



INTERNATIONAL DISASTER RESPONSE LAW (IDRL) IN **SUDAN**

A study on Sudan's legal preparedness for facilitating
and regulating international disaster assistance

with support from

 International Federation
of Red Cross and Red Crescent Societies



Die
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ACRONYMS

AMCEN	African Ministerial Conference on the Environment
AU	the Africa Union
CHE	Council for Higher Education
COC	Central Operations Chamber
DRR	Disaster Risk Reductionw
EOC	Emergency Operations Centre
FAO	Food and Agriculture Organization
FMOH	Federal Ministry of Health
GOS	the Government of Sudan
GM	genetically modified
HAC	Humanitarian Aid Commission
SF	Sendai Framework for Disaster Risk Reduction 2015–2030
HLC	High Level Committee constituted by the secretary general of SRCS for this project.
HOA	the Horn of Africa
IASC	Inter Agency Standing Committee
ICO	International Community Organizations
IDRL	International Disaster Response Laws, Rules and Principles
IDMP	Integrated Drought Management Program
IFRC	International Federation of Red Cross and Red Crescent Societies
IGAD	Intergovernmental Authority on Development
INGO	International Non-Government Organization
ISDR	International Strategy for Disaster Reduction
SDGs	Sustainable Development Goals
MPB	Medicines and Poisons Board
NAPA	National Adaptation Program of Action
NCDC	National Council for Civil Defense
NCCD	The National Council of Civil Defense
NDRRS	National Disaster Risk Reduction Strategy
NEPAD	New Partnership for Africa's Development
RECs	Regional Economic Communities
RSA	Remote Sensing Authority
RECs	Regional Economic Communities
SAF	Sudan Armed Forces
SCSS	Sudan Corporation of Specification and Standards
SRCS	Sudan Red Cross Society
VAT	Value Added tax
WCDR	World Conference on Disaster Reduction

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EXECUTIVE SUMMARY

This report studies the facilitation and regulation of international humanitarian assistance at the time of disasters as governed by the legal and Institutional framework in place in Sudan. The study is informed by the “Guidelines for the domestic facilitation and regulation of international disaster relief and initial recovery assistance” (also known as the “IDRL Guidelines”) as adopted at the 30th International Conference of the Red Cross and Red Crescent in 2007. The IDRL Guidelines serve as a practical tool to advice governments on how to prepare their disaster laws and plans for international relief operations.

FINDINGS OF THE REPORT

One of the main findings of the report is that there is a need to facilitate international humanitarian assistance. This gap is evident in the various legislations discussed in this report.

Numerous guidelines that apply either directly or indirectly in the regulation of international humanitarian assistance during disasters are provided for. However, Sudan does not have a law that explicitly provides for the regulation of international disaster relief assistance. Disaster management strategy has not yet been passed into law. Contradicting or cross-cutting sectoral legislations need to be harmonized.

There is weak legislative and policy architecture. From an institutional perspective, the research findings note that there are multiple public organizations and departments that play critical role in disaster management. There is significant weakness in terms of coordination, risks of duplication and bureaucracy that could negatively hamper international humanitarian assistance.

KEY RECOMMENDATIONS

1. Legislations related to disaster management should contain provisions on requesting and terminating international assistance. Specifically, clear responsibilities, roles and functions between different organizations should be drawn. These provisions should, among other things, provide quality standards applicable for assistance and support given, format of requests, authority and approval matrix for requesting for assistance, and joint coordination mechanisms regarding request for international assistance.
2. Comprehensive national disaster management law should be developed establishing a single institution with coordinating authority with other government organizations and ministries.
3. The SRCS - as auxiliary to the public authorities in the humanitarian field, should be given a role in disaster management operations as well as in preparedness and disaster risk reduction activities.
4. Adopting a mechanism for temporary recognition and registration of entities engaged in international assistance during periods of relief and early recovery in disasters with the possibility of fast tracking registration and recognition for purposes of opening bank accounts, getting visas and conducting general business in the country.
5. Adopting rules of procedure to facilitate entry and exit of relief goods. These rules should have simplified administrative requirements.
6. At federal level, it is recommended the conformation of a high-level committee of experts from relevant governmental and civil society (stakeholders) by a presidential decree to review the Sudan's legal framework for facilitating and regulating international response in cases of disasters and work on the domestic implementation of the recommendations provided in this study.
7. At state level, an analysis of state's legal frameworks should be conducted in relation to disaster management by the Federal governance Chamber in co-ordination with states legislative Councils bearing in mind the uniqueness of each state.
8. At local level, defining the roles and responsibilities of local actors responding to disasters to promote the localization of aid in responding to disasters.

Chapter 1

INTRODUCTION

1.1 Background

Globally, there is no single reference document in the form of international treaty related to the facilitation of international response in times of disaster. International rules are scattered in different treaties and agreements. In November 2007, the 30th International Conference of the Red Cross and Red Crescent adopted a set of recommendations to help governments prepare their regulatory systems for international disaster response in case of a disaster. The Conference drafted the “Guidelines for the Domestic Facilitation and Regulation of International Disaster Relief and Initial Recovery Assistance,” hereinafter referred to as the “IDRL Guidelines”.¹

The IFRC has been supporting national level studies on how prepared governments are in terms of regulating and facilitating international disaster response. Special attention has been given to rules relating to requests for international assistance and roles and responsibilities of governmental actors in this process, coordination mechanisms in place, quality of the international support provided and entry or exit of foreign personnel and goods. The IFRC has provided technical support to the SRCS in undertaking a project to strengthen legal preparedness for international disaster assistance in Sudan.

This report was commissioned and prepared by the Sudanese Red crescent Society (SRCS) with the support of the IFRC. It analyses the existing legal and policy frameworks for disaster management and response in Sudan with a focus on the facilitation and regulation of international disaster assistance.

1.2 Methodology

The research leading to this report was conducted by the Sudanese Red crescent Society (SRCS). A research team comprising of a lead researcher and one researcher assistant conducted the research to its conclusion.

The study assesses Sudan’s legal preparedness considering the IDRL Guidelines described above, and the Model Act on International Disaster Relief and Initial Recovery (Model Act on IDRL) developed by IFRC, UN OCHA and the Inter-Parliamentary Union.²

The researchers utilized various methodologies including;

Desk review and studies

This comprises the review of primary and secondary documents related to the field of study. The researchers focused on the review of the various legislative and regulatory instruments developed by the Government of Sudan (GOS).

¹ The IDRL Guidelines are available on [http://www.ifrc.org/PageFiles/125652/1205600-IDRL%20Guidelines-EN-LR%20\(2\).pdf](http://www.ifrc.org/PageFiles/125652/1205600-IDRL%20Guidelines-EN-LR%20(2).pdf)

² The Model Act on IDRL is available on <http://www.ifrc.org/en/what-we-do/idrl/model-act-on-idrl/http://www.ifrc.org/PageFiles/125656/MODEL%20ACT%20INGLES.pdf>

Discussions

The HLC was established by the Secretary General of SRCS consisting of all governmental relevant authorities' representatives. Thereafter, minutes of the HLC meetings, Stakeholder consultations meeting minutes and the findings of different workshops convened during the project have been analysed. Secondary literature was reviewed and included various studies, reports and publications related to disaster management in Sudan. Further, regional and international policies were systematically reviewed to assess application in Sudan.

Questionnaires

Questionnaires introduced to all stakeholders and answers to the questions of the Guidelines for Domestic Facilitation and Regulation of International Disaster Relief and Initial Recovery Assistance by the participant of all regional workshops provided additional insight.



CHAPTER 2

BACKGROUND OF SUDAN AND OVERVIEW OF DISASTER SCENARIOS

2.1 Background of Sudan

2.1.1 General Background

The Republic of the Sudan is a country in Northern Africa, bordered by Egypt to the north, the Red Sea, Eritrea and Ethiopia to the east, South Sudan to the south, the Central African Republic to the southwest, and Chad to the west and Libya to the northwest. It is the third largest country in Africa. The River Nile divides the country into eastern and western halves. The Population is 39.58 million (2016), GDP is \$115.87 billion USD (2017) and the country covers an area of 728,215 sq. miles (1.89 million km²).³

2.1.2 Climate

The climate ranges from hyper-arid in the north to tropical wet-and-dry in the far southwest. Temperatures do not vary greatly with the season at any location; the most significant climatic variables are rainfall and the length of the dry season. Variations in the length of the dry season depend on which of two air-flows predominate, whether the dry north-easterly winds from the Arabian Peninsula, or moist south-westerly winds from the Congo River basin.

Desert regions in central and northern Sudan are among the driest with areas around Wadi Halfa and along the Egyptian border can easily experiencing many years of zero rainfall. They are also among the hottest places averaging high temperatures exceeding 40 °C (104 °F) for four to nearly six months a year to reach a maximum peak of about 45 °C (113 °F). In some places an averages high temperature remain above 24 °C (75.2 °F) in the northernmost region and above 30 °C (86 °F) in places such as Atbara or Meroe.⁴

2.2 Overview of Disaster Scenarios

Natural hazards such as floods and droughts are driving displacement, food insecurity and related humanitarian needs. The 2015 weather pattern, caused by El Niño, resulted in poor harvest. The 4.6 million people who are currently suffering from food insecurity, and the 2.1 million children who are suffering from acute malnutrition, are particularly vulnerable, and challenged, by the unpredictable rainfall patterns. Estimated figures point toward an increase in food insecurity, possibly increasing the number of people requiring food assistance and livelihood interventions with an additional 1.8 million people.⁴

Floods, usually caused by exceptionally heavy rains, are common in Sudan. Flash floods regularly cause major damage to villages and agricultural land in the proximity of rivers and drainage zones.⁵

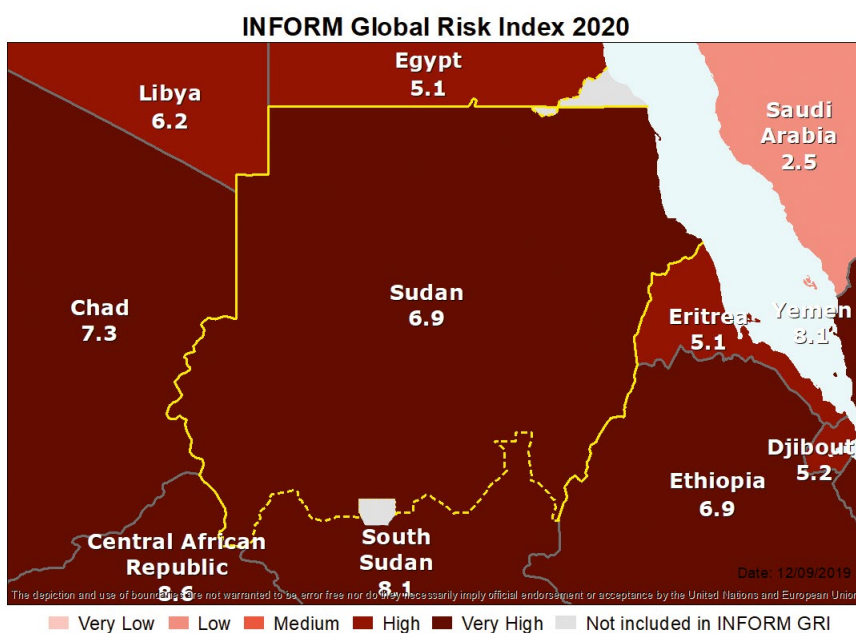
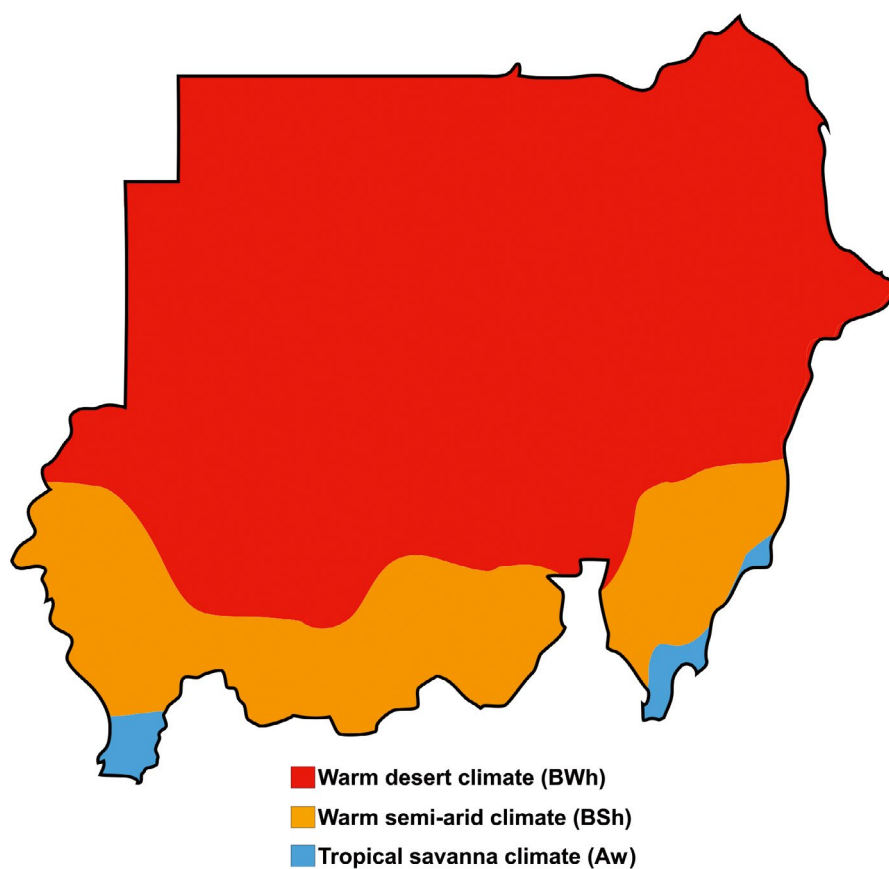
A silent and even greater disaster is the on-going process of desertification, driven by climate change, drought, and the impact of human activities. Communities are severely affected, due to the high vulnerability, brought by a combination of factors, such as aridity and poverty. Although Sudan's population could be considered as highly vulnerable to natural and man-made disaster risks, the country lacks a comprehensive disaster risk reduction framework, supported by appropriate policies and legislative provisions.⁶

³ The world Fact book; Sudan".U.S. Central Intelligence Agency. ISSN 1553–8133. Retrieved 10 July 2011, encyclopaedia Britannica.

⁴ Sudan Humanitarian Crisis Analysis 2017, p.2.

⁵ Id.

⁶ Sudan Post-conflict Environmental Assessment



7 Inform Sudan Index Results 2019. This index shows the risk of humanitarian crises and disasters in Sudan, and how the conditions that lead to them affect sustainable development

2.2.1 Types of Hazards

Drought

The total area considered as drought prone is about 69,000 sq. km which produces 90% of the cultivated food crops and 85% of firewood.⁸

Droughts result in severe shortage of food, social disruption, widespread health and nutritional problems, lack of employment opportunities in the affected areas, and consequently large movement of people from the affected areas. The areas frequently affected by drought, include Western Sudan Kordofan and Darfur States, areas located along the Blue Nile River and the main Nile River that include the Northern state, Naher El Neil state, Khartoum and Gezira states, Kassala state and Red Sea state.⁹

Environmental degradation is closely related to both drought and desertification. The problem caused by desertification is further aggravated by the fact that while 63% of the land in Sudan is vulnerable to drought and desertification, 82% of the population lives in productive lands, which are vulnerable to drought and desertification. Thus, people use different coping mechanisms including a search for alternative sources of food, pasture and grazing land.¹⁰

Table 2: Extreme weather and climate events in Sudan: types, frequency, sectors affected and impacts.

Event	Occurrence	Vulnerable areas	Sectors	Impacts
Drought	Frequent	North & Western Sudan (North Kordofan and Farfur), Kassala State and some parts of the rain-fed areas in central Sudan.	Agriculture, livestock, water resources and health.	Loss of crops and livestock (food shortage), decline in the hydroelectric power, displacement, wildfire
Flood	Frequent	Areas within the River Nile basin and low areas from extreme South to far North. Mountain areas along Red Sea.	Agriculture, livestock, water resources and health.	Loss of life, crops, livestock; insects & plant diseases, epidemic/vector diseases, decline in hydro power; damage to infrastructure & settlement areas
Dust storm	Frequent	Central and northern parts of Sudan	Transport (aviation and land traffic)	Air and land traffic accidents and health
Thunder storms	Frequent	Rain-fed areas throughout all Sudan	Aviation	Loss of lives and properties

⁸ Draft of Sudan Strategy for natural disaster risk reduction

⁹ Id.

¹⁰ Draft of Sudan Strategy for natural disaster risk reduction.

Heat waves	Rare	Northern, central parts of Sudan besides the Red Sea State.	Health, agriculture & livestock	Loss of life, livestock and crops
Wind storms	Rare	Central and north central Sudan	Settlements and service infrastructure	Loss of life, property; damage to infrastructure (electricity and telephone lines)

Climatic changes appear to be responsible for an increase in the frequency of drought in some parts of the country. Where water resources are underdeveloped or limited as in many of the drought-prone areas, people and livestock are very vulnerable.¹¹

The most severe drought occurred in 1980–1984 and was accompanied by widespread displacement and localized famine. Localized and less severe droughts (affecting between one and five states) were also recorded in 1967–1973, 1987, 1989, 1990, 1991, 1993 and 2000 but the most important of which was the severe drought that hit the entire country between 1984 and 1985. It resulted in huge losses with 8.4 million people being affected, the death of more than half of the livestock and the complete harvest failure in Darfur and Kordofan states, as well as the deterioration of pasture and agricultural land. Famine also spread in the western and eastern states resulting in rural-urban migration in search of employment.

Drought disasters result in a number of social, economic and environmental problems such as environmental degradation, sand movement and desertification, decrease in drinking water supply, significant reduction in agricultural production and average farm income, loss of large numbers of livestock, rural-urban displacement, famine, disease, malnutrition, especially in rural areas, the collapse of the social systems of the rural population, and increased unemployment rates.

Desertification

Climate change and desertification threaten the livelihood of millions of Sudanese living on edge of dry Sahel belt. Moderate to severe land degradation is on-going in the desert and semi-arid regions that cover the northern half of Sudan. A 50–200km southward shift of the boundary between desert and semi-desert has occurred since rainfall and vegetation records began in the 1930s. The desert and semi-desert boundaries are expected to continue to shift southwards due to declining precipitation/reliability of precipitation.

Most of the remaining semi-arid and low rainfall savannah on sand, representing approximately 25% of Sudan's agricultural land, is at considerable risk of further desertification, to the extent that food production in these regions will at minimum plateau, and more likely continue to drop significantly (i.e. up to 20% or more). Modelled predictions of a future 70% drop in food production in Northern Kordofan have actually already taken place on a smaller scale and on a short-term and local basis, due to reduced rainfall and ongoing land degradation and abandonment. This trend is expected to worsen with time and the predicted result is that in the absence of major changes in agricultural patterns, food insecurity will only increase in these regions. The area at greatest risk is the Sahel belt.¹²

¹¹ Draft of Sudan Strategy for natural disaster risk reduction.

¹² Draft of Sudan Strategy for natural disaster risk reduction.

Floods

Beginning in early June 2016, heavy rain and flooding have affected over 161,000 people and destroyed 14,000 houses mainly in Kassala, Sennar, South Kordofan, West Kordofan and North Darfur. Floods are a major threat to the country and are becoming more frequent due to increasing occupation of flood plains, deforestation, lack of preparedness, and weak monitoring. Recent flood emergencies have occurred in most of south, west, east central and northern states of Sudan. One of the most devastating occurred in 1988 when 785.5mm rainfall fall was recorded. It resulted in flooding of large areas of agricultural land, collapsed roads and bridges, spread of epidemic diseases, in addition to loss of life and property.

Riverbank Erosion

Riverbank erosion is a natural phenomenon in Sudan that can, in extreme cases, be characterized as a local disaster due to its social and environmental impacts. This problem is most acute on the main Nile downstream from Khartoum, where peak wet season flows, and river channel changes result in very rapid removal of land from riverside terraces.¹³

Year	Persons		Houses		Animals Death
	Deaths	Injuries	Total damage	Partial damage	
2007	157	302	76597	80272	24305
2008	62	104	21924	14659	11374
2009	42	31	16048	No data	5709
2010	3	7	70	143	No data
2011	49	156	1865	1243	21
2012	102	49	18791	41869	36675
2013	118	86	50177	56811	12727

Epidemics

Epidemics and outbreaks of disease have had major impacts. Malaria affects 40% of the country's population and has a serious social and economic impact. Other threatening diseases include Meningococcal Meningitis, Yellow Fever, Cholera, and HIV/AIDS.

¹³ Abusalih Mohammed Hussain, *National strategic Planning*, Sudan coin press 8th ed., 2012.

CHAPTER 3

OVERVIEW OF RELEVANT
INTERNATIONAL AND
REGIONAL LAWS AND
POLICIES APPLICABLE
TO SUDAN

3.1 International obligations

Sudan is a party to several treaties and agreements that facilitate international disaster response including the following relevant conventions:

International Instrument	Date of Signature (s); Ratification (r); Accession (a)
Convention on Privileges and Immunities of the United Nations	1956 (r)
Convention on Privileges and Immunities of the Specialized Agencies	1956 (r)
Convention on International Civil Aviation	1956 (r)
Vienna Convention on Diplomatic Relations	1961 (r)
Vienna Convention on Consular Relations	1961 (r)
Convention Relating to the Status of Refugees	1974 (r)
International Covenant on Civil and Political Rights	1986 (r)
International Covenant on Economic, Social and Cultural Rights	1986 (r)
United Nations Framework Convention on Climate Change (UNFCCC)	1993 (r)
United Nations Convention to Combat Desertification in those Countries Experiencing Serious Drought and/or Desertification	1995 (r)
Convention on the Provision of Telecommunication Resources for Disaster Mitigation and Relief Operations	1998 (r)
Convention on Temporary Admission (Istanbul Convention 1990)	1998 (s)
International Convention on the Simplification and Harmonization of Customs Procedures	2004 (r)
Kyoto Protocol	2005 (r)
Convention on the Safety of United Nations and Associated Personnel	2006 (r)
Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal	2006 (a)
International Health Regulations	2007 (r)
Sendai Framework for Disaster Risk Reduction 2015–2030	2015 (Accreditation)

Sudan's Interim Constitution 2005 considers that freedoms and rights provided for in any treaty or convention ratified by Sudan shall be part of the constitution.¹⁴

¹⁴ Sudan interim Constitution, article 27(3).

3.2 Regional obligations

Sudan is a member of the Africa Union (AU) that is established under the African Union Constitutive Act. Although the AU Act does not specifically refer to disaster response, it provides for member states to work towards “eradication of preventable diseases and the promotion of good health on the continent”.¹⁵ The Act also provides for several decision-making organs within the Union. The highest decision-making organ is the Executive Council, which inter alia “shall coordinate and make decisions on policies in areas of common interest to the Member States, including environmental protection, humanitarian action and disaster response and relief.”¹⁶

Further, disaster management has been provided for through various agreements and guidelines developed under the AU. In particular, the African Charter on the Rights and Welfare of the Child requires internally displaced children to receive “appropriate protection and humanitarian assistance”.¹⁷ In 1999 the AU adopted the Dar Es Salaam Declaration on Feeding of Infants and Young Children in Emergency Situations in Africa. These provisions can be said to reflect a recognition of the responsibility placed on States to guarantee the right to life as stated in the African Charter on Human and People’s Rights. Additionally, the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention) calls on states to allow and facilitate the rapid and unimpeded access by humanitarian organizations and personnel.¹⁸ Further, the AU is, with the support of the IFRC, developing a Model IDRL Act, that is expected to be a foundational instrument for member states in the development of their own national instruments. However, Sudan is not a signatory to the adopted regional instruments mentioned above.

The Africa Regional Strategy for Disaster Risk Reduction was developed through the initiatives of the AU, the New Partnership for Africa Development (NEPAD) and the United Nations International Strategy for Disaster Reduction (ISDR) and adopted by the highest decision-making organ of the AU in 2004. The initiative is aimed at assisting AU member states in enhancing disaster risk reduction to reduce the suffering of the communities and destruction of the environment. The strategy provides a framework for a common approach to shared risks in the region.¹⁹

Regional, sub-regional and national efforts are on-going to institutionalize disaster management in Africa. The African Union (AU) has some experience in response management and through NEPAD, has developed strategies in health, agriculture, environment and infrastructure that contain elements relating to disaster issues. Regional Economic Communities (RECs)²⁰ attach importance to disaster management, and national disaster risk reduction policies and institutional mechanisms exist at various degrees of completeness in African countries. However, the effectiveness of these mechanisms in stemming the tide of increasing vulnerability to and impacts of disasters is limited. Hence the need for a strategic approach to improving and enhancing the effectiveness and efficiency of disaster risk management in Africa by emphasizing disaster risk reduction.

¹⁵ Africa Union Constitutive Act, Article 3

¹⁶ Ibid article 13

¹⁷ African Charter on the Rights and Welfare of the Child

¹⁸ Article 3 (j)

¹⁹ Agreement Establishing the Inter-Governmental Authority on Development, article 13A

²⁰ Sudan is a member of IGAD, CEN-SAD and COMESA

CHAPTER 4

CONSTITUTIONAL AND INSTITUTIONAL FRAMEWORKS FOR FACILITATING INTERNATIONAL RELIEF IN SUDAN

▲ ARTICLE 8 IDRL GUIDELINES: LEGAL, POLICY AND INSTITUTIONAL FRAMEWORKS

8. Legal, Policy and Institutional Frameworks

1. As an essential element of a larger disaster risk reduction program, States should adopt comprehensive legal, policy, and institutional frameworks and planning for disaster prevention, mitigation, preparedness, relief and recovery which take full account of the auxiliary role of their National Red Cross or Red Crescent Society, and are inclusive of domestic civil society, and empower communities to enhance their own safety and resilience. States, with the support, as appropriate, of relevant regional and international organizations, should devote adequate resources to ensure the effectiveness of these frameworks.
2. These frameworks should also adequately address the initiation, facilitation, transit and regulation of international disaster relief and initial recovery assistance consistent with these Guidelines. They should allow for effective coordination of international disaster relief and initial recovery assistance, taking into account the role of the United Nations Emergency Relief Coordinator as central focal point with States and assisting humanitarian organizations concerning United Nations emergency relief operations. They should also clearly designate domestic governmental entities with responsibility and authority in these areas. Consideration should be given to establishing a national focal point to liaise between international and government actors at all levels.
3. Where necessary and appropriate, national governments should encourage other domestic actors with authority over areas of law or policy pertinent to international disaster relief or initial recovery assistance, such as provincial or local governments and private regulatory bodies, to take the necessary steps at their level to implement the Guidelines.

4.1 The constitutional Framework

4.1.1 Constitutional Rights

The Interim National Constitution (2005) provides that all people of Sudan have a right to a clean and safe environment. It states:

“(1) the people of the Sudan shall have the right to a clean and diverse environment; the State and the citizens have the duty to preserve and promote the country’s biodiversity.

(2) The State shall not pursue any policy, or take or permit any action, which may adversely affect the existence of any species of animal or vegetative life, their natural or adopted habitat.

(3) The State shall promote, through legislation, sustainable utilization of natural resources and best practices with respect to their management.”²¹

²¹ Sudan Interim Constitution (2005) Article 11

This provision demonstrates that in the event of a disaster, the Sudanese government is under an obligation to do all that is necessary to ensure this right to habitable environment is maintained. This could arguably include acceptance of international disaster relief assistance should the scale of the emergency require it.

4.1.2 The declaration of State of Emergency

As indicated in Sudan's Constitution, the President of the Republic with the consent of the First Vice President is entitled to declare the state of emergency in the country upon the occurrence of an imminent danger, whether it is war, invasion, blockade, natural disaster or epidemics, as may threaten the country, or any part thereof or the safety or economy of the same, declare a state of emergency in the country, or in any part thereof, in accordance with this Constitution and the law.²² Emergency and National Security Protection Act 1997 (NSPA) provides that the president may issue a statement regarding an emergency in Sudan in case of a natural disaster, hunger or an epidemic.²³

The constitution provides that the duration of measures relating to the state of emergency shall expire at the:²⁴

- a. lapse of thirty days as from the date of issuance of the declaration if the National Legislature does not approve by a resolution the extension of its duration,
- b. lapse of the duration approved by the National Legislature,
- c. Issuance of a declaration by the President of the Republic with the consent of the First Vice President lifting the state of emergency.

4.1.3 Distribution of powers between the federal and state level governments on disasters

The distribution of powers between the federal and state governments about disasters is stated in the last chapter of the constitution (chapter 17) (Miscellaneous Provisions) as annexes to the constitution that specifies the legislative and executive powers of the different levels as follows:

- Schedule A specifies the legislative and executive powers of the federal government.
- Schedule C specifies the legislative and executive powers of the state government.
- Schedule D specifies the legislative and executive concurrent powers to be exercised by both the National and State level governments.

A closer look reveals that there are some contradictions as follows:

Powers related to disasters are a shared responsibility. According to sub-article 28 of Schedule A, declaration of national states of emergency is the responsibility of the national government whereas sub-article 30 of schedule (c) provides for charities and endowment and sub-article 42 provides for firefighting and ambulance services as states responsibilities.

²² Ibid, article 210

²³ Emergency and National Security Protection Act 1997, article (4/1/g)

²⁴ Sudan Interim Constitution (2005) Article 212

Moreover, sub-article 13 of Schedule D provides for disaster preparedness, management and relief and epidemics control and sub-article 18 provides for relief, repatriation, resettlement, rehabilitation and reconstruction as concurrent authorities.

In addition schedule E stipulates “the residual powers shall be dealt with according to its nature (e.g., if the power pertains to a national matter, requires a national standard, or is a matter which cannot be regulated by a single state, it shall be exercised by the National Government. If the power pertains to a matter that is usually exercised by the state or local government, it shall be exercised by the state”.

Regulation of civil aviation is a federal government responsibility according to sub-article 11 of Schedule A, while sub-article 24 in Schedule C provides for airstrips other than international and national airports within civil aviation regulations. This dualism can well lead to complications to relief transportation.

Powers relating to taxation are also shared by the two levels of government. Sub-article 35 of Schedule A national taxation and national revenue raising falls under the purview of the federal government while according to sub-article 39 of Schedule C, states can lay direct and indirect taxation within the state to raise revenue for the state. Moreover, according to sub-article 28 of Schedule D such matters relating to taxation, royalties and economic planning are concurrent responsibilities.

Relating to transportation sub-article 29 of Schedule A provides that international and inter-state transport, including roads, airports, waterways, harbors and railways, are federal responsibilities whereas sub-article 25 of Schedule C provides that intrastate public transport and roads are the responsibility of state authorities. Moreover, sub-article 12 of Schedule D provides that river transport is a responsibility of both levels of government.

Relating to land, according to sub-article 15 of Schedule A, the federal government has oversight on the use and control of national lands and national natural resources, whereas sub-article 8 and sub-article 13 of Schedule C, consecutively, provides that state land, state natural resources and their management, lease and utilization shall be the responsibility of state authorities. Additionally, sub-article 32 of Schedule D provides that regulation of land tenure, usage and exercise of rights in land is a shared power of both levels of government.

In relation to environmental management, conservation, protection, pollution control and fire-fighting and ambulance services, sub-article 28 of Schedule A provides that the Federal government has the authority to declare national states of emergency, whereas according to sub-article 27 of Schedule C pollution control as well as fire-fighting and ambulance services, according to sub-article 42, are the state’s responsibility. Moreover, sub-article 17 of Schedule D provides that environmental management, conservation and protection are a shared power of both levels of government.

In relation to Weights, Measures and Standards, sub-article 18 of Schedule A stipulates it is federal government responsibility while sub-article 6 of Schedule C states the civil service at the state level is under the purview of the state. Furthermore, according to sub-article 31 of Schedule D such matters relating to human and animal drug quality control are shared responsibility of both governments.

4.2 Institutional Framework

4.2.1 The National Council of Civil Defence (NCCD)

With regards to disaster risk management in the country the Civil Defence Act 2005 (CDA) which establishes the National Council for Civil Defence (NCCD) within specific duties and responsibilities, is considered the pinnacle law. In case of a disaster or a threat to national security CDA prevails against any other law that might be contradictory to it.²⁵

The CDA states that the National Council for Civil Defence (NCCD), which was constituted in 2013, is the highest organ for disaster management,²⁶ with the Minister of the Interior as its President and all governmental Ministries have a presence in the Council.²⁷ This includes the Ministries of: Defence, Information, Finance, Agriculture, Interior, Foreign affairs, Oil, Animal Wealth, Mining, Care and Social Security, Sciences and Communications, Environment and Physical Development, Health, Decentralized Government as well as States' Governors. This Act also provides for the inclusion of the Police director, Security organs, and Civil Defence director into the NCCD.

The Civil Defence Act does not confer any real power to the Council whereas it gives all the powers to the Minister of Interior as the head of the Council, including the power to declare any area as national emergency area. Similarly, the Commissioner of the Council enjoys wide powers which are supposed to be powers of the Council itself.

Nonetheless, the NCCD is the main decision-making body during emergencies and adopts the disaster management policies for the Country. Main duties and responsibilities of the NCCD are:

- Coordination of plans and civil defense operations between different authorities at the federal level;
- Targeting national efforts towards disasters management and reduction of effects;
- Approval and monitoring of national plans for civil defense;
- Approval of annual budgets for the program.

Other mandates include:

- Establishment of similar institutions for civil defense at the states level and specifying their authorities and mandates;
- Establishment of any other relevant additional administrations to support the program;
- Acceptance or rejection of funds that may constitute financial support to the program;
- Submission of budget proposals through the Minister to the specified authorities;
- Specification and determination of banks and banking channels to run the program activities;
- The NCCD submits an annual statement of the council accounts to the Minister and an annual report of the auditor general;
- Approval of payments as recommended to beneficiaries (volunteers);
- With consultation with the Minister the NCCD issues the necessary regulations, decrees and orders whenever needed.²⁸

²⁵ *Id.* article 5(2).

²⁶ *Laws of Sudan*, Vol. 10. 9th revised version, CDA, article 5(1).

²⁷ *Id.* article 5(2).

²⁸ *Laws of Sudan*, Vol. 10. 9th revised version, CDA, article 6.

The Act has specified the duties and responsibilities for the minister of the Interior as:

- Issues directives for meetings and agenda;
- Chairing and directing the NCCD meetings, and moreover take actions to dissolve those meetings;
- In case of equal votes, the Minister has the balancing vote;
- In case of absence, the Minister nominates his representative to chair meetings;
- The NCCD submits budget proposals to the Minister who will raise it to the concerned authorities.²⁹

The directorate for Civil Defence which falls under the ministry of Interior has the following mandate:

- Organization of civil defense operations and issuing necessary directives;
- Delegation of power to the state governors;
- Appointment of committees to manage civil defense operations;
- Declaration of specified areas as disaster area;
- Temporary commandeering of Fixed and mobile assets, Water and electrical resources, Fuel, Transportation means.

In consultation with the relevant authorities, the Minister will issue directives for calling and restriction of movement of the following professionals:

- Medicals, Pharmacists, and all other medical personnel;
- Those involved in production and marketing of feed and medical products;
- Public transport personnel;
- Any other relevant personnel;
- Issuing directives and orders to enforce and implement necessary legislations and acts.³⁰

As the NCCD and the Directorate for Civil defence to establish additional administrations to support the program, appoint committees to manage civil defence operations as well as issue directives on the movement of personnel, they arguably have the authority to facilitate the entry and movement of foreign personnel in disaster response operations.

Below the NCCD is the Central Operations Chamber (COC), which is comprised of technical experts from different Ministries.³¹ Its main role is to implement decisions and policies of the NCCD as transmitted through the chain of command, and the relevant information cascaded down to the States' Operations' Chambers (SOCs). The SOCs, operating at the State level and chaired by the State Governor, also share relevant information with the COC.³²

Each State prepares its own Contingency Plan, in consultation with the line Ministries at the States' level, Civil Societies and local NGOs. These plans of action, estimated budget and needs are forwarded to the COC for an initial review by the Technical officials from the line Ministries. Should the plans be in line with the prerogatives and general disaster management policies, they are submitted to the NCCD for approval.³³

²⁹ *Id.* article 19.

³⁰ *Laws of Sudan*, Vol. 10. 9th revised version, CDA, article 10.

³¹ *Id.* article 11.

³² *Id.* article 5(4).

³³ *Id.* article 5(4).

In affirming the necessity of coordination between the NCCD and the relevant bodies the act provides:

- they should fully coordinate and cooperate with the NCCD and Executive Organ;
- Executive Organ should formulate necessary plans to involve those institutions in civil defense operations. Those plans include:
 - ▶ Plans targeting predicted disasters.
 - ▶ Plans targeting ongoing disasters.
 - ▶ Plans targeting precautions to be considered after the disaster.
 - ▶ Plans should specify roles and means of coordination.³⁴

4.2.2 Humanitarian Aid Commission (HAC)

HAC is the agency in charge of humanitarian affairs and is represented both at federal and state level.³⁵ HAC is the coordinating body of Ministry of Social Welfare and the Commissioner is chaired by the Minister of Social Welfare, who also chairs the Higher Committee for Humanitarian Aid.³⁶

Although HAC is a member of NCCD, it is the only institution responsible for coordinating humanitarian effort in Sudan, and checking the dangers of disasters and disputes through conscious partnership with International Community Organizations (ICO) via the following technical departments:

- General Directorate for Emergency,
- General Directorate of National Organizations,
- Directorate for Co-ordination of Program,
- Directorate of Analysis and Information, National Center for the Displaced and Voluntary Return.³⁷

4.2.3 Sudanese Red Crescent Society (SRCS)

The SRCS was established in 1923 as branch of the British Red Cross Society. Upon Sudan's independence in March 1956 it has received official recognition as an independent National Society following the Sudanese Council of Ministers decree No. 869. It was also recognized as member of the Red Cross and Red Crescent Movement in 1957. In addition to its Head Quarters it has 18 State Branches throughout the country. Its human resources consist of a volunteers' base of 460,500, has trained 3,600,000 in primary health and it has set up as an information surveillance system that operates before, during and after disasters.

Its mandate covers humanitarian and health services, in addition to disaster risk reduction activities. According to article 7/1 (B) of Sudanese Red Crescent Society Act of 2010 it is given the pioneer auxiliary role in the field of humanitarian assistance and it is recognized as an independent agency that is auxiliary to the public authorities in the humanitarian field.³⁸

³⁴ Laws of Sudan, Vol. 10. 9th revised version, CDA, article 8(H)-9(A, B, C).

³⁵ Laws of Sudan, Vol. 10, 9th Revised Edition, Organization of Humanitarian and Voluntary Works Act, article 18.

³⁶ Id. article 21(1).

³⁷ Id. Article 21(A) & (D)

³⁸ Laws of Sudan, Vol. 13, 9th Revised Edition, Sudanese Red Crescent Society Act (2010), article 3 (1) (2) (4).

4.2.4 The Ministry of Health

The responsibility for health emergency preparedness and response lies with the Emergency director of the Federal Ministry of Health (FMOH) who reports to the Assistant Under-Secretary of the FMOH. This structure is complemented by State emergency focal points in each State.

The FMOH has the responsibility to guide, regulate and, under the best circumstances to coordinate all public health or medical activities. A primary role of the Ministry of Health as lead agency is to identify needs, establish policies and norms, formulate priorities and facilitate the contribution of other actors in reducing the health risk caused by disasters.

According to the Public Health Act of 1975, amended in 1977, safeguarding public health during emergencies is assigned to the FMOH. The Public Health Council which is under the jurisdiction of the undersecretary federal ministry of health, has the exclusive authority to declare a health disaster. The State level can ask for help from the federal level when the health situation in the state is out of their control, but only the FMOH has the right to declare the disaster. The Ministry of Health has Rapid Response Teams for epidemic outbreaks and Disaster Health Working Groups.³⁹

4.2.5 The Public Corporation of Weather Forecasting

The corporation is responsible for establishing weather forecast and studying disaster trends in Sudan while providing meteorological services to all responsible organs in Sudan.⁴⁰

4.2.6 National Remote Sensing and Seismology Center

Established in late 1970 and renamed “Remote Sensing Authority (RSA)” in 1996, it has the mandate to set space technology policies, conduct, research, studies, and capacity building with regards to Seismology in the country.⁴¹ The Center has a Department on Early Warning and Disaster Managements that is tasked with⁴²:

- Building and developing a disaster database in Sudan;
- Building, transfer and familiarization of the early warning and disaster prediction and early warning systems;
- Assessing the disasters caused risk and damage.
- Co-operating with local, regional and international counterpart establishment.
- Raising the awareness regarding the role of space technologies for risk avoidance and disaster management.

³⁹ Sudan Emergency Country Profile (ECP) Last edition: December 2010.

⁴⁰ Laws of Sudan, Vol. 13, 9th Revised Edition, the Act of The Public Corporation of Weather Forecasting 1996, article 7 (1) (F).

⁴¹ Hamid, Amna, Ahmad, the Status of Disaster Risk Management in Sudan, National Center for Research.

⁴² Remote Sensing Seismology Authority, at: <https://rssa.gov.sd/early-warning-and-disaster-managements-department/>

4.2.7 International Organizations

Sudan hosts several international organizations that provide support to government in disaster management, largely, in technical support in terms of personnel and resources for disaster management. These organizations include IFRC, UNICEF, UNDP, WFP, and FAO. The UN High Commissioner for Humanitarian Affairs leads the activities of the United Nations Agencies.

4.2.8 Sudan Armed Forces (SAF)

SAF has an auxiliary role to assist in national disasters according to the Interim Constitution of Sudan.⁴³ There is further legislation provided for under the Sudan Armed Forces Act 2007.⁴⁴

4.2.9 Conclusion

Although it is not uncommon for powers to be divided between the national and the state levels in federal systems, it is to note that this situation has the potential of creating confusion and overlap in functions in the management of international disaster response operations. As such, in all jurisdictions, it is essential that roles and responsibilities pursuant to this matter be clarified between the levels of governments.

In instance, as reported in the various workshops and consultations with stakeholders interviewed in this project, there is room for clarifying the functions and coordination mechanisms in place between the NCCD, COC, HAC and Directorate for Civil Defence in relation to the management of international disaster assistance. In case of a health emergency, coordination mechanisms should also be clarified between these instances and the Ministry of Health.

Most notably it seems unclear on how the disaster management related roles of the federal and state level government agencies are to be coordinated with respect to the NCCD and/ or HAC. There is also an opportunity for the functions of the NCCD as the lead disaster management agency to be supported by the SRCS in its capacity as auxiliary to the government in the humanitarian field. Additionally, the frameworks do not give a clear picture on what arrangements are in place to address the initiation, facilitation, transit and regulation of international disaster relief and initial recovery assistance consistent with the IDRL Guidelines

⁴³ Interim Constitution of Sudan, article 144/2

⁴⁴ Laws of Sudan, Vol. 12, 9th Revised Edition, Sudan Armed Forces Act 2007, article 6.



CHAPTER 5

LAWS PERTAINING TO INTERNATIONAL RESPONSE TO DISASTERS IN SUDAN

5.1 Legal status of foreign entities providing assistance

▲ ARTICLE 20 IDRL GUIDELINES. TEMPORARY DOMESTIC LEGAL STATUS

1. Affected States should grant relevant entities of assisting States and eligible assisting humanitarian organizations, upon entry or as soon as possible thereafter, at least a temporary authorization to legally operate on their territory so as to enjoy the rights, inter alia, to open bank accounts, enter into contracts and leases, acquire and dispose of property and instigate legal proceedings, for the purpose of providing disaster relief and initial recovery assistance.
2. Assisting States and eligible assisting humanitarian organizations should also be granted the right to freely bring the necessary funds and currencies in or out of the country through legal means and to obtain legal exchange rates in connection with their disaster relief or initial recovery assistance.
3. Affected States should allow assisting States and eligible assisting humanitarian organizations to legally hire and terminate the contracts of local personnel.

5.1.1 Privileges and immunities

Sudan is a party to several conventions and agreements governing privileges and immunities. In regard to immunities to foreign organizations and persons engaged in disaster response, the Immunities and Privileges Act of 1956 provides that only the Council of Ministers can provide such privileges and immunities for any organization. Notably the criteria for such process is not outlined in law and the timeframe for the process has been lengthy. In practice, applications for privileges or immunities must be presented first at the ministerial level and then raised by the minister to the Council of Ministers.⁴⁵

5.1.2 Domestic legal status of foreign organizations

Registration of foreign organizations engaged in disaster response is critical for undertaking operations in a country. Registration grants organizations legal personality to conduct transactions in the country of operations. Basic facilities such as banking services and ability to rent facilities are pegged on official registration in the country. Sudan does not provide special rules for registering organizations in times of emergency. According to the Organization of Voluntary and Humanitarian Action Act 2006 (OVHAA) all humanitarian organizations are required to register in advance with the Humanitarian Aid Commission (HAC). The procedures and conditions for registration are not however embodied in the Act or any other regulations. Thus, it is at the discretion of HAC to accept or reject any application for registration. In practice the time required for registration could take a few days to several weeks.⁴⁶

⁴⁵ Laws of Sudan, Vol. 2, 9th Revised Edition, Privileges and immunities Act 1956, article 2.

⁴⁶ Laws of Sudan, Vol. 10, 9th Revised Edition, Organization of Voluntary and Humanitarian Works Act 2006, article 8(1) & (2).

▲ IDRL GUIDELINES PART V: LEGAL FACILITIES FOR ENTRY AND OPERATIONS

It is recommended that States provide the legal facilities described in paragraphs 16–24 to assisting States and eligible assisting humanitarian organizations. It is understood that the granting of these facilities will be subject to the interests of national security, public order, public and environmental health, and public morals of the concerned affected, originating and transit States. Measures to protect such interests should be tailored to the exigencies of the specific disaster and consistent with the humanitarian imperative of addressing the needs of affected communities. Where specific facilities recommended here are within the competence of authorities other than the national government, the national government should, where possible and appropriate, encourage those authorities to provide the relevant facilities to assisting States and eligible assisting humanitarian organizations.

▲ ARTICLE 17 IDRL GUIDELINES: GOODS AND EQUIPMENT

1. With regard to disaster relief and initial recovery goods and equipment exported or imported by, or on behalf of, assisting States and eligible assisting humanitarian organizations, originating, transit and affected States should:
 - a. Exempt them from all customs duties, taxes, tariffs or governmental fees;
 - b. Exempt them from all export, transit, and import restrictions;
 - c. Simplify and minimize documentation requirements for export, transit and import;
 - d. Permit re-exportation of any equipment or unused goods, which the assisting State or assisting humanitarian organization owns and wishes to retain.
2. With regard to disaster relief goods and equipment only, originating, transit and affected States should additionally:
 - a. Waive or reduce inspection requirements. Where waiver is not possible, clear relief goods and equipment rapidly and as a matter of priority, through a “preclearance” process where feasible; and
 - b. Arrange for inspection and release outside business hours and/or at a place other than a customs office as necessary to minimize delay, in accordance with the safety regulations of the affected State. Assisting States and eligible assisting humanitarian organizations should respect any routes and delivery points prescribed by the affected State.
3. In order to benefit from the facilities above, assisting States and assisting humanitarian organizations should, in accordance with agreed international standards, appropriately pack, classify and mark disaster relief and initial recovery goods and equipment, and include detailed manifests with each shipment. They should additionally inspect all such goods and equipment to ensure their quality, appropriateness for the needs in the affected State, and conformity with the national law of the affected State and international standards.

4. Assisting States and eligible assisting humanitarian organizations should assume responsibility for removing or disposing of any unwanted and unused relief and initial recovery goods, particularly if they may pose a threat to human health or safety, or the environment.

5.2 Goods and Equipment

5.2.1 Importation of goods

The process of importing goods into Sudan generally takes long. Several administrative procedures must be met, and multiple agencies are involved. All cargo is required to be declared to customs in the prescribed form and cleared within 90 days.⁴⁷ The law does not provide for exceptions in terms of process and requirements for goods imported for emergency use. There are no rules for priority clearance of emergency goods. However, the Council of Ministers can provide priority clearance of emergency goods upon request and suspend the application of the customs procedures set out in the Act.⁴⁸

Even though Sudan has signed the Convention on the Simplification and Harmonization of Customs Procedures (1999 Kyoto Convention), the Customs Act of 1986 which preceded the convention was not amended accordingly. Nevertheless, the convention should be implemented and applied in Sudan in accordance to article 27.3 of the constitution which mandates that conventions are part of the constitution and thus superior to any other legislation.⁴⁹

All goods imported into Sudan are required to meet specified quality and standards. The Government requires that all consignments entering Sudan must obtain a Certificate of Conformity (CoC), which is a mandatory customs clearance document. Disaster relief goods are not exempted from requirements on quality and standards and consignments not conforming or not accompanied by certification are subject to delays or refusal of admission. Goods inspected at the point of entry found not to comply with all the requirements of relevant Sudan standards shall be immediately shipped to the country of origin, with all the expenses being borne by the importer.

According to Sudanese Customs official website all items that are imported into Sudan require to be cleared through the Department of Customs at the point of entry. The customs processes and documentation requirements may change from time to time, with minimum pre-advice or amendments being gazetted. Thus, it is important for clearing agents to regularly check on any changes or amendments.

Procedure for the import and clearance through any customs entry point to Sudan requires the following documents:

1. Original Bill of Lading (B/L) or Air Waybill (AWB)
2. Original invoice showing Cost and Freight (C and F) value or Cost, Insurance and Freight (CIF) value
3. Certificate of origin

⁴⁷ *Laws of Sudan*, Vol. 10, 9th Revised Edition, Custom Act 1986, article 61.

⁴⁸ *Id.* article 3.

⁴⁹ *Laws of Sudan*, Vol. 10, 9th Revised Edition, Sudanese Specification and Standards Act 2008, article 18.

4. Detailed packing list
5. Health certificate and/or analysis certificate
6. Bank of Sudan IM form
7. Government exemptions, concessions and/or approvals given to client
8. Printing and press permit for printed advertising material
9. National Security (NS) clearance (for any items that may have a security risk)
10. National Telecom Cooperation (NTC) approval for telecom equipment
11. Ministry of Health approval for pharmaceutical and medical equipment

The Importation procedures via Port Sudan (Sea) and Khartoum International Airport (Air) require:

1. Registration with the Import/Export Registry at the Ministry of Foreign Trade.
 2. Import Declaration Form
- When the importer applies for an Import Declaration Form (IDF), the information to be filled in is provided by the supplier with a Performa Invoice which should include:
- i. Specification and clear description of the quantity and quality of the goods
 - ii. Free on Board (FOB) value
 - iii. Freight Value (If applicable)
 - iv. Currency of Payment
 - v. Mode of Transportation
 - vi. Country of Origin of the goods issued by the competent authority in the Country of origin.
 - vii. Insurance value (if applicable)

Importers or their appointed customs agent must present:

1. Import Declaration Form (IDF)
2. Commercial Certificate of Origin
3. Quarantine License (where necessary)
4. Sudanese Standards and Metrology Organization (SSMO) requirements or other documents for specific type of goods and complete bank formalities.

Goods imported into Sudan attract duty unless exempted. Importers must pay the required duties, taxes and fees and receive an official release order for the goods. Duties, taxes and fees are payable before releasing the goods except direct delivery goods.

Sudan has no mandatory Pre-shipment Inspection. Importers are advised to have a Pre-shipment Inspection Certificate issued by International Cargo Inspectors registered by SSMO (Sudanese Standards and Metrology Organization). A double check inspection might be conducted by the SSMO. Sudan does not apply any quantitative import regulations. All goods may be imported into Sudan except those goods that are prohibited by social values or security considerations. Normal cargo clearance is lengthy as it involves the work of several departments.⁵⁰

Exemptions from the local authorities should be prepared within seven to ten working days. These exemptions may include customs clearance from Customs Authorities, health clearance from Ministry of Health, Plant permit from Ministry of Agriculture for cereals & pulses commodities, The Sudanese Standard & Meteorology Organization clearance for all commodities, and the Sudanese Sea Ports Corporation clearance from Ministry of Finance and Sea Port Corporation. The final clearance will take

⁵⁰ Departments involved are: Manifest Department; Tariff Department, Examination Committee; Sudanese Standards and Metrology Organization (SSMO); Customs Laboratory; Permissions Department; General Department; Accounts Department; Clearance Department

about five to seven working days. Exemption applications must be requested prior to an importation, through the Ministry of Foreign affairs.

▲ ARTICLE 19 IDRL GUIDELINES: TRANSPORT

1. Originating, transit and affected States should grant, without undue delay, permission for the speedy passage of land, marine and air vehicles operated by an assisting State or eligible assisting humanitarian organization or on its behalf, for the purpose of transporting disaster relief or initial recovery assistance and, ideally, waive applicable fees.
2. In particular, permission should be granted for overflight, landing and departure of aircraft. Such aircraft should also be authorized to operate within the territory of the affected State as required for the delivery of assistance.
3. Any applicable exit, transit and entry visas for the operating personnel of such transport vehicles should be promptly issued.

5.2.1.1 Transit Regime

There is no specific law that applies to transportation of relief goods. As such, the general rules on movement of goods will apply to transportation of relief goods. General rules on driving a vehicle are provided for under the Traffic Act of 2010. It sets the conditions of registration of vehicles,⁵¹ the condition of driving licenses⁵² and gives validity to international driving licenses.⁵³ The validity period for an international driving license according to article 17/4 of the Act is 90 days⁵⁴. The Act gives the governors of states the authority to close roads and limit the kinds of vehicles that can use them and define the limits of speed.⁵⁵

Goods in transit should be transported through the prescribed routes designated by Customs within a given time. Processing of Transit operations shall follow the Sudanese Customs principles and standards. The declarant shall, upon requesting for transit to pay the duty owing, follow the prescribed Customs transit routes, present the goods at the arrival Customs office and notify the office of departure. The Carrier also must pass the shipment through Customs Transit points & clearance control offices within a limited time and through prescribed routes. The Sudanese Customs transit application and permit should be forwarded to clearance and transit Customs office all with relevant supporting documentation according to the Sudanese requirements.⁵⁶

The power to waive duties is vested in the Council of Ministers. There is no provision for special computation of duty for goods destined for use in disaster response, unless they are specifically exempt. All duties are paid in local currency at applicable rates prevailing on the date of the transaction and determined by the Central Bank of Sudan.

⁵¹ Laws of Sudan, Vol. 10, 9th Revised Edition, Traffic Act 2010, article 6.

⁵² Id. article 17.

⁵³ Id. article 18.

⁵⁴ Id. article 18.

⁵⁵ Id. articles 36 and 37.

⁵⁶ Laws of Sudan, Vol. 10, 9th Revised Edition, Value Added tax Act (VAT) 2001, article 37/A/10

According to Sudan Customs official website, prior to the arrival of the vessel, permission to transit the country must be obtained from Humanitarian Aid commissioner (HAC) and Sudanese Customs, and the following set of documents sent to the Port of Entry prior to the vessels arrival:

1. Bill of Lading (showing cargo in transit and destination country)
2. Supplier Invoice(s)
3. Packing list
4. Import Declaration Form (IDF) from the importer
5. Duties and Taxes Exemption Certificates, if any
6. Permit for import and transit of food, Agriculture products, drugs and pharmaceutical
7. In addition to any specific documentation requirements such as import permits from the country of destination, the following documents must be presented:
8. Certificate of Origin
9. Phytosanitary Certificates for imports of agricultural products
10. Relevant documents from country of final destinations.
11. Permission granted through Humanitarian Aid Commissioner (HAC) and Customs.

All customary marine and cargo handling dues are to be paid to the Ports of Sudan Corporation. The Clearing Agent makes certain all cargo is pre-cleared prior to the vessels arrival. The Clearing Agent lodges a cheque as security with customs based on the value of the consignment in transit, this cheque will be returned when the consignment has left the country and tonnage reconciled back to the vessels outturn tonnage at the Port Sudan.

The clearing agent arranges for Insurance to cover any losses in favour of Sudan Customs and Excise, billing to importer the cost of the insurance cover. Transport Waybills are compiled by the importer and given to the clearing agent who issues the manifests in consultation with the Road Transporter. The manifest and Waybills are submitted to Customs and permission is granted to proceed.

▲ ARTICLE 18 (2) IDRL GUIDELINES: TELECOMMUNICATIONS

Affected States should waive or expedite the granting of any applicable licenses and reduce any other barriers to the use, import or export of telecommunications and information technology equipment by assisting States and assisting humanitarian organizations or on their behalf in disaster relief and initial recovery assistance. Without discrimination against or negative impact to domestic relief actors, affected States should also grant (or where, appropriate, encourage other domestic actors to grant) assisting States and eligible assisting humanitarian organizations priority access to bandwidth, frequencies and satellite use for telecommunications and data transfer associated with disaster relief operations.

5.2.2 Communications equipment

Sudan Communications Act 2001 provides the legislative framework for regulating the communications sector in Sudan.⁵⁷ The National Communication Corporation of Sudan (NCC) is required to implement provisions of international treaties and agreements to which Sudan is a party.⁵⁸

⁵⁷ Laws of Sudan, Vol. 10, 9th Revised Edition, Communication Act, article 42.

⁵⁸ Id. article 18 of the Act.

The Act forbids possession, use or operation of any telecommunication device or station or network without permission.⁵⁹ Waiver of operation fees can only be granted by the minister with the recommendation of the National Council of Telecommunication. There are no statutory exemptions provided to organizations engaged in international relief in relation to approvals before importation or operation. However, this does not mean that the facilities embodied in the Tampere Convention on the Provision of Telecommunication Resources for Disaster Mitigation and Relief Operations, are not binding. Article (27/3) of the constitution makes international convention to which Sudan is a party as part of the constitution and thus superior to any other legislation.

▲ ARTICLE 18(4) IDRL GUIDELINES:

Importation of Food Originating, transit and affected States should consider whether normal requirements regarding fumigation, prohibitions, and restrictions on food imports and exports by assisting States and eligible assisting humanitarian organizations in disaster relief operations can be modified or reduced.

5.2.3 Food

Sudan does not have a specific law on importation of food. All regulatory standards are spread out in various statutes setting different standards, requirements and procedures for importation of food and food products. The technical committees of Sudanese Specification and Metrology Corporation set the standards of all imported goods. A Health certificate from the Ministry of Health – Administration of environment and food protection, is required, as well as a Certificate from the Standardization Corporation attesting that food imported is fit for human and animal consumption. Notably, the Biosafety Act 2010 bans GM (genetically modified) foods except for the purposes of increasing productivity, or pests' resistance.⁶⁰

The rules for importation of food are strict both in terms of quality requirement and process for importation. This can result in delay in customs clearance. The special requirements for food commodities as published by Sudan Customs require the following shipping documents be presented within 14 days of their arrival:

1. Original NNCR, BoL, Other Transport Document plus two copies.
2. Original Certificate of Origin.
3. Original Phytosanitary Certificate: For Cereals & Pulses shipments.
4. Original Health Certificates: For other commodities, DSM, Sugar, Oils, CSB.
5. Original Quality Certificate.
6. Original Fumigation Certificate: For Cereals & Pulses Commodities.
7. Original Non-GMO Certificate: For Cereals, Pulses & CSB.
8. Original Non-Radiation Certificate: For Cereals.
9. Other Documents: Packing List, Gift Certificate & Crop year (for Cereals & Pulses).

⁵⁹ Id. article 24.

⁶⁰ Laws of Sudan, Vol. 10, 9th Revised Edition, Biosafety Act 2010, Article 16

▲ ARTICLE 18 (3) IDRL GUIDELINES: IMPORTATION OF MEDICINES

Originating, transit and affected States should reduce legal and administrative barriers to the exportation, transit, importation and re-exportation of medications and medical equipment by assisting States and eligible assisting humanitarian organizations or on their behalf in disaster relief and initial recovery assistance, to the extent consistent with public safety and international law. Assisting States and eligible assisting humanitarian organizations should take all reasonable steps to ensure the quality, appropriateness and safety of any such medications and equipment and in particular:

- a. Any medications they import should be approved for use in the originating and affected State;
- b. Medications they use in their own operations should be:
 - i. Transported and maintained in appropriate conditions to ensure their quality and;
 - ii. Guarded against misappropriation and abuse.
- c. Any medications they donate for use by others in the affected State should be:
 - i. At least twelve months from their expiration date upon arrival, unless otherwise agreed by receiving authorities;
 - ii. Transported and maintained in appropriate conditions to ensure their quality until they reach the affected State; and
 - iii. Appropriately labeled in a language understood in the affected State with the International Nonproprietary Name or generic name, batch number, dosage form, strength, name of manufacturer, quantity in the container, storage conditions and expiry date.

5.2.4 Medication

The importation and use of drugs in Sudan is regulated by Ministry of Health through the Medicines and Poisons Board (MPB), established under the Medicines and Poisons Act of 2009. Additional rules are provided for in the WHO standards on drugs. The said Act exempts only emergency medicines from prior registration and approval of the Board.⁶¹ This exemption does not specifically serve disaster health care because emergency medicine and disaster health care are not synonymous⁶²

The safeguarding of public health is achieved largely through the system of medicines' registration and licensing of pharmacy premises. The Federal Pharmacy and Poisons Board (FPPB), retain the main responsibility. The executive arm is the Federal General Directorate of Pharmacy (FGDOP). The FGDOP is responsible for the appraisal, and registration of all medicines and other pharmaceuticals for both human and veterinary use on the Sudan market. Pharmaceutical product must submit all prescribed

⁶¹ Laws of Sudan, Vol. 10, 9th Revised Edition, Medicines and Poisons Act 2009, article 16

⁶² Sudan's National Health-sector Policy for Disaster Mitigation, Preparedness and Response

data and the certificates required under the WHO certification scheme for a pharmaceutical product moving into international commerce, and any other information that is necessary for assuring the quality, efficiency and stability of the product through its shelf life.⁶³ Thus it is clear that the process of registration is not easy as it involves international and national prerequisites and in practice it can take weeks.

▲ ARTICLE 18(1) IDRL GUIDELINES: THE IMPORTATION OF VEHICLES

Affected States should grant temporary recognition to foreign registration and plates with regard to vehicles imported by assisting States and eligible assisting humanitarian organizations or on their behalf in disaster relief and initial recovery assistance.

5.2.5 Vehicles

The process for importing a vehicle is detailed and there are no exemptions for vehicles imported for use in disaster response. Additional conditions are provided for in the regulations of HAC which requires that vehicles of organizations need to be registered with HAC. The aforementioned customs procedures also apply to importation of vehicles.

5.3 Personnel

▲ ARTICLE 16 IDRL GUIDELINES: PERSONNEL

1. With regard to disaster relief and initial recovery personnel of assisting States and eligible assisting humanitarian organizations, affected States should:
 - a. Grant visas and any necessary work permits, ideally without cost, renewable within their territory, for the time necessary to carry out disaster relief or initial recovery activities;
 - b. In disaster relief operations, waive or significantly expedite the provision of such visas and work permits;

5.3.1 Entry of response personnel

There are no specific rules that apply to regulating entry and exit in Sudan of personnel engaged in disaster relief; as such, the general rules of immigration apply. Generally, a person who is not a Sudanese citizen may not enter Sudan without permission. Sudan immigration regulations have requirements relating to Passports, Visas, Permits and passes. Entry of foreign personnel in Sudan is regulated under the Sudan Foreigners Affairs Regulations 2006 issued under Passport and Migration Act 2015.⁶⁴

⁶³ Gamal K. M. Ali and Abdeen M. Omer, Pharmaceuticals in Sudan: Development in regulations, governance and implementation of national drug policies, *African Journal of Pharmacy and Pharmacology* Vol. 6(1), pp. 1–12, 8 January, 2012. Available online at <http://www.academicjournals.org/AJPP>, p. 2. & Id., p. 5.

⁶⁴ Laws of Sudan, Vol. 10, 9th Revised Edition, Passport and Migration Act 2015.

▲ ARTICLE 16 IDRL GUIDELINES: PERSONNEL

1. With regard to disaster relief and initial recovery personnel of assisting States and eligible assisting humanitarian organizations, affected States should:
2. Establish expedited procedures for temporary recognition of professional qualifications of foreign medical personnel, architects, and engineers, drivers licenses and other types of licenses and certificates that are necessary for the performance of disaster relief or initial recovery functions and that have been certified as genuine by the concerned assisting State or eligible assisting humanitarian organization, for the time necessary to carry out disaster relief or initial recovery activities;

5.3.2 Recognition of Professional Qualifications

For professional qualifications to be recognized in Sudan, international personnel must first seek equation of foreign qualifications. Recognition and equation of academic qualifications conferred by foreign universities is centrally governed through the Council for Higher Education (CHE) according to the Higher Education Act of 1990.⁶⁵

Beyond the equation and recognition, different professions, such as medical practitioners, require registration and licensing with the official body regulating that profession. According to Medical and Health Profession Act of 2010 the practice of medical and health professions is conditional to prior registration.⁶⁶ It is a crime to act without registration.⁶⁷ Similarly, engineers are registered and licensed by the Engineering Board of Sudan according to the Engineering Board Act of 1998.⁶⁸

There is no waiver for licensing for personnel engaged in international disaster response. However, there is a process for temporary registration that requires submission of the academic certificate and the practitioners license of the country of origin for authentication by the Sudan embassy in the country of origin and by the Ministry of Exterior.

In relation to transportation of goods, the Act requires that commercial and heavy-duty vehicles require special licenses and operators must undergo test every three years. All drivers are required to produce a driving license on demand while driving a vehicle. It is an offense not to produce such a license and can lead to detention and prosecution. There are no specific rules applicable to insurance of vehicles engaged in disaster response. The Traffic Act 2010 provides that all vehicles operating in Sudan should be insured.

The Civil Aviation Act 2010 provides for the regulatory framework on air transport. Article 3 of the Act domesticates the Chicago Convention on International Civil Aviation of 1944. The Act establishes the Sudan Civil Aviation Authority which is mandated with validated and renewing any flying or technical license related to civil aviation.⁶⁹

⁶⁵ Laws of Sudan, Vol. 10, 9th Revised Edition, Higher Education Act 1990, article 6/C.

⁶⁶ . Laws of Sudan, Vol. 10, 9th Revised Edition, Medical and Health Profession Act 2010, articles 6 & 16.

⁶⁷ Id. article 32.

⁶⁸ Laws of Sudan, Vol. 10, 9th Revised Edition, Engineering Board Act 1998

⁶⁹ Laws of Sudan, Vol. 10, 9th Revised Edition, *The Civil Aviation Act 2010*, article 7.

5.4 Tax

According to the Taxation Act only the council of ministers can decide matters where this law is inapplicable.⁷⁰ The head of the customs department can make exceptions for recognized and established organizations regarding importing merchandise for non-commercial purposes and with certain conditions relieve them from customs and taxes.⁷¹ According to the Income Tax Act of 1986, all personal income that accrues to a person, whether resident or non-resident, derived from activities in Sudan, is taxable for income tax, unless specifically exempted pursuant to an existing law. Generally, tax exemptions are extended to persons enjoying privileges and immunities. Therefore, there is no general exemption for persons engaged in international relief and disaster response. A tax resident individual is liable to tax on their employment income, regardless of where this is paid or where the services were rendered. Thus, a resident representative of a foreign company, paid in a foreign country, is liable to Sudan tax on their employment income, even if their duties cover countries other than Sudan.⁷²

▲ ARTICLE 16 (D) IDRL GUIDELINES: PERSONNEL

1. With regard to disaster relief and initial recovery personnel of assisting States and eligible assisting humanitarian organizations, affected States should:
2. Facilitate freedom of access to and freedom of movement in and from the disaster-affected area, bearing in mind the safety of disaster relief and initial recovery personnel.

5.5 Freedom of movement during disaster

Constitutionally, freedom of movement is considered one of the basic human rights; within certain limitations provided by law. According to article 5/1/f of the Public Emergencies Act 1989 the president may, upon the declaration of the state of emergency, limit or regulate the movements or activities of people or the means of transport to or from the emergency area.

▲ ARTICLE 22 IDRL GUIDELINES: SECURITY

Affected States should take appropriate measures to address the safety and security of disaster relief and initial recovery personnel of assisting States and eligible assisting humanitarian organizations and of the premises, facilities, means of transport, equipment and goods used in connection with their disaster relief or initial recovery assistance.

Assisting States and assisting humanitarian organizations should also take appropriate steps in their own planning and operations to mitigate security risks.

⁷⁰ Laws of Sudan, Vol. 10, 9th Revised Edition Taxation Act, article (3) paragraph (3).

⁷¹ Id. article (186).

⁷² . Laws of Sudan, Vol. 10, 9th Revised Edition, Income Tax Act 1986, article 12.

5.6 Ensuring the safety and security of assistance

There are no specific provisions for ensuring safety and security of relief personnel, premises and goods. The general provisions of the Penal Code and other legislations protecting person and property will apply.⁷³

5.7 Conclusion

The legal framework does not offer clear provisions for exemptions or variations of applications in the event of an extraordinary occurrence such as a large-scale disaster. In the case that exemptions are permissible, there is often the need for an advance application to decision makers which can be quite a bureaucratic process. Therefore, there is a need to have a consolidated framework that regulates international disaster management and offers guidance on the application of related sectoral laws such as those relating to customs and immigration, in the event of a disaster requiring external support.

⁷³ *Laws of Sudan*, Vol. 5, 9th Revised Edition, the Penal Act 1991.

CHAPTER 6

CONCLUSION AND RECOMMENDATIONS

6.1 Conclusion

There is no comprehensive legal, policy and institutional mechanism for disaster management. There are multiple institutions and government organizations dealing with different elements and issues in the disaster management cycle with no clear mechanism for coordination. This results in bureaucracy and inefficiency in terms of resource utilization and service delivery. Relevant legislations are fragmented and even contradicting especially concerning institutional framework. Disaster coordination is administratively, ad hoc. A draft NDMP has been drafted but has not been adopted yet.

The National Legal Framework starts with the Interim constitution 2005. The Constitutional Rights has given the right to all people of Sudan to have a clean and safe environment. The declaration of State of Emergency in the Sudan is the supreme authority of the president of the Republic. As discussed in Chapter 4, distribution of powers between the federal and state levels about disasters is unclear and therefore does not offer a concrete indication on which level of government is expected to take the lead. Resultantly, it may not be certain which level of government is expected to develop a legislative and institutional framework on particular issues and the limits to which the frameworks should work and operate to avoid conflicting or duplicitous roles. This compromises the effectiveness of disaster response as well as accountability in the disaster management cycle.

Further, as discussed at chapter 4, there are two institutions at the national level responsible for disaster management and each one is empowered under its own independent Act which can be quite a challenge. The Civil Defense Act establishes the NCCD and states that it is the highest organ for disaster management whereas the Act for the Organization of Humanitarian and Voluntary Works of 2006 provides that HAC is the agency in charge of humanitarian affairs and it is responsible for coordinating humanitarian effort in Sudan, and checking the dangers of disasters and disputes despite the fact that this an integral part of disaster management. Consequently, the jurisdiction of HAC cross cuts that of the Civil Defence Council.

There are no clearly defined and comprehensive International Disaster Response Laws that governs activities related to disasters. Thus, affairs related to international relief are contained within the constitution and different sectoral laws.

Notably Sudan has various sectoral laws concerning certain elements that come into play in the management of disasters such as customs, immigration and transport. However, these laws have no specific provisions that relate to disaster management. They offer no exemptions for their application that would be seen to expedite the processes of importing, delivery and distribution of aid and relief assistance in the event of a disaster. They are also silent on the entry and operation within the country of specialised personnel such as doctors or engineers, as well as the importation and use of specialised equipment within the country. It is therefore presumed that the status quo application of the laws applies also in the event of a disaster regardless of the magnitude and the level of assistance required to support affected populations. This is seen as an impediment to the efficient and effective delivery of emergency relief assistance as and when it will be needed.

6.2 Recommendations

To support an effective disaster management framework in Sudan, one of the crucial changes that need to be implemented is the development a comprehensive legal and institutional framework.

1. A national disaster management law, encompassing all relevant sectoral considerations should be developed. This law should also provide for a single institution with coordinating authority over all other government agencies and ministries. To aid the drafting of this law, it would be relevant to evaluate the draft NDRRS considering the ideal institutional and legal framework provided for in the IFRC's Model Act for the facilitation and Regulation of International Disaster Relief and International Disaster Relief and Initial Recovery Assistance, the IDRL guidelines and best practices as observed from the region.

In this regard, at a Stakeholder's consultative forum held in April 2018, it was recommended that at the federal level, a high-level committee of experts be constituted from relevant governmental and non-governmental entities(stakeholders) by a presidential decree to review the existing legal framework of facilitating international response in cases of disasters in Sudan including the interim constitution 2005, states constitutions and federal and states laws and policies.

Further at the states level, an analysis of states legal frameworks in relation to disaster risk reduction / management by the Federal governance Chamber in co-ordination with states legislative Councils be carried out, bearing in mind the uniqueness of each state. Subsequently, at the local level, there should be a building of awareness raising and participation of local level in all decisions related to facilitation and organization of international relief in disasters in Sudan.

In the reviewing of existing sectoral laws and drafting of new legislation related to disaster management it would be of vital importance to:

2. Include provisions on requesting and terminating international assistance. Specifically, clear responsibilities, roles and functions between different agencies should be drawn. It may, in this respect, be necessary to have a specific policy relating to requesting and receiving international assistance developed. This policy should, among other things, detail liability for assistance and support given, format of requests, authority and approval matrix for requesting for assistance, and joint coordination mechanisms regarding request for international assistance.
3. Elaborate clear procedures for coordinating requests for assistance by different agencies and institutions.
Additionally, a central database and system for data collection relating to international assistance received should be developed.
4. Lay out Procedural rules to facilitate entry and exit of relief goods which should be flexible about application of administrative requirements
5. Detail procedures that facilitate registration of international and local agencies specializing in disaster response
6. Ensure that they provide for a mechanism for temporary recognition and registration of entities engaged in international assistance during periods of emergencies with the possibility of fast-tracking registration and recognition for purposes of opening bank accounts, getting visas and conducting general business in the country.
7. Allow for the easing of existing restrictions on to import and export during disasters for

entities involved in disaster response including priority clearance procedures, providing for a mechanism for duty waiver and other incentives and tax exemptions to all goods relating to disaster relief.

8. Provide for waiver of licensing fees related to importation and use of telecommunication equipment.
9. Detail specific provisions regarding management of medical equipment and supplies during emergencies. The Medicines and Poisons Board should adopt and disseminate clear procedures and guidelines for importation and use of medicines by organizations during disasters. Specifically, requirements for registration of drugs should be relaxed in the context of drugs unregistered in Sudan.
10. Develop procedural guidelines to facilitate and regulate the entry and operation of international personnel within the country. A new visa category relating to disasters and emergencies should be created in the form of “disaster visa” as recommended in the Model Act on IDRL. This category of visa should be given free of charge to eligible actors. Additionally, there should also be a special work permit relating to personnel engaged in response which should also be made accessible without cost.
11. Ease the system for qualification recognition for foreign qualifications in times of disasters. There should be a single office responsible for certifying and recognizing foreign qualifications as a temporary measure while other verification processes are taking place.
12. Provide for a flexible tax regime during disasters. Regulations should be adopted providing for taxation of personnel engaged in international response. Specifically, it is recommended that salary and emoluments of international personnel of assisting international actors be exempted from income tax.
13. Further, tax exemption should also be extended to professionals providing services such as consultancies to agencies engaged in international response. The Vat Act should also be amended to provide a general waiver for organizations engaged in disaster response.
14. Detail a specialized transport regime to offer a single regulatory framework for transportation of relief goods. This should provide for waivers on procedures and requirements that could delay transportation of relief goods and equipment. For instance, the traffic regulations should be amended to recognize valid driving licenses from all countries for personnel engaged in disaster response. In addition, alternative registration requirements and procedures for vehicles engaged in relief should be adopted.
15. The Civil Aviation Act of 2010 should also be amended to give effect and domesticate all provisions of the Chicago Convention facilitating relief flights.

ANNEX

ANNEX

List of Referenced Legal Instruments, Policies, International Treaties and Agreements

- International Covenant on Civil and Political Rights
- Convention on Temporary Admission (Istanbul Convention (1990). Sudan signed in 1998.
- United Nations Framework Convention on Climate Change Paris.
- International Convention on the Simplification and Harmonization of Customs Procedures (Kyoto Convention (1999).
- United Nations Framework Convention on Climate Change (UNFCCC), Rio de Janeiro in 1992.
- Kyoto Protocol, Kyoto-Japan, 1997.
- International Covenant on Economic, Social and Cultural Rights
- The Geneva Conventions and their additional protocols
- Convention Relating to the Status of Refugees
- Vienna Convention on Diplomatic Relations
- Vienna Convention on Consular Relations
- Convention on Privileges and Immunities of the United Nations
- Convention on Privileges and Immunities of the Specialized Agencies
- Convention on Facilitation of International Maritime Traffic
- Convention on International Civil Aviation
- Tampere Convention on the Provision of Telecommunication Resources for Disaster Mitigation and Relief Operations
- International Health Regulations
- United Nations Convention to Combat Desertification in those Countries Experiencing Serious Drought and/or Desertification
- United Nations Framework Convention on Climate Change
- Basel Convention on the Control of Trans- boundary Movements of Hazardous Wastes and their Disposal.
- Convention on the Safety of United Nations and Associated Personnel.
- The Sendai Framework for Disaster Risk Reduction 2015–2030 (Sendai Framework).
- Millennium Development Goals (MDGs).
- The Hyogo Framework for Action 2005-2015

National Legislations

- Sudan Interim Constitution (2005)
- Privileges and immunities Act 1956
- Organization of Voluntary and Humanitarian Works Act 2006
- Custom Act 1986
- Sudanese Specification and Standards Act 2008
- Value Added tax Act (VAT) 2001
- Communication Act 2002
- Biosafety Act 2010
- Medicines and Poisons Act 2009
- Passport and Migration Act 2015.
- Higher Education Act 1990
- Medical and Health Profession Act 2010
- Engineering Board Act 1998
- Income Tax Act 1986
- Traffic Act 2010
- The Civil Aviation Act 2010
- The Penal Act 1991
- The Refugees Act
- Public Health Act 2008
- Animal Diseases Act
- Sudanese Red Crescent Society Act 2010
- Emergency and National Security Protection Act 1997
- The Civil Defense Act 2005
- Organization of Humanitarian and Voluntary Works Act, 2006
- Sudan Armed Forces Act 2007

National Policies

- The draft National Disaster Management Policy
- The National Health Policy
- The National Food Policy

The Fundamental Principles of the International Red Cross and Red Crescent Movement

Humanity The International Red Cross and Red Crescent Movement, born of a desire to bring assistance without discrimination to the wounded on the battlefield, endeavours, in its international and national capacity, to prevent and alleviate human suffering wherever it may be found. Its purpose is to protect life and health and to ensure respect for the human being. It promotes mutual understanding, friendship, cooperation and lasting peace amongst all peoples.

Impartiality It makes no discrimination as to nationality, race, religious beliefs, class or political opinions. It endeavours to relieve the suffering of individuals, being guided solely by their needs, and to give priority to the most urgent cases of distress.

Neutrality In order to enjoy the confidence of all, the Movement may not take sides in hostilities or engage at any time in controversies of a political, racial, religious or ideological nature.

Independence The Movement is independent. The National Societies, while auxiliaries in the humanitarian services of their governments and subject to the laws of their respective countries, must always maintain their autonomy so that they may be able at all times to act in accordance with the principles of the Movement.

Voluntary service It is a voluntary relief movement not prompted in any manner by desire for gain.

Unity There can be only one Red Cross or Red Crescent Society in any one country. It must be open to all. It must carry on its humanitarian work throughout its territory.

Universality The International Red Cross and Red Crescent Movement, in which all societies have equal status and share equal responsibilities and duties in helping each other, is worldwide.