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THE NON-GOVERNMENT ORGANIZATIONS ACT,
(CAP. 56)

THE NON-GOVERNMENTAL ORGANIZATIONS (THE NATIONAL COUNCIL OPERATIONAL)
REGULATIONS, 2016

(Made under Section 27(1))

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SCHEDULE

Preamble

Since, the Government of the United Republic of Tanzania, in recognition of the role of Non-Governmental Organizations in development of Tanzania society, formulated the National Non-Governmental Organizations Policy of 2001 with aim of creating an enabling environment for NGOs in Tanzania;

Since, one of the policy justifications was the need to enhance self regulation, transparency and accountability of Non-Governmental Organizations and establish modalities for interaction between NGOs and the Government and between NGOs and other stakeholders;

Since, the NGO Act No. 24 of 2002 as amended in 2005 under the provisions of section 25 establishes the National Council of Non-Governmental Organizations to be a collective forum of NGOs for purpose of coordination and networking;

Since, the National Council of NGOs is also responsible for facilitating self regulation of NGOs through development and overseeing the implementation of the NGOs Code of Conduct;

And since, We members of the National Council of NGOs understand that an established and formalized mechanism for governing and managing NaCoNGO is a prerequisite for its effective functioning and fulfilling its obligation;

We, therefore, agree as members of NaCoNGO and through broader consultation with NGOs and other key stakeholders and on the basis of the provisions of section 27 (1) *establish the Operational Guidelines*

prescribing the governance and management systems, procedures, rules, norms, values and regulations which shall govern the operations of NaCoNGO for greater effectiveness and efficiency.

PART I PRELIMINARY PROVISIONS

- Citation 1. These Regulations may be cited as the Non-Governmental Organizations (the National Council Operational) Regulations, 2016.
- Application 2. These Regulations shall apply to all registered NGOs in Mainland Tanzania.
- Interpretation 3. In these Regulations, unless the context otherwise requires:
- Cap.56 "Act" means the Non Governmental Organization Act;
"AGM" is an acronym for Annual General Meeting;
"NaCoNGO" is an acronym for the National Council for Non Governmental Organizations;
"NGO" is an acronym for Non Governmental Organization;
"Minister" means Minister responsible for NGO.

PART II MISSION AND VISION OF NATIONAL COUNCIL FOR NGO

- Vision and mission of National Council for NGO 4.-(1) The Vision of NaCoNGO shall be to envisage a prosperous society where NGOs play an active role in the socio-economic development of the country.
- (2) The mission of NaCoNGO shall be to provide a coordinated workable mechanism for NGOs contribution to national development through capacity development, information sharing, networking, lobbying and advocacy, representation and self regulation of the NGO sector.

PART III STRUCTURE, MANAGEMENT AND ADMINISTRATION

- Structure of National Council for NGO 5. The legal responsibility and operations of NaCoNGO are governed from the apex by governing organ namely Governing Council which contains the following:
- (a) The Council Annual Meeting;

- (b) The National Council for NGO;
- (c) Executive Committee; and
- (d) Management of National Council for NGO.

Council Annual Meeting

6.-(1) There shall be a Council Annual Meeting to be constituted by 350 members whereby each district shall be represented.

(2) The Council Annual Meeting under subregulation (1), shall be held once in a year and shall be responsible for the following :

- (a) to receive reports from NaCoNGO and advise the later accordingly;
- (b) to elect representatives of NGOs in the NGOs Coordination Board to be proposed for appointment by the Minister.

Functions of National Council for NGOs

7. The National Council for Non Governmental Organizations shall perform the following functions:

- (a) protecting the interest of NGOs;
- (b) networking and Coalition building among NGOs;
- (c) to be a unified voice of NGOs affairs;
- (d) regulate and coordinate NGOs conducts;
- (e) capacity development for NGOs;
- (f) information collections, processing and dissemination;
- (g) linking creation between the NGO, Government and other stakeholders;
- (h) fostering NGOs adherence to the Act;
- (i) resource mobilization and equitable allocation to NGOs;
- (j) representation of NGOs in the national, sub-national and international levels;
- (k) dispute mediation and mitigation among NGOs and between NGOs and other actors;
- (l) fostering ethical conduct among NGOs;
- (m) publicizing the role of NGOs in national development;
- (n) creating awareness on the laws, policies and regulation pertaining to NGO wellbeing; and
- (o) Organizing NGO Forums.

Executive
Committee and
its roles

8. There shall be an executive committee of the National Council for Non Governmental Organizations which shall exercise the following roles:

- (a) determining the organization's mission and purposes;
- (b) appointing the coordinator;
- (c) supporting and evaluating the coordinator;
- (d) ensuring effective planning;
- (e) monitoring and strengthening programs and services;
- (f) ensuring adequate financial resources;
- (g) protecting assets and provide financial oversight;
- (h) building a competent council;
- (i) ensuring legal and ethical integrity; and
- (j) enhancing NaCoNGO's public image and standing.

Composition of
Executive
Committee

9.-(1) The executive committee shall compose of:

- (a) Chairman;
- (b) Secretary general;
- (c) Treasurer; and
- (d) Four representatives from subcommittees.

(2) Tenure, qualifications and appointment of the Members of Executive Committee shall be as prescribed under the NaCoNGO Election Regulations

Functions of
Chairman of
Executive
Committee

10. The chairman of the executive committee shall perform the following functions:

- (a) Presides over Governing Council meetings;
- (b) Speaks on behalf of NaCoNGO to the public and media;
- (c) Chairs the executive committee and NaCoNGO meetings; and
- (d) Oversees NaCoNGO affairs.

Functions of
Secretary
General of
Executive
Committee

11. The secretary general of the executive committee shall perform the following functions:

- (a) he is the official contact person of NaCoNGO;
- (b) receiver of agenda items from members of NaCoNGO;
- (c) Preparing meeting agendas in consultation with the Chairperson and circulate these along with

- any relevant papers required for discussion by the Governing Council;
- (d) make all the arrangements for meetings of the Governing Council;
- (e) ensuring that a quorum is met;
- (f) Recording the proceedings of the meetings;
- (g) Sitting on appraisal and recruitment panels as required; and
- (h) he is among the signatories of NaCoNGO Bank account.

Functions of the
Treasurer of
Executive
Committee

12. The treasurer of the executive committee shall perform the following functions:

- (a) plan for the financial security and long-term sustainability of NaCoNGO;
- (b) present financial reports to the board and the annual general meeting;
- (c) keep the Council aware of its financial responsibilities;
- (d) ensure that appropriate accounting procedures and controls are in place;
- (e) assure the Council that the financial resources of NaCoNGO can meet its present and future needs, and advise on the financial implications of NaCoNGOs strategic plans;
- (f) liaise with staff and volunteers about financial matters;
- (g) ensure that financial investments are consistent with the aims and objectives of NaCoNGO and meet any legal responsibilities;
- (h) ensure that NaCoNGO accounts are prepared in properly and are audited; and
- (i) he is among the signatories of the Bank account.

Functions of the
Subcommittee of
Executive
Committee

13. The subcommittee of the executive committee shall perform the following functions:

- (a) financial and administration;
- (b) communication and Networking;
- (c) ethics; and
- (d) capacity development.

Meeting of
Executive
Committee

14. The executive committee shall conduct its meeting quarterly under the following *sine qua non* conditions:

- (a) the quorum shall be four members;
- (b) it shall be headed by the chairman or, in his absence, the vice chairman or where both the chairman and vice chairman are absent, by a person appointed as such by Members;
- (c) the notice shall be offered fourteen days prior to the meeting in question; and
- (d) the power to make decisions is three members.

Management of
National Council
for NGO

15.-(1) There shall be management of NaCoNGO which shall be responsible for the execution of day to day activities, to be constituted by members of secretariat and the Secretary General.

(2) The Secretariat shall constitute the coordinator who shall be a chief executive; finance and administration manager; ethics promotion manager; capacity development manager; Advocacy, Alliances and Networking Manager; and other staff to be recruited as the needs arise and where capacity of NaCoNGO so requires.

(3) The Secretary General shall be the chairman of management and, his office constitutes Coordinator and team of management.

(4) Subject to sub rule (3), the Coordinator shall exercise his duties under the supervision of the Secretary General and shall be responsible for implementing programmatic activities and overall management of the Council in pursuit of its goals.

(5) Notwithstanding the generality of sub rule (4), the functions of coordinator shall be to:

- (a) allocating the work to specific Members of Staff and ensuring it is carried out;
- (b) liaises with the Secretary General in recruiting, appointing people to do the work or allocating tasks to them and checking that they have done the work;
- (c) ensures staff development;
- (d) budget, fundraising and keeping financial records;
- (e) conduct research on NGO sector;
- (f) develop and maintain good public relations;
- (g) coordinate NGOs activities;

- (h) undertake capacity development of NGOs;
- (i) facilitate Information sharing and networking;
- (j) facilitate the implementation of NGOs codes ethics; and
- (k) be among the signatories of NaCoNGO Bank accounts.

PART IV

MISCELLANEOUS PROVISIONS

Responsibilities
of Members of
National Council
for NGO

16. The Members to NaCoNGO shall exercise their responsibilities as follows:

- (a) Governing and providing oversight on the affairs of NaCoNGO and may bind NaCoNGO in contract, borrow money on behalf of the Council and may institute defense or settle any legal claims by or against the Council;
- (b) Expending NaCoNGO funds in a manner deemed to be most beneficial in achieving the purpose of the Council which is effective coordinating and networking of the NGO sector;
- (c) Vetting before acquiring or disposing-off NaCoNGO's properties;
- (d) Formulating and repealing rules, guidelines and regulations of NaCoNGO in line with the NGO Act and Code of Conduct;
- (e) Delegating the powers to the Secretariat as the situation may demand;
- (f) convening NaCoNGO's meetings and the Annual General Meetings;
- (g) to periodically review the performance of the organization in relation to the objectives set out in the strategic plan;
- (h) to conduct regular evaluations of own performance and capacity needs;
- (i) to put in place formal and transparent procedures for the election of new members that is based on merit and needed skills;
- (j) to ensure that the NGOs are involved in the Council's discussions and decisions-making process;
- (k) to ensure that the organization has clearly separated the role between and members of NaCoNGO and

Secretariat in its operational guideline and regulations; and

- (l) to ensure that the NGO fraternity has sufficient information to understand the objectives, plans and activities of the NaCoNGO;

Responsibilities
of NGOs to the
National Council
for NGOs

17. Every NGO shall be responsible to NaCoNGO as follows:

- (a) to submit annual Annual Activity and Audited Financial statements to NaCoNGO and Registrar of NGOs;
- (b) to adhere to the NGOs' Code of Ethics and comply with the NGO Act No. 24/2002;
- (c) to avail their members to effectively participate in NaCoNGO's activities; and
- (d) to operate in good interest of NaCoNGO.

Rights of NGO
over National
Council for NGO

18. The NGO shall have the following rights:

- (a) to be members of NaCoNGO;
- (b) to be heard in the appropriate structures of NaCoNGO;
- (c) to access information on NaCoNGO's activities and financial statements; and
- (d) to be represented by NaCoNGO in different fora where necessary.

Provisions
relating to
documents

19.- (1) The NaCoNGO, in exercising its duties and functions, shall adhere to the documents namely primary and secondary documents.

(2) There shall be five pieces of primary documents to be referred by NaCoNGO namely:

Cap. 2

- (a) the Constitution of United Republic of Tanzania, 1977;

Cap. 56

- (b) the National NGO policy;
- (c) the Act;
- (d) the NGO Code of Ethics; and
- (e) the Rules for operational regulations and regulations

(3) There shall be secondary documents to be employed by NaCoNGO, which shall include:

- (a) the Election Manual;
- (b) the Human Resource and Administrative Manual;
- (c) the Financial Management and Procurement Manual;
- (d) fund raising and Resource Mobilization Manual;
- (e) the Strategic and Action Plans;
- (f) the Gender Mainstreaming Manual;
- (g) the Monitoring and Evaluation Manuals;
- (h) communication Strategy; and
- (i) policy and Advocacy Manual.

Amendments

20. These Rules and other secondary documents may be amended by an affirmative vote of not less than 65 percent of NaCoNGO members subject to the approval of the NGOs Coordination Board.

Passed this Day of, 2016

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Chair Person

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Secretary General