to benefit therefrom, to the maximum degree, in the Departments and various locations;
- (d) take the decisions and lay down such plans as may secure the achievement of a high standard of performance in the Corporation;
- (e) represent the Corporation in its dealings with others and also in international and regional organizations; provided that the same shall be upon the approval of the Board.

Chapter IV

Transfer of Property

15. There shall vest in the Corporation the following property, rights and obligations, namely :
 - (a) all the property which has been owned by the Forests' General Administration, before the application of decentralized government, and reverted therein, by the Council of Ministers' resolution No. 181, 1985;
 - (b) all the rights and obligations of the Forests' General Administration other than the obligations relating to employees of the Forests General Administration who are not recruited by the corporation.
 - (c) any property, or shares in the existing projects, the management of which is entrusted thereto.

Capital and Financial Resources of the Corporation

16. (1) The capital of the Corporation shall consist of the following funds, namely :

- (a) appropriations allocated to it by the State;
 - (b) the property and rights, which vest therein, in accordance with section 15;
 - (c) any funds transferred thereto, from the reserve fund; upon the approval of the Minister.
- (2) The financial resources of the Corporation shall consist of the following funds, namely :
- (a) the capital thereof;
 - (b) the return of investment of capital, and its share in the net business profits;
 - (c) fees levied on forest products;
 - (d) the return of the sale of national forest products;
 - (e) funds obtained through borrowing;
 - (f) donations and gifts, upon the approval of the Minister;
 - (g) any other resources approved by the Minister.

Deposit of Funds, Accounts, Budget and Reserve Fund

17. (1) The Corporation shall deposit its funds in current or deposit accounts, with any bank, upon the approval of the Bank of Sudan; provided that dealing in the said shall be in such a manner as may be specified by the accounts Board.
- (2) The Corporation shall keep proper and comprehensive accounts of revenue and expenditure.
- (3) The accounts of the Corporation shall consist of the following allocations, which shall be deducted out of any funds, as may be agreed upon between the Board and the Minister of Finance and Economic Planning namely :
- (a) depreciation and replacement allocations, at such rates, as may be agreed upon between the Board and the Minister of Finance and Economic planning;
 - (b) bad and doubtful debts' allocations;

- (4) The budget of the Corporation shall be prepared, in accordance with sound accounts bases. The Chairman shall submit, to the Minister, within three months, of the end of every financial year, a copy of the annual estimates of the revenues and expenditure for the next financial year.
- (5) The Corporation shall keep a general reserve fund, to be fed, from time to time, out of the surplus of its resources, as to such percentage, as may be approved by both the Minister and the Minister of Finance and Economics.

Use of the Financial Resources of the Corporation

- 18. The financial resources of the Corporation shall be used for the achievement of its objects. Without prejudice to the generality of the foregoing, such resources shall be used in expenditure, in respect of the following ways, namely :
 - (a) its management and performance of the business thereof;
 - (b) meeting operation expenses, including depreciation, renewal, bad and doubtful debts' allocations;
 - (c) payment of the salaries, allowances and after-service benefits of employees, and also the remuneration of the Chairman and members of the Board;
 - (d) satisfaction of the financial obligations thereof;
 - (e) transfer to the general reserve fund.

Auditing

- 19. The accounts of the Corporation shall be audited by the Auditor-General, or under his supervision.

Chapter IV

Final Provisions

Continuation of Employees in service

20. The Corporation shall be entitled to recruit its employees from those employees who have been in the service of the Forests General Administration at the coming in force of this Act and from persons not so employed in accordance with conditions and criteria determined by the Board and approved by the Minister provided that this condition shall be made within a period not exceeding 12 months of the date of this Act and those employees of the Forests General Administration who are not recruited by the Corporation shall be treated in accordance with the laws in force.

Liquidation of the Corporation

21. The Corporation shall not be liquidated, at any time, save by a law to this effect, and in this case, all its assets shall vest in the State.

Power to make Regulations

22. The Board may, with the assent of the Minister, make such regulations, as may be necessary for the implementation of the provisions of this Act. Without prejudice to the generality of the foregoing, there may be provided, in such regulations, for the following matters, namely :
 - (a) organizing the progress of work of the Corporation, including the way, in which its accounts are to be prepared, organizing the stores and management of purchases;
 - (b) organizing the administrations of the Corporation, and the functions of such administrations, the employees thereof and the job description of the same.