



TIPS FOR NGO LAW IN TANZANIA



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QN. WHAT IS AN NGO?



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An NGO is defined under the NGOs Act No.24/2002 as a voluntary grouping of individuals, or organization which is autonomous, Non-partisan, non-profit sharing which is organised locally at the grassroot, regionally and internationally for the purposes of enhancing or promoting economic, social, environmental and human development...but does not include trade unions, social clubs, religious/faith organizations and community based organizations¹



QN. Can an NGO Own Property in Tanzania?

Yes, an NGO can own property in Tanzania. Once registered, an NGO can own property in its own name, it can sue and be sued. This is a corporate personality gained after the amendment of section 18 of the NGO Act. Whereas an NGO can sue and be sued in its own name and it can also acquire, hold and transfer movable and immovable properties in its own name.²

QN. Are NGOs allowed to indulge in Profitable ventures?

Yes. It is important to understand that considering the change done on the NGO Act, No.24 2002(as amended), NGOs are allowed to make profit but the profits should not be shared among the members or directors of the NGO, but they should be ploughed back to the NGO.

1.Section 2 NGOs Act No.24/2002

2.See section 8 of the Written Laws (Miscellaneous Amendments) (No.2) Act, 2005

3.bid.



TANZANIA RELIEF
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NGOs are encouraged to generate incomes to sustain themselves and avoid donor dependency. However, the type of income generating activities should be in line with the mission and objectives of the NGO. They should be undertaken to promote the mission and objectives of the organization³. Example-Doing consultancy works, owning businesses etc whose profits are for supporting the. NGO's mission.

The Constitution and other documents that are registered by the founder members of the NGO shall be the governing documents in respect of such NGO and it shall not operate or perform its functions contrary to its constitutional whims.⁴NGOs may only engage in non-partisan activities that contribute to the benefit or welfare of the community or public.The activities must enhance and promote economic, environmental, social or human rights or advocate for those issues,⁵ therefore it is important to note that the properties cannot be owned for the benefit of the members of the NGO, but the benefits of the properties should be used exclusively on the NGO based on its constitution.



QN. What is the life span of Certificate of Registration of an NGO?

Section 30 of the amended law amends Section 17 of the NGOs Act by adding subsection (3) which imposes period limit of the Certificate of Registration of an NGO to be not more than ten (10) years.⁶

Legal Implication

The implication of this is that, NGOs are required to renew their Certificate of Registration after ten (10) years, counting from the date of registration. Upon expiration of ten (10) years, Certificate of Registration will be considered as invalid.

An application for renewal of Certificate of Registration is to be made to the Non-Governmental Organizations Coordination Board, six (6) months before the expiry date of its registration.

4. Section 30(1)(2) of the Non-Governmental Organisations Act No. 24 of 2002.

5. Section 2 of the Non-Governmental Organisations Act No. 24 of 2002 as amended.

6. See written laws (miscellaneous Amendments) No. 3 of 2019

QN:Publication of Annual Reports: a legal requirement or a discretion of an NGO?

NGOs are obliged to put their annual reports in public domains. This should be preceded by submitting the same to the NGO Coordination Board.⁷

Legal implications

Non compliance may make office bearers liable to offences under the NGO's Act including suspension, cancellation or deregistration of an NGO from NGOs register.⁸

References

1. NGO Act No. 24/2002
2. Written Laws (Miscellaneous Amendments) No. 2 Act of 2005
3. Written Laws (Miscellaneous Amendments) No. 3 Act of 2019

7. See Section 31 of the Written laws (Miscellaneous Amendments) (No. 3 Act) of 2019

8. Section 20 NGOs Act.