REGISTRATION OF NGOs IN TANZANIA
ACCORDING TO THE NGO ACT NO.24/2002 AS AMMENDED BY ACT NO.11/2005

Marcel S. Katemba
Registrar of NGOs,
Ministry of Community Development, Gender and Children,
P.O. Box 3448,
Dar es Salaam, Tanzania
1.0 Introduction
2.0 Definition and general levels of Registration
3.0 Registration of International NGOs (INGOs)
4.0 Compliance of INGOs
5.0 Post registration/compliance requirements
6.0 Roles and duties of INGOs in Tanzania
7.0 Partnership between the Government and INGOs
8.0 Existing laws
9.0 Challenges facing NGO sector in Tanzania
10.0 Conclusion
1.0 INTRODUCTION

- The Non Governmental Organization Act, 2002 as amended by Act 11/2005 was enacted to achieve two major objectives namely registration and monitoring of NGOs in Tanzania.

- This Act was preceded by the policy statement in 2001, that aimed at providing a clear justification that, the Government encourages partnership with public and private sector in order to compliment Government efforts in provision of social and economic services to the community.
2.0 DEFINITION

- The Act defines NGOs as a voluntary grouping of individuals or organizations which is autonomous, non partisan, non profit sharing organized at a local, national or international level, for purposes of enhancing or promoting economic, environmental, social or cultural development or protecting the environment, lobbying or advocating on such issue; or established under the auspices of any religious or faith propagating organization, trade union, sports club, or community based organization but does not include a trade union, social club, sports club, political party, religious or faith propagating organization or community based organization.
There are two main categories of registration; 
- Registration at Local level and;
- Registration at international level

The registration at Local level is sub categorized into three levels namely
(i) District level 
(ii) Regional level 
(iii) National level
The objective of this presentation is to provide for the procedures governing registration of International NGOs (INGOs) according to the Non Governmental Organizations Act, 24/2002;

- The NGO Act, recognizes International NGOs as charitable organizations that have originally been registered outside Tanzania.
3.1 Procedures for registration of INGOs

Procedure for registration of INGOs is provided for under the provisions of section 12(3) of the amendment Act 11/2005 which provides the following:

In case of International NGO, the application for registration shall be submitted in a duly filled prescribed Form No. 1, and shall be submitted by three or more persons, being the founder members and two of whom shall be residents of Tanzania.
3.1 Procedures cont..

Application shall be accompanied by

(i) Certificate of incorporation in the Country of origin as proof of its existence as a charity and/or for charitable purposes.

(ii) The governing constitution/by laws of the organization as per Section 30 of the NGO Act.(that requires constitution to be submitted as a governing document and no NGO shall operate contrary to its constitution).
(iii) Minutes containing full names and particulars of founder members.
(iv) Personal particulars of office bearers.
(v) Application fees.
(vi) Address and physical location of the head office of the NGO in Tanzania.
(vii) Any other information required by the Registrar.
3.2 Regulatory requirements

- INGO requires a minimum number of three or more persons at the time of registration, however the NGOs in Tanzania are member based, hence the number of members can increase accordingly as per the need by the organization. (see Regulation 7 of NGOs regulations 2004, that requires application to be by group of persons).
The provisions of Section 11(3) of the NGO amendment Act, requires NGOs that are registered under any other written laws in Tanzania, where their status requires registration under this Act shall apply to the Registrar for Certificate of Compliance. No fees shall be paid for compliance.

This means a Certificate of Compliance shall be issued upon satisfaction by the NGO, be it local or International, of the terms and conditions for registration under this Act and shall have a similar effect as a certificate of registration.
5.0 POST REGISTRATION /COMPLIANCE REQUIREMENTS

- All registered and/or complied NGOs including INGOs are required to pay fees annually, to prepare report of its activities, and audited financial reports that shall be made available to the public, the Board and the Council and other stakeholders (see Section 29 of the NGO Act 24/2002).

- The applicable fees for registration of INGOs is USD 267 that includes stamp duty of USD 2.

- The annual fees applicable for INGOs is USD 60.
6.0 ROLES AND DUTIES OF INGOs IN TANZANIA

The NGO Act provides the following roles that are expected of INGOs

(i) To foster and promote the capacities and abilities of local NGOs.
(ii) To participate in activities of the Council.
(iii) To respect laws governing its operations.
(iv) To respect the culture and traditions of the people and communities in which it operates unless such culture is contrary to any other written laws.

(v) To refrain from doing any act which is likely to cause competition or misunderstanding among the NGOs.
Having seen definition and the procedures for registration of INGOs, it is worth discussing areas where INGOs and the Government can foster effective partnership for sustainable performance of the sector;

(i) **Transparency and information sharing;** the Government has established the national website for NGOs ([www.tnnnc.go.tz](http://www.tnnnc.go.tz)) where information sharing is made easy and effective across the Regions.
(ii) Accountability

In 2008 the NGO sector through the National Council for NGOs developed the Code of Conduct and cause it to be published in the Government Gazette (GN 363 on 5 December, 2008)

This code puts in place the basic code of conduct, limitations and guidelines on how the sector shall operate and self governing in Tanzania.

Hence all registered NGOs are under obligation to adhere to this code, INGOs inclusive.
The specific objectives of the code are in 3 folds:

- To create enabling environment for the NGO sector
- To enhance accountability of NGOs
- To encourage partnership and cooperation among NGOs and other stakeholders.

The Code of conduct is a great achievement for the NGO sector in Tanzania as it provides for financial transparency and accountability of NGOs,
It further provides that all financial transactions shall be handled in transparency manner through a bank account. Literally this enhances financial tracking of all official transactions of NGOs.

To compliment this, NGOs in Tanzania can not operate an account prior to its registration, since it is the registrar’s recommendation that entitle an NGO to operate an account. The code also provides penalties for non adherence.
(iii) Agreements of cooperation

In Tanzania INGOs have an opportunity to enter into agreements of cooperation with the Government wherein each party shall have obligations and rights clearly stated.

These agreements enable INGOs to operate in clear stated partnership where both parties are in a mutual understanding of the aspirations of each party and the privileges to be enjoyed.
However, it is only through clear and genuine partnerships, that the INGOs can safely operate in Tanzania.

INGOs are encouraged to observe the law and beware of untrustworthy cooperation. This can be achieved through establishment of mutual trust with the Government and obtaining recommendation from the Government, of any legal person or individuals whom they need to establish a partnership with.
Not for Profit organizations in Tanzania are registered under different authorities to cater for different intentions that the relevant legislations was enacted to achieve.

- **Company Act**, registers companies that do not share capital (Companies limited by guarantee)
- **Societies Act**, has a mandate over all other associations including faith based, sports clubs and community based
- **Trustees Incorporation Act** do register all trustees.
9.0 CHALLENGES FACING NGOs IN TANZANIA

- Multiplicity of law: Due to multiplicity of laws and authorities that register Civil Society Organizations in Tanzania, experience shows that there are challenges in monitoring of the same.

- Accountability: Despite the fact that NGOs Act requires all registered NGOs to submit reports and pay their annual fees to the Registrar, but it becomes a challenge to deal with the perceptions on accountability of NGOs.
NGOs in Tanzania have a significant role to play in the improvement of the livelihood of citizens. On the other hand, INGOs have substantial role in funding and working in partnership with local NGOs. In recognizing this, the Government of Tanzania continues to create enabling environment for NGOs operations, and this is evidenced by the adopted Code of Conduct that enables NGOs to govern themselves while the Government is left with registration and coordination role.
THANK YOU!

LET US JOIN FORCES TO MAINTAIN STRONG PARTNERSHIP