

THE MINISTRY OF JUSTICE  
FORESTS NATIONAL CORPORATION

THE FORESTS AND RENEWABLE NATURAL  
RESOURCES ACT  
FOR THE YEAR 2002

In The Name of Allah, Most Gracious, Most  
Merciful

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Annex No. 11                      General Legislations

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FORESTS AND RENEWABLE NATURAL

RESOURCES ACT

FOR THE YEAR 2002

(Act No.11 / 2002)

# **FORESTS AND RENEWABLE NATURAL RESOURCES ACT**

## **FOR THE YEAR 2002**

**(Act No.11 / 2002)**

Pursuant to the provisions of article 90 (1) of the 1998 Constitution of the Republic of the Sudan, the following act was issued by the President of the Republic and was approved by the National Assembly:

### **Chapter One**

#### **Preliminary Provisions**

##### **Title of the Act and Date of Entry into force**

1. This act is named the “Forests and Renewable Natural Resources Act” for the year 2002” and it will enter into force from the date of signing. (Signed on 6/11/2002.)

#### **Cancellation and Exceptions**

**This act cancels the following acts :**

2. (1) The 1989 act.  
(2) The National Forests Corporation Act for the year 1989.  
(3) Notwithstanding the cancellation mentioned in (1) and (2), all regulations, directives and announcements issued by virtue of the any one of the above mentioned acts shall remain in force until they are cancelled or modified in accordance with this act.

#### **Interpretation**

3. In this act unless the context otherwise requires, the following terms have the following meanings:

State owned land means:

- a. Any land registered under the name of the government or being so considered by virtue of the

1970 Non Registered Lands Act (cancelled) or the 1984 Civil Transactions Act or the 1925 Settlement and Registration of Lands Act.

- b. Any forest, wood or uninhabited or un-invested lands on which no ruling has been issued or any legal settlement has been conducted by virtue of the 1925 land settlement and registration act
- c. Forest crime Any offense punishable by virtue of this act or any other regulations or orders issued thereof.

### Tree

Any tree including shrubs, palm trees, bamboos, jungle plants, natural plants and creeping plants in all stages of their development.

### Policeman

Any policemen belonging to the forests and renewable natural resources reservation police.

### Royalties

Any compensation value emanating from natural forests crops outside the reserved areas.

### Cattle

They include buffalos, cows, bulls, horses, mules, donkeys, camels, sheep, goats and their off springs.

### The Director General

The Director General of the National Forests and Renewable Natural Resources Corporation appointed in accordance with the provisions of article 13.

### Forest Crops

- a. They include timber, charcoal, tree barks and all forms of gum Arabic.

- b. Trees, tree leaves, fruits, flowers, and wild fruits or any other parts or any crop that has not been mentioned here.
- c. Honey, wax or silk inside forests
- d. Fodder trees, grass, range grass or any other green dry or manufactured fodder or crop remains used for range purposes.

### Reserved Area

Any area or part of it that has been declared as such by virtue of the provisions of this act be it a state or a federal forest or any other forest whether covered by trees or grass or if it has not been considered as such or as an enclosure.

### Federal Forest

Any reserved federal forest belonging to the corporation or unreserved forest especially in marginalised lands and water falls to meet national needs in terms of forests and range products and for the preservation of the environment.

### State Forest

Any reserved forest belonging to the state or the locality for the purpose of providing for the needs of the state or the locality in terms of forest and range products and for the preservation of the environment.

### Other Forests

Include:

- a. Individual forests that have been distributed in any agricultural land or leased to people who are used to cultivating it or practicing cultivation around their residential areas.
- b. Community forests that have been created by citizens in their farms and around towns and villages.
- c. Forests belonging to institutions.

### Forest Guard

Any person in name or nominated by virtue of any other order issued by the corporation or by the federal state in accordance with the corporation's act in order to carry out the duties of forest guard and to enact the authorities and the competences stipulated in this act or any other regulations or orders issued thereof.

### Means of Transport

All means of transport whether road, air, river or sea including animals used in all different types of transport.

### Wood

Any tree or part of a tree that might have fallen voluntarily or has been cut including timber whether it has been cut or prepared for manufacturing or for any other purposes.

### The Corporation

The National Forests and Renewable Natural Resources Corporation established in accordance with the provisions of article 4.

### The Competent Minister

The Federal Minister of Agriculture and Forests.

### The Minister

The Federal Minister of Finance and National Economy.

### The Trans-boundary Grazing Movement

The movement of citizens owning animal resources for breeding purposes and who move between the different states between autumn and summer seasons.

### The Routes

The lands reserved for agriculture through which the trans-boundary grazing movement passes in its seasonal journey

between summer and autumn in accordance with what stipulated by the competent authorities by virtue of this act.

#### Range Line

The line separating between agricultural lands and grazing locations in accordance with what is stipulated by the corporation in collaboration with the competent state authority.

#### Fire Lines

The land areas from which plants have been removed in order to avoid fire.

#### Paths

All points through which trans-boundary grazing passes such as highways and railways.

#### Range Products

Any natural or manufactured agricultural product used for grazing purposes.

#### Fodder

Any natural range plants, crops remains, green and manufactured plants used to feed cattle.

#### Enclosure

Any part of a grazing land which is reserved as public or private vicinity for any purposes other than those stipulated in the regulations.

#### Cultivated Range

Any public or private lands that have been reformed either by spreading seeds or any other agricultural operations.

#### Natural Range

Natural plains and shrub lands reserved for grazing.

### Water Source

Any seasonal or permanent river, valley, water point ,dam , water pump or well.

### The Staff

The employees working in the service of the corporation.

### Forests

The federal and the states forests and other forests.

### Natural Resources

Any renewable natural resources such as forests , their crops ,water resources, range, fodder, soil, natural range ,plants and green fodder.

### The Council

The Council of board of Directors of the Corporation established by virtue of the provisions of article 7.

### The Ministry

The Federal Ministry of Finance and National Economy.

**Chapter Two**  
**Management of Renewable Natural Resources**  
**Part One**  
**The Corporation**  
**Establishment of the Corporation**  
**The Corporation's Headquarters and Supervision**

4. (1) An independent corporation named the “National Forests and Renewable Natural Resources Corporation” shall be established with a moral personality and a stamp .It has the right to appear in all courts under this title .

(2) The general headquarters of the corporation shall be in Khartoum and it has the right with the Minister's consent to establish branches in any location inside or outside the Sudan.



(3) The corporation is directly accountable to the competent Minister who has the right to issue general directives to the Council in any matter relating to the corporation he deems of public interest and the Council is required to act accordingly.

### **The Corporation's objectives**

5. The corporation shall have the following objectives:
  - a. Intensifying afforestation activities for the purpose of protecting , producing and mobilizing popular effort in this respect.
  - b. Encouraging the establishment of forests , range , introducing fodder crops and improved range in the agricultural cycle together with providing seedlings, improved seeds and technical advice to both private and public sectors.
  - c. Developing the production of all different types of gums namely gum Arabic and taking care of non-wood forests and fodder.
  - d. Encouraging effective popular participation and presenting a good model for sustainable development.
  - e. Getting involved in investment services where the private sector can't operate individually.
  - f. Facilitating trans-boundary grazing in collaboration with the relevant states and establishing the necessary regulations for opening routes, paths, fire lines and range lines including provision of services.

### **The Competence and Authorities of the Corporation**

6. For the end of achieving the above mentioned objectives, the corporation shall have the following competence and authorities:
  - a. Technical supervision for forests, range and natural resources all over the Sudan.
  - b. Training and qualifying the technical staff in the field of forest and natural resources.

- c. Dissemination of awareness amongst the officials and citizen in matters relating to forests and natural resources.
- d. Conducting studies and researches in order to lay out the necessary plans for assessing forests and natural resources all over the Sudan and developing them.
- e. Increasing the forests, range and natural resources areas by reserving more areas and by increasing the required areas at a ratio not less than 25% of the total area of the country.
- f. Coordinating efforts with the competent authorities in matters relating to general policies of forests, range and natural resources together with the preparation and implementation of anti-desertification projects.
- g. Coordinating efforts with the competent authorities in matters relating to land use and land investment for the purpose of establishing new forests and range , developing them and encouraging agricultural afforestation.
- h. Cooperating with the competent authorities in forest related fields such as : range , natural resources and encouraging applied research.
- i. Encouraging investment in forests, range and natural resources in collaboration with the competent authorities in the country.
- j. Employing a qualified staff in order to enable the corporation to carry out its responsibilities.
- k. After obtaining the competent Minister's approval the corporation shall proceed to owning , buying and selling of lands , real state and constructing buildings on them as well as maintaining such buildings and constructing different facilities thereon in order to realize the corporation's objectives.
- l. Imposing tariffs or fees or increasing royalties on forests crops and gum Arabic, range and natural resources in accordance with the regulations.

**Part Two**  
**The Corporation's Administrative Hierarchy**  
**Establishment and Constitution of the Council**

7. An administrative Council shall be established to be in charge of the corporation's affairs and to act on behalf of it in all authorities stipulated in this act.
- (1) The Council shall be constituted by virtue of a Presidential Decree on the basis of a recommendation issued by the competent Minister.
  - (2) The Council shall be headed by a part time chairman selected from amongst the most qualified and experienced personalities and a number of members representing relevant competent authorities. The Director General shall be a member of the Council.
  - (3) Except for those who have been appointed by virtue of their posts, every one of the Council members shall remain in his post for a two-year period of time and he can be reappointed.
  - (4) It is impossible to accumulate both posts of the Council's Chairman and the Director General.

**Rapporteur Appointment and His Responsibilities**

8. (1)The Council shall appoint a rapporteur according to the conditions stipulated in the appointment order.
- (2)The rapporteur shall carry out the following responsibilities:
- a. Preparing the Council meetings' agenda under the supervision of the Council's Chairman. He shall attend all meetings, take all minutes and present them to the members and shall keep the corporation's records.
  - b. Keeping the corporation's stamp and using it for stamping all the documents that are identified by the Council and signing them after being approved by the Council's Chairman. He shall have to present a

- list of all stamped documents in a special record established for this purpose.
- c. Sending the Council's reports and recommendations to the competent authorities and keeping the Council informed in this respect.
- d. Any other responsibilities assigned to him by the Council or its Chairman.

### **The Council's Responsibilities and Authorities**

9. (1) The Council is in charge of laying out the corporation's general policies, monitoring its activities and exerting all efforts in order to achieve its objectives and exercising all authorities on a sound basis. Without any prejudice to the above-mentioned generalities, the Council shall have the following competence and authorities:
  - a. Laying out plans and programmes for forests, range, use of agricultural lands their identification and development together with establishing the required systems and techniques in order to use them in a way that guarantees their better utilization and realizes the full protection and preservation of the environment and monitoring the implementation of all these policies.
  - b. Signing contracts and agreements on behalf of the corporation in accordance with the provisions of the financial and accounting regulations.
  - c. Proposing bills of law, that achieve the implementation of the approved policies for the development of forests, range and use of agricultural lands.
  - d. Elaborating plans and policies regulating trans-boundary grazing movement on the national level.
  - e. Approving the annual budget of the corporation together with the profit, loss accounts and the final accounts in order to submit all these to the competent authorities.
  - f. Proposing job descriptions and conditions to the competent Minister in order to submit them to the

Council, after giving his consent, in order to be finally approved.

- g. Investing the surplus of the corporation's assets and capital in a way compatible with the Ministry's recommendations issued by the competent Minister.
- h. Submitting regular reports to the competent Minister on the corporation's activities.
- i. Submitting ,to the competent Minister, recommendations in relation to the appointment of senior job occupants in the corporation so that he can submit them to the President of the Republic for his final approval .
- j. Conducting the necessary communications and mobilizing technical and financial assistance from inside and outside the country in the field of forests, range , the use of agricultural lands and combating desertification.
- k. Constituting technical committees to assist in carrying out his responsibilities and competence together with exercising authorities and identifying the competence of each of these committees and the means and ways of their activities.
- l. Laying out an internal regulation system to organize the Council's work and the meetings' procedures.

(2) The Council is fully entitled to mandate any of its authorities to the Director General , to any of its members or to any committee in accordance with the conditions and regulations that it deems appropriate.

### **Declaration of Interest**

10. The Council's chairman or any Council's member who has a direct or indirect interest in any matter or proposal submitted , to be considered by the Council ,has to declare his interest to the Council as to the nature of the subject that links him to such an interest ,proposal or to any resolution that shall be taken by the Council thereupon.

### **The Chairman and the Council Members' Remunerations**

11. The Council's members shall receive remunerations and privileges identified by the competent Minister after obtaining the Minister's approval.

### **The Council's Meetings**

12. (1) The Council holds one regular meeting every three months at least, however, the Council's chairman or half of the Council's members have the right to invite the Council to an extraordinary meeting whenever necessary.  
(2) The legal quorum for the Council's meeting is 50% + one of the Council's members . Decisions are taken by simple majority of the votes of the members present including the chairman, however the legal quorum must be available.

### **The Appointment of the Director General**

13. The corporation shall have a highly qualified Director General with appropriate technical experience and expertise . He shall be nominated with special privileges by virtue of a Presidential Decree on the basis of a recommendation made by the competent Minister.

### **The Director General's Competence and Authorities**

14. (1) The Director General is the senior executive officer of the corporation. He is basically in charge of the best administration and management of the corporation's activities in accordance with the Council's resolutions and directives.  
(2) The Director General shall have the following competence and authorities:
  - a. Preparing annual budget estimates including the corporation's financial revenues and expenditure during the relevant fiscal year and submitting all this to the Council.
  - b. Limiting expenses within the approved budget on condition that such expenses shall not spend the corporation's budget on any expenditure items from another item without the Council's approval.

- c. Being in charge of the administrative, financial and professional activities of the corporation and mobilizing and streamlining all the staff's energies in order to be fully utilized in the different departments and locations of the corporation .
- d. Taking decisions and putting the necessary plans in order to realize a better level of performance in the corporation.
- e. Appointing the non-senior staff members.
- f. Appointing the forest guards from amongst the corporation's workers or others in accordance with the conditions and regulations and providing them with identity cards as forest guards.
- g. Representing the corporation in its relations with other entities. In the event of international or regional representation, the Director General shall have to obtain the consent of the competent Minister.

## **Chapter Three Financial Regulations**

### **Ownership of Properties, Rights and Obligations**

15. (1) The following assets, rights and obligations shall belong to the corporation:
- a. All assets and liabilities which used to be owned by the National Forests Corporation and the General Directorate for National Resources of the Ministry of Agriculture and Forests.
  - b. All rights pertaining to the National Forests Corporation and the General Directorate for National Resources which do not belong to the staff that it has not reappointed
  - c. Any assets, liabilities or shares in the existing projects assigned to the corporation's administration.
  - d. Assets, liabilities and obligations belonging to the corporation in accordance with provision (1) shall be evaluated and the net value shall be recorded in the corporation's books.

### **The Corporation's Financial Resources**

16. The corporation's financial resources are constituted as follows:
- a. The state budget.
  - b. Assets and rights transferred to it in accordance with the provisions of article 15.
  - c. Any assets transferred to the corporation from the financial reserve after obtaining the Minister's Consent.
  - d. The revenue of the capital investment.
  - e. Fees imposed on forests and natural resources products.
  - f. The income of the sale of natural resources products and the revenues obtained as fees levied on natural resources products.
  - g. Any funds obtained by the corporation in the form of loans.



- h. Donations and gifts accepted by the Council after obtaining the competent Minister's approval.
- i. Any funds transferred to the corporation as a result of confiscation and a compensation for a ruling in the court.
- j. Any other resources approved by the competent Minister.

### **The Use of the Corporation's Resources**

17. The corporation's financial resources shall have to be used only achieving the corporation's objectives. Without any prejudice to the generalities mentioned above, these financial resources shall be used as follows:

- a. Managing the corporation work and carrying out its activities.
- b. Settling the corporation's financial commitments.
- c. Meeting the corporation's expenses including the depreciation and replacement accounts.
- d. Paying the salaries, wages, allowances and the staff' privileges including the after service benefits and the remuneration of the Council's Chairman and members.

### **The Corporation's Budget**

18. (1) The corporation shall have an independent budget prepared according to sound accounts basis approved by the State.
- (2) The corporation shall prepare a development and a rehabilitation budget to be discussed with the competent Minister. It is not allowed to deal with the surplus, the net profit or the incentives without the Minister's approval.
- (3) The Council shall have to submit the development budget in accordance with the general directives stipulated

by the Ministry to the competent Minister for final approval.

(4) The distribution of profits and surpluses is the responsibility of the Minister in consultation with the competent Minister.

### **Opening Bank Accounts and Keeping Assets Records**

19. (1) The corporation shall have to inform the Minister via the competent Minister in the event of opening bank accounts. The Minister's approval in case of the opening of foreign currency accounts must be obtained and dealing with such accounts shall be carried out in accordance with the regulations.

(2) The corporation shall have to keep regular records of its assets and liabilities and shall be reviewed annually.

(3) The corporation shall have to review its assets once every five years.

### **Depreciation and Replacement Accounts**

20. (1) The corporation shall have to keep depreciation and replacement accounts. It is not allowed to deal with depreciation and replacement accounts outside the objectives which have been specified for them .

(2) The corporation is entitled to invest the funds stated in the depreciation and replacement accounts in a way that maximizes its profits.

(3) The corporation is entitled to cancel the value of the existing scrap furniture items and the ones which are no longer used by deducing them from the specified list in the depreciation and replacement accounts.

### **The General Reserve**

21. (1) The corporation shall have to keep a general reserve to be fed from time to time by the corporation's

resources surplus after obtaining the approval of the Minister in consultation with the competent Minister.

(2) The Council shall have to consult with the competent Minister who shall decide the way in which the general reserve fund shall be dealt with and the other amounts to be deduced thereof and any other forms of expenditures provided that no part of these funds shall be used for any purposes other than those specified in the corporation's objectives.

### **Accounts and Auditing**

22. (1) The corporation shall have to keep regular accounts and any other relevant records.
- (2) The Auditor General's Chamber or any other certified accountant approved by the Auditor General or under his supervision shall have to verify the corporation's accounts at the end of each fiscal year.

### **The Closing Accounts and Records**

23. (1) The Council shall have to submit to the competent Minister within five months from the end of the fiscal year the following reports:
- a. A statement of the closing account and the profit and surplus account.
  - b. The Auditor General's Report on the corporation's status.
  - c. A report displaying the course of work of the corporation during the relevant fiscal year concerning its programmes and future plans relating to investment, financing, production, marketing and employment.
- (2) The data and report mentioned in item (1) shall be submitted to the Minister in a period not later than the month of June of the fiscal year.
- (3) The data and report shall be discussed in an annual meeting during the month of July from the end of the fiscal year .The meeting shall be headed by the Minister and

attended by the competent Minister or any senior posts holder appointed by them in addition to the Auditor General to carry out the following jobs :

- a. Laying out the sound basis for the distribution of profits and surpluses.
- b. Approving the annual report.
- c. Approving the closing accounts and the auditor's report.
- d. Submitting recommendation to the Council of Ministers regarding the modifications of the members' remunerations.
- e. Discussing any other relevant issues relating to the course of the corporation's work from a financial point of view.

#### **The Staff Continuation in Service**

24. The corporation shall select its staff from amongst the workers in the former cancelled corporation and the general directorate for natural resources and the states at the date of entry into force of this act and in accordance with the job description and the conditions approved by the Council and the competent Minister within a period not exceeding 12 months from the date of entry into force of this act. However, the staff of the cancelled corporation and the General Directorate for Natural Resources shall be treated in accordance with the laws in force.

#### **Liquidation of the Corporation**

25. It shall not be allowed to liquidate the corporation at any time without a law approving this decision. Consequently, all the corporation's assets shall be transferred to the state.

## **Chapter Three**

### **The Reserved Areas**

#### **The reserved areas which used to be reserved before the issuance of this Act shall remain as such**

26. (1) All reserved areas by virtue of the 1989 Forests Act shall remain reserved as if they have been reserved by virtue of this act taking into consideration all rights thereof in the reserved areas before the entry into force of this act.
- (2) The corporation, in collaboration with the competent authorities shall have to prepare maps and models which specify and mark the range lines, the reserved areas limits and agricultural range, paths, routes, roads and water points due to be approved by the competent Minister upon a recommendation made by the Council.

#### **The Area Reservation Procedures**

27. (1) The corporation, following a notification from the competent Minister, shall reserve any area located in a state-owned land by taking all measures relating to the cancellation of property or any other rights in accordance with the 1930 Property Cancellation Act excluding the rights the corporation doesn't intend to cancel in consultation with the Council provided that the practice of such a right doesn't harm the prospective area to be reserved.
- (2) The competent Minister ,after completing the procedures mentioned in item (1) ,shall declare by virtue of an order published in the Sudan gazette, that such an area is a reserved area. The order shall specify the following points:
- a. Whether the reserved area is a federal forest, a state forest or others.
  - b. The non-confiscated rights and the name or names of those who shall enjoy such rights.
- (3) Enclosures shall be established by a ministerial decree issued by the competent Minister on the basis of a recommendation made by the Director General

following consultation with the competent authorities in the state.

### **Cancellation of Land Property for the Purpose Of Reservation of Areas**

28. (1) With the exception of areas mentioned in items 26 and 27, the Competent Minister is not entitled to declare the reservation of any area without canceling the property of land in such an area in accordance with the provisions of the 1930 Land Property Cancellation Act. However, the officer in charge of the property cancellation and before acting in accordance with the provisions of article 14 of the mentioned act shall have to send a list to the corporation with the rights claimed by any person in relation to the area for the purpose of identifying the rights which the corporation doesn't wish to cancel so that no cancellation of rights shall take place without this review.
- (2) The competent Minister shall declare ,after completing ht specified procedures ,indicated in item (1) in accordance with an order published in the Sudan gazette that such an area is reserved. The order shall consist of the following:
- a. Whether the area is a forest or a reserve.
  - b. The non-confiscated rights and the name, names or entity that shall enjoy that right.

### **The Declaration of Reserved Areas on the Basis of a Request Extended by the Owners**

29. If a shareholder whose shares are not less than 2/3 of the prospective reserved area requests the competent Minister to declare such an area as being reserved in accordance with the provisions relating to compensation and reservation duration, the competent Minister, after consulting with the stakeholders who oppose such a demand shall declare that land reserved by virtue of an order published in the gazette.

### **Declaration of Reserved Areas for Public Interest**

30. By virtue of the 1930 cancellation of land property act and for public interest, any land can be declared reserved in accordance with the provisions of this act.

### **Cancellation of the Reservation**

31. No cancellation of a reservation of an area or part of it that has been declared as a forest or a reserve after completing the reservation procedures can be cancelled . However, the President of the Republic ,on the basis of a recommendation form the Council of Ministers, taking into consideration the public interest, by virtue of a decree published in the official gazette, is entitled to declare ,from any date specified by His Excellency, the cancellation of the reservation of a forest or a reserve or part of it provided that he shall not retransfer any rights in that area that have been cancelled or at the date of declaration of the reservation except for the rights of the owners of any land that has been declared as a reserved area in accordance with the provisions of article 29.

### **Exploitation of the Reserved Areas**

32. The reserved areas or those whose procedures have not been completed yet can not be used except for the following purposes:
- a. Production of forests crops.
  - b. Any other purposes that the production of forests crops require.
  - c. Range, protection, entertainment or agricultural purposes in accordance with the provisions stipulated by the regulations.

### **Management of the Reserved Areas**

33. The reserved areas shall be managed as follows:
- a. Federal forests: through the corporation or any body it mandates.

- b. The states forests shall be administered by the state or any other body it mandates in accordance with the policies and the technical plans laid out by the corporation.
- c. Forests established in accordance with article 29 shall be administered by its owners in accordance with the specific conditions relating to the reserved forests as mentioned in this act or in any other decrees or rules issued thereof.
- d. The Reserves shall be administered by the state, the individuals or the local authorities in accordance with the local authorities directives .
- e. Other forests:
  - 1/ The private forests shall be administered by their private owners.
  - 2/ Popular forests or the community forests shall be administered by the committees selected by the citizens of the area.
  - 3/ Corporate forests shall be administered by institutions or bodies mandated by them.

(2) Notwithstanding the provisions of item (1), the reserved areas and other forests all over the country shall be subject to the technical supervision of the corporation which has the right for this purpose to issue any directives or take any procedures to protect the forests and reserves.

(3) The corporation or the state, after the corporation's consent, shall offer the right of concession to any governmental, non-governmental or community bodies by virtue of a contract to administer all or part of the reserved areas in accordance with the provisions of their regulations.



## **Identification of Public Roads, Paths, Water Channels and Resources in Reserved Areas Declarations**

34. (1) At the time of the publication of a reservation declaration by virtue of the provisions of this act, the following points shall have to be specified in each case:
- a. The roads, routes or paths that go through a land or cross it and which are open for public ground traffic or else.
  - b. Any water courses or water sources for public use available in that land.
  - c. Any conditions, if any, according to which the right to use the identified routes, paths, water channels or water sources can only be practiced via such conditions and in accordance with the limit that these areas can accommodate whether they were used before or not.
- (2) The routes, roads, paths and water channels and sources that cross the areas stated in article 29 through which these paths are opened for public use in accordance with the conditions stated in the orders relating to these areas.

### **The Map of the Reserved Area**

35. At the publication of the reservation of an area, the Director General shall have to:
- a. Deposit to, the Federal Land Registration Office and the State Registration Office a map identifying the area declared to be reserved and all routes, roads, paths, water resources and their courses are due to be opened for public use.
  - b. Identify the area with stone, metal or concrete polls or any other materials or in the way he deems necessary. Such marks shall have to demarcate the boundaries of the map deposited in accordance with the provisions of item (a).
  - c. Fire lines, not less than two meters within the diameter of the reserved area shall be opened.

### **The Power of Closing a Public Route, a Water Source or a Water Channel**

36. The Director General or any person mandated by him shall be entitled to, subsequent to the state approval, order the closure of any route, road, water course or channel or water source which has been opened for public use in any of the reserved areas for the sake of public interest provided that there is an alternative.

### **The Authority of Closing a Public Road, Water Channel or Water Source**

36. The Director General or the person he mandates may, after obtaining the approval of the state, may order the closure of any other routes, road, path, water channel or water source which was opened for public use in any reserved area for the public interest provided that there is a reasonable alternative.

### **The prohibited Acts in Reserved Areas**

37. (1) No person shall be allowed to do or cause to happen any of the following acts in any reserved areas or areas whose reservation procedures have not been completed yet:
- a. Lighting, setting, bringing or keeping fire.
  - b. Except for the persons in charge of forests, range and reserves in accordance with the provisions of article 29, it is not allowed to enter the reserved area or to stay inside it.
  - c. The cutting of any forest crop, its collection, destruction, or transfer to the personal benefit or the act of undermining it by any way or means.
  - d. Grazing, entering or enabling cattle to enter such an area or leaving them in forests and reserved areas.
  - e. Entering any harmful liquid materials or others or throwing or burring any sort of waste.

- f. Removing, transporting, destroying, changing ,undermining or exposing the signs of any boundaries or of any tree that may represent any outstanding feature of fence.
- g. Buying or receiving forests crops that have been appropriated by unlawful means.
- h. Cultivating range lands or destroying them by unpermitted extra loads.
- i. Removing the fodder or grass without permission.
- j. Selling or transferring the property of land tenure for any purposes other than the original ones.
- k. Entering the reserves or staying inside them without a written permission.

(2) Notwithstanding the provisions of item (1), the administrative structure in charge of the reserved areas by virtue of article 29 are entitled to issue permission to any person to carry out any of the acts stated in (1) “a”. and “d”. for scientific, recreational purposes or for other objectives required for the development and production of any forest or range crops in accordance with the provisions stated in that permission.

### **Prohibited Acts outside the Reserved Areas**

38. (1) It is not allowed to try to transport any forest crop by any means of transport without obtaining the right permission from the competent authorities provided that this crop matches the specifications mentioned in the permission in terms of quality, quantity, date, the origin and destination of transport and any other element stated in that permission in accordance with the model specified in the regulations.
- (2) For the purposes of point (1), the Director General or any person mandated by him is the competent authority,
- (3) The driver of the means of transport shall have to keep the permission with him at all times when the transport operation of that crop takes place .He shall have to display it whenever he is required to do so.

(4) It is not allowed to buy or receive forests crops without presenting the transport license issued by the competent authority.

**Chapter Four**  
**Protection of Forests and Renewable Resources outside the**  
**Reserved Areas for Public interest**  
**Protection of Trees and Renewable Resources for special**  
**reasons**

39. The competent Minister or the Minister of Agriculture in the State is entitled, whenever he deems it necessary, to protect any special kind of tree, or prohibit the cutting of such trees in the reserved forests or in areas where these trees can grow in soundly for the purpose of protecting the soil, natural resources, range and other natural resources in certain areas or for the protection of roads, bridges, river banks and other means of transport. He is equally entitled to issue orders to be published locally stipulating the provisions which prohibit or decide upon any of the following issues :
- a. The cutting of trees in general or the cutting of a specific specie of tree at a certain age. group .
  - b. Setting fire in forests and reserved areas or their proximity.
  - c. Producing , transporting or collecting forest and range crops.

**Obtaining Permission in Case of Cutting Trees and their**  
**Exploitation**

40. (1) No person shall have the right to cut, take, consume or exploit, for any purpose whatever, any young tree or a tree that has fallen on the ground on a state-owned area outside the reserved areas or use any tree or its product outside the limit that has been indicated in the license or the permission issued by the Director General or by his representatives.

(2) Notwithstanding the provisions of point (1) and in accordance with the provision of article 9, individuals, communities and institutions replanting forests trees in the areas referred to in article 29 are entitled to exploit the trees and their products for the purposes that they deem appropriate in accordance with the rules stipulated in the regulations issued in compliance with this act.

### **Informing the Authorities about Fires or Forests and Range Crimes**

41. Any person having any information relating to the existence of a fire in any reserved area or in its proximity or if he has information about the perpetration of forest and/ or range crime or the existence of such an intention, must communicate this as expeditiously as possible to the nearest forest guard or to any Omdda, traditional chief or head of locality.

### **The Necessity of Providing Help in Extinguishing Fires**

42. In the case of fire or of fire disaster or any other accident resulting into any danger due to threaten a reserved area or any assets therein, any person in the reserved area or in its proximity is bound to help the forest guard, policeman, any tribal chief , Omdda, dignitary , attorney general, judge or any civil servant who asks for reasonable help in order to extinguish that fire or protect that asset from danger or loss. In case any of the above-mentioned people is not present, any person must do what he can in order to achieve the above-mentioned objectives.

### **Transforming Cut Trees into Forest Products**

43. (1) In case any land has been allocated to any project irrespective of its nature, the corporation must be informed in ample time in order to obtain its consent regarding the existence of any forests, the number of trees, how to deal with them , the different means and mechanisms and the

implications emanating from their potential removal on the environment.

(2) In compliance with the provisions of point (1), the landlord or the tenant must transform those trees when they are cut into forest products and inform the corporation about the process in order to revise the ratios stated in point (3).

In compliance with the provisions of point (1),

3-Without any prejudice to the provisions of point (1) the certain ratios must be left in case agricultural investment in the form of belts or tree blocks for the purpose of protecting and producing new genetic species as follows :

- a. Not less than 10% of the total area of the rain-fed scheme.
- b. Not less than 5% of the total area of irrigated scheme .

### **Timber Sawing Mills**

44. No factory is allowed to cut raw timber through mechanical to process local round timber, natural or cultivated blocks without obtaining the corporation's permission on the basis of a recommendation issued by the Director General of forests in the given state in compliance with the conditions stated in the said license according to the regulations.

### **Chapter Five**

#### **Act of Confiscation**

#### **Forest Protection Police**

#### **Confiscation of Assets used in Committing Forest Offense**

45. (1) If there is any reason pushing to believe that a forest or range crime has been committed regarding any forest or range crop, the forests guard, policeman, tribal leader, Sheikh or Omdda shall confiscate that product together with the means of transport or any other objects used to that end

or even if there is any indication implying that they have been used for committing that crime .

(2) Every person conducting the act of confiscation in accordance with the provisions of item (1) regarding any forest or range products or any means of transport or any other object, must put a distinctive sign on the confiscated object and communicate this happening as soon as possible to the nearest attorney general of any police station.

(3) The confiscated objects must be kept under the supervision of the police or that supervision of the confiscating authorities. The offenders can't be released except in case the lawsuit has been cancelled or the competent court has issued an acquittal ruling.

(4). In case a forest or range product which has been confiscated was liable to be destroyed or in the case of living animals, the confiscated objects can be sold after obtaining the necessary permission from the attorney general or the competent judge in compliance with the procedures stipulated thereof in the 1983 Civil Procedures Act.

b. Upon an order issued by the Attorney General or the competent Judge, the products mentioned in item (1) may be destroyed if it is impossible to sell them or if they have deteriorated.

c. The confiscated product or the means of transport can only be released after the end of the court procedures by virtue of an order issued by the competent Judge.

### **Confiscation of Cattle Entering in a Reserved Areas**

46. (1) The forest guard or the policeman has the right to confiscate any cattle entering into the reserved area.

(2) The locality shall have to lay out rules and regulations for every animal enclosure stating the fine paid for each head of cattle confiscated and on the duties paid to arrest or confiscate the cattle or the sale regulations in case the fine and duties have not been paid.

### **The confiscation of Forest and Range Crops Until the Due Sums are Paid to the Corporation**

47. (1) The corporation or the state, according to each case, shall have the first right in collecting the due sums regarding the crop in question . The corporation or the Federal State Forests Administration has the right to confiscate such a product and keep it until the due sum has been paid.
- (2) If the due sum has not been paid within a month of the date of payment, it is possible to sell the crop in a public auction and to use the sold product value to pay the auction fees and then to cover the due sum.
- (3) The remaining sum of the sale, if there is any, shall be transferred to the corporation or to the State Forests Directorate ,according to each case ,if the person to whom this money should be paid did not ask for it within a year of the date of sale.

### **Arrest without Summon**

48. (1) Any forest.. guard , policeman, traditional leader, dignitary or tribal leader has the right to arrest any offender on condition that there is a reasonable cause that indicates that this person has any relation with a forest or range crime such as when the concerned person abstains or refuses to give his name or address or if he gives a name or an address implying that this information is incorrect or if there is an indication that this person may disappear.
- (2) Any person arresting any body as stated in item (1) shall take or send the arrested person to the traditional leader, dignitary or to the tribal leader or to the nearest police station.

### **Forests and Renewable Resources Protection Police**

49. (1)A Forest protection police shall be established and it shall be subject to the technical supervision of the



Director General of Police Forces .The established force shall enjoy the same authorities assigned to policemen by virtue of the 1999 Police Forces Act according to the mandate assigned to it in relation to any forest crime committed or when there is enough evidence that the crime at that time was committed in the presence of the offender or the suspect.

(2) The appointment and the job description of the policemen working in the Forest Protection Police shall be in accordance with the regulations and job description governing the general Police Forces and shall be subject to the supervision of the Corporation's Director General administratively and financially.

(3) The Director General of the Police Forces has the right to mandate any of the responsibilities bestowed upon him by virtue of the 1999 Police Force Act to the Director General of the National Forests Corporation

### **Carrying of Arms**

50. (1) In compliance with the provisions of article 49, the Director General is entitled to allow upon reception of the approval of the competent authorities the carrying of arms by forest guards on condition that the kind and type of weapons or guns used is specified.

(2) Any police man and or any forest guard is entitled to carry a weapon and to use it in accordance with the conditions stipulated by the competent authority.

**Chapter Six**  
**Crimes and Sanctions**  
**Sentence Relating to Prohibited Acts**

51. (1) Any person who commits any of the prohibited acts in accordance with the provision of item a, e, j and l of article 37 shall be imprisoned for a period not less than one year and not exceeding five years and shall be fined at a ratio equaling double the value of the damage that happened as a result of his act or by both sentences.
- (2) Any person committing any prohibited act in accordance with the provisions of items b, c, and d of article 37 and the provisions of articles 38 and 40, if convicted, shall be jailed for a period not less than one year and not exceeding five years or shall have to pay a fine equaling double the value of the damage caused as a result of his crime or by both sentences. In case this act shall be repeated, he shall be jailed for two years at least and ten years at most and shall have to pay a fine three times the damage he caused as a result of his crime or by both sentences.

**The Sentence of Forfeiting of marks**

52. Any person who fixes any sign on any tree or any timber without obtaining the proper permission from any employee of the corporation or if he changes any sign which has been duly put in any tree or any timber or has deformed or added any thing of the above-mentioned acts, without obtaining the proper permission from the competent authority, shall be jailed for a period not less than one year and not exceeding five years and shall have to pay a fine two times the value of the damage he caused as a result of his crime or by both sentences.

**Sentences of Other Crimes**

53. Any person committing any crimes violating the provisions of this act or any other rules, regulations or

directives issued thereof and for which no sentence has been explicitly indicated here shall be jailed for a period not less than six months and not exceeding two years or shall have to pay a fine or both sentences shall be applied.

### **The Court Powers in Repair of Damage**

54. The court has right, in case the suspect was found guilty of cutting a tree or any part of it ,or if he has created some damage or destruction to the range or nay resource by using fire or any means against the provision of this act, to order that person, in addition to any other sentence, to pay a compensation not less than two times the damage he caused as a result of his crime , to the entity in charge of the reserved area in accordance with the provisions of article 33 (1).

### **The Court's Power in Confiscation**

55. In addition to any other sentences stipulated in this act or any other act, the court shall have, when indicting the suspect ,to order the confiscation ,for the benefit of the corporation ,of any assets that have been confiscated in accordance with the provisions of article 45 including the means of transport, the sawing machine or the mechanical factory where the forest, range and natural resources crime might have been committed if it has been proven that the owner of such means has enough information or if there was evidence that made him understand that he was committing such a crime .

### **The Competent Court**

56. The court shall hold a trial for any person accused by virtue of the provisions of this act. The legal procedures shall take place before a second degree Judge of a Criminal Court of law or before any other senior court.

## **The Director General's Powers in Reconciliation of Forest and Natural Resources Crimes**

57. (1) The Corporation's Director General or his representative is entitled to conduct reconciliation procedures in any forest crime committed by any person or concerning any act or for any act of which there is enough evidence that it has been committed as a result of not abiding by the provisions of this act. Such a person can be asked to pay a sum of money not less than the value of the forest product in addition to the fees and fines that shall be imposed upon him .
- (2) After paying the due sum mentioned in item (1) the person under arrest shall be released and no other criminal procedure shall be taken against him for the same crime or prohibiting act.

## **The Powers of the Minister of Justice on Reconciliation Matters Relating to Forests and Natural Resources**

58. The Minister of Justice is entitled, in any forest crime, or any demand for reviewing of any appeal filed against any final ruling, regarding a forest or natural resources law suit ,during any stage of trial or procedures to carry out reconciliation on that level or retract the case as he deems appropriate, if he is convinced that such a crime has been committed without any intention of cheating, misleading or if he believes that it is inappropriate to continue the procedures.

## **Chapter Seven General Procedures**

### **The Property of Forests and Range Products**

59. In case there is a conflict on the property of any forest and range products during the course of any procedures taken by virtue of the present act or in case that certain procedures have been based thereupon, the corporation shall own such products or crops until it is proven otherwise

## **Non-Reliability for Loss**

60. The corporation is not responsible for any loss or damage that might happen to any assets during the process of confiscation in accordance with the provisions of this act. No forest guard shall be responsible for that loss or that damage unless this damage has been caused as a result of careless attitude by the person or as a result of ill-intention or by cheating.

### **The Authority of Issuing, Rules And Regulations Orders**

61. (1) The Council, upon the competent Minister's approval, shall issue regulations in order to enforce the provisions of this act in relation to the corporation activities

Without any prejudice to the generalities of what has been mentioned, the following regulations can consist of the following points :

a-Organizing the corporation activities including the way and mechanism according to which the corporation accounts are prepared, organizing warehouses and managing sales.

b-Organizing the corporation's departments and their competence, their staff and their job description.

- (2) In compliance with the provisions of item (1), the competent Minister, on the basis of a recommendation made by the Director General, has the right to issue rules and regulations, and the necessary directives in order to implement the provisions of this act.

Without prejudice to the above-mentioned generalities such regulations shall stipulate the following points :

- a. The kind of job whose occupant shall be authorized to carry and use arms
- b. The training approaches, its place and time for those who have been authorized to carry arms

and use it together with the governmental authority that shall supervise the training.

- c. How these arms can be obtained, kept, maintained and verified.
- d. Permission models for the transport of forest and range products.

(3) The rules and regulations issued by virtue of this act shall be published in the Sudan gazette, however if these orders have local effect only, they shall be enacted after being published locally.