

Policy Review Report

The Review of the 2001
Non-Governmental
Organization Policy



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Governmental Organization Policy

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List of Abbreviations

AATZ	<i>Asylum Access Tanzania</i>
ADLG	<i>Actions for Democracy and Local Governance</i>
Adv.	<i>Advocate</i>
AFRIWAG	<i>African Women's Aids working Group</i>
ACHPR	<i>African Commission on Human and Peoples Rights</i>
ANGOZA	<i>Association of Non – Governmental organization of Zanzibar</i>
ARBD	<i>Association of Rare Blood Donors</i>
ARUWE	<i>Action for Rural Women's Empowerment</i>
CAGBV	<i>Centre Against Gender Based Violence</i>
CBOs	<i>Community-Based Organizations</i>
CDF	<i>Children's Dignity Forum</i>
CEDAW	<i>Convention on the Elimination of All Forms of Discrimination against Women</i>
CSOs	<i>Civil Society Organizations</i>
CORDS	<i>Community Research and Development Services</i>
Dr.	<i>Doctor</i>
FBOs	<i>Faith Based Organizations</i>
FCS	<i>Foundation for Civil Society</i>
HIV/AIDS	<i>Human Immunodeficiency Virus/ Acquired Immune Deficiency Syndrome</i>
ICCPR	<i>International Covenant on Civil and Political Rights</i>
ICESCR	<i>International Covenant on Economic Social and Cultural Rights</i>
ICNL	<i>International Center for Not-for-Profit Law</i>
ICPPED	<i>International Convention for the Protection of All Persons from Enforced Disappearance</i>
IMF	<i>International Monetary Fund</i>
INGOs	<i>International Non-Governmental Organizations</i>
IT	<i>Information Technology</i>
KPI	<i>Key Performance Indicators</i>
LECRI	<i>Legal & Child Rights</i>
LHRC	<i>Legal and Human Rights Centre</i>
MISATAN	<i>Media Institute of Southern Africa Tanzania</i>
M&E	<i>Monitoring and Evaluation</i>
MoHCDGEC	<i>Ministry of Health, Community Development, Gender, Elderly and Children</i>

MoEVT	<i>Ministry of Education and Vocational Training</i>
Mr.	<i>Mister</i>
Mrs.	<i>Misses</i>
Ms.	<i>Miss</i>
NACONGO	<i>National Council of Non-Governmental Organizations</i>
NGOs	<i>Non-Governmental Organizations</i>
NHNWF	<i>New Hope New Winners Foundation</i>
NNGOs	<i>National Non-Governmental Organizations</i>
OJADACT	<i>Organization of Journalists Against Drug Abuse and Crimes in Tanzania</i>
PINGOs	<i>Pastoralists Indigenous Non-Governmental Organizations-Forum</i>
PO-RALG	<i>President's Office, Regional Administration and Local Governments</i>
RAI	<i>Resource Advocacy Initiative</i>
RBOs	<i>Regional Based Non-Governmental Organizations</i>
REPOA	<i>Research on Poverty Alleviation</i>
SAHRiNGON	<i>Southern Africa Human Rights NGO-Network</i>
SOSPA	<i>Sexual Offences Special Provisions Act</i>
SWOC	<i>Strengths, Weaknesses, Opportunities and Challenges</i>
SHIVYAWATA	<i>Shirikisho la Vyama vya Watu Wenye Ulemavu Tanzania</i>
TANGO	<i>Tanzania Association of Non-Governmental Organizations</i>
TAWIA	<i>Tanzania Widows Association</i>
TEN/MET	<i>Tanzania Education Network/Mtandao wa Elimu Tanzania</i>
TGNP	<i>Tanzania Gender Network Programme</i>
THRDC	<i>Tanzania Human Rights Defenders Coalition</i>
TLS	<i>Tanzania Law Society</i>
TNRF	<i>Tanzania Natural Resources Forum</i>
TZS	<i>Tanzanian Shillings</i>
UTPC	<i>Union of Tanzania Press Clubs</i>
UVUUMA	<i>Umoja wa Vikundi vya Uzalishaji Mali na Uelimishaji Rika Magu</i>
VAT	<i>Value Added Tax</i>
VOYOHEDA	<i>Volunteer for Youth in Health and Development</i>
WiLDAF	<i>Women in Law and Development in Africa</i>
WLAC	<i>Women's Legal Aid Centre</i>
ZAFELA	<i>Zanzibar Female Lawyers Association</i>
ZLSC	<i>Zanzibar Legal Service Centre</i>

Executive Summary

Introduction

This report is a synthesis of the views collected from key stakeholders who were mostly the of Non-Governmental Organizations (NGOs) in Tanzania supplemented by a critical review of the literature on NGOs. The report has been part of the ongoing process by prepared to help the drafting of the NGOs Model policy which is an addendum to this report. The purpose of this report was to present summary of the key discussions that the consultants had with the key stakeholders in Tanzania with the aim of informing the drafting of an NGOs Policy Model to be presented to the government. The scope of the analysis was from when the Policy was drafted back in 2001. Based on the views/opinions of the stakeholders and documentary review, the outcome of this report was to be incorporated in the drafting of the new NGOs policy.

It should also be noted that in January 2018 the Registrar of NGOs announced the beginning of the process of developing a New NGOs Policy. This follows from several economic and social changes that have taken place in Tanzania in the past 17 years since the adoption of the current NGOs Policy in 2001. The Tanzania Human Rights Defenders Coalition (THRDC), as one of the key stakeholders saw the need to spearhead this process of developing a new NGOs Policy in Tanzania. The needs and challenges facing NGOs sector change overtime depending on economic, political, technological and social changes.

Scope of the Review

The review aimed at identifying some key challenges and lessons for reviewing the NGOs Policy in Tanzania. According to the Terms of Reference (ToRs) the consultants were required to undertake the following activities and deliverables:

- a) To make a review of the current NGOs Policy; its strengths and weaknesses in relation to the establishment and operation of NGOs in Tanzania.
- b) To develop a model NGOs Policy based on recommendations from THRDC members and other relevant stakeholders

Methodology and Approach

The review process used a five-staged participatory approach which involved a series of consultations and discussions with a wide range of stakeholders (see Figure 2). The first stage involved a critical review of the literature on the civil society in Tanzania, with the aim of establishing a situation analysis of the NGOs sector in Tanzania. This was followed by a second workshop that involved resource persons who presented an overview of the current NGOs Policy as well as the NGOs Act of 2002. The next step was the formation of discussion groups which discussed the two documents and provided feedback to the consultants. Given the current digital era, other NGOs were reached through online platforms such WhatsApp groups and google groups. To balance the view, a few government officials from the ministry were also consulted for the opinions on the implementation of the NGOs policy

Lessons

From the discussion of the stakeholders' views, the following are some lessons that can inform the development of the new NGOs in Tanzania.

- The contribution of NGOs in the areas of service delivery, advocacy, democracy and good governance as well as community empowerment is beyond debate. However, the process of NGO sector development, methods of work and the impact of NGO program activities, among other issues, have continued to generate varied and sometimes contradictory views and experiences.
- The Government fully acknowledges and recognizes the key role NGOs play in service delivery especially to marginalized groups, and improving accountability of public institutions
- A series of consultations and discussions with a wide range of stakeholders at regional and national level. Various interest groups including NGOs and NGO umbrella bodies, public servants at national, district and lower levels, Parliamentarians, the Private Sector and Donor representatives should be all consulted
- The New Policy should recognize the imperative of strengthening partnership between Government and the NGO sector based on clear principles and practices
- The success of the New Policy will require the active commitment and involvement of all the actors identified herein including State and Non- State actors.

Conclusions

What has come out clearly in this review is that there has been reluctance on the part of the government over the years to review the NGOs policy in good time so that policy could attain the desired goals. In the light of the discussion of the views expressed by the NGOs consulted, until and unless the policy is subjected to a serious review, the intention of the government to nurture NGOs, must only be seen in symbolic terms as an expression of 'intent' since the actual functioning of the NGOs in Tanzania after nearly 17 years leaves much to be desired.

Recommendations

In the light of the of the discussion of the findings, there is the need for a policy review if the NGOs in Tanzania must deliver on their core functions. It is in the light of this that the review makes the following recommendations/suggestions as a way of contributing to the debate on the way forward in promoting an adequate democratic space for the NGOs in Tanzania.

1. Maintain the inclusion of advocacy and lobbying as legitimate acts that fall within the definition of NGOs.
2. Confirm that a variety of legal forms of organisation can bring different benefits to society.
3. Confirm that registration as an NGO is a voluntary act.

4. Provide an incentive to register as an NGO by making all registered NGOs automatically exempted from income tax, VAT and capital gains tax.
5. Ensure that the independence of NGOs is fully respected by ensuring that decisions on registration, suspension and deregistration are taken by a body with majority representation of NGOs.
6. Ensure that the voluntary nature of NGOs is fully respected by removing the requirement to register. As such, organisations that are suspended or deregistered would continue to exist and operate but would simply no longer be registered as NGOs and would no longer have tax-exempt status. This would strengthen the [financial] incentive for them to update their registration.
7. Increase the time required for an NGO to prove its existence from 30 days to 180 days.
8. Maintain a public record of registered NGOs, including details of reports and accounts submitted and fees paid, which NGOs and members of the public can access free of charge, ideally online.
9. Maintain NaCoNGO as an independent self-regulatory body, accountable to NGOs themselves.
10. Maintain the requirement for registered NGOs to submit annual reports and accounts.
11. Maintain the entitlement for NGOs to engage in a wide range of fundraising activities, to maximise the resources available for development activities.
12. The policy should bring NGOs together and built a participatory approach.
13. Establish a well constituted and empowered joint committee and operationalize it fully
14. NGOs must be given freedom to act on their capacity without being interfered by political myth.
15. Equality for both Government and NGOs should be enshrined in the policy to ensure a sounding check and balance for NGOs sector.
16. Registration of NGOs shouldn't include fees for non – profit making organizations.
17. Governments should recognize the work of NGOs and broadcast its contribution in the socio-economic sector and appraise
18. NGos should completely be non-partisan and avoid all use of political tactics and interventions
19. NGO's should be more assertive, use evidence-based constructive intervention approach
20. Structurally Thematic, National, Regional and District networks should be included in the policy as the organs which will coordinate NGO's at their levels.

21. The policy should adopt attainable objectives
22. The policy should promote transparency and accountability
23. The policy should have a clear vision, mission statements and measures of success
24. The NGO law should be reviewed to support the implementation of the new policy
25. Establish specific authorities to regulate NGOs operations and ensure protection/ security and sustainability of NGOs
26. Recognize NGOs and staff as potential and support if possible, the government contribute in their Social security pensions.
27. Government be left with registration and coordination role.
28. The policy should leave NGOs to govern themselves.
29. Ensure Government's financial and material support to NGOs.
30. Facilitate NGO's access to Parliament
31. Strong National Forum which could promote proper relationship between government and NGOs.
32. Centralizing registration to the local authorities
33. Centralizing Annual return to district or region level
34. Include a section that aims to advance and promote values such as respects between government and NGOs as a partner.
35. Second, the policy to be costed and the budget to be allocated at a different level for coordination.
36. Improve quality assurance of the work of NGOs including technical support by NGOs Coordinator at the council level.
37. Build the capacity of NGO Coordinator at the council level to be able to guide and provide technical support to NGOs so that they comply with policy and legal framework. The capacity should go hand in hand with dissemination of different guidelines that govern NGOs.
38. Include the section that requires the government to receive reports online and not travelling with hard copies. The same should apply to NGOs to apply through the central government systems of reporting.
39. Give more power and decentralize the roles of the National NGO register to District and Regional registers for easy access and operation
40. There should be cooperation between NGOs and government
41. There should be enough freedom for these NGOs to operate

Acknowledgement

From the Team of Consultants

We are honoured to submit to you a report for the consulting services for reviewing the NGOs Policy in Tanzania. We extend our special thanks to the Executive Director of Tanzania Human Rights Defenders Coalition (THRDC), Mr. Onesmo Olungurumwa for his facilitation efforts that really enabled the exercise to be completed smoothly. We thank the THRDC counterpart team under the Leadership of Mr. Leopold Masha for its tireless efforts in facilitating this important exercise.

We would also like to thank all the participants of the two workshops who were representatives of various NGOs in Tanzania for their active involvement in this assignment from its beginning to the end. We thank them all for the constructive comments and questions on the review of the NGOs policy and filling out the questionnaires. We hope that this report will help to improve the current NGOs Policy which has been in operation for more than 17 years without any major review. Lastly, we are very much grateful for THRDC for granting us this great opportunity to review the NGOs policy and we are open for future collaboration should our services be needed.

From THRDC

This work could not be possible without the help of several people and organizations. The Tanzania Human Rights Defenders Coalition (THRDC) would like to thank TWAVEZA East Africa for funding the NGOs inception meeting, the review of the NGOs Policy and development of the NGOs Model Policy. The Coalition would also like to thank the International Centre for Not-for-Profit Law (ICNL) for supporting the validation meeting of this review report and the proposed model policy. Their support has been incredible.

Lastly we recognize the sacrifice that has been shown by all THRDC members, THRDC Focal Persons and other affiliate NGOs from across the country for their full participation in this policy review process at their own cost. They have been actively participating policy review meetings, also sharing ideas through questionnaires and other online platforms. The enthusiasm to have a good policy from all these individuals and NGOs has eventually led to the compilation of the report and the NGOs Model Policy.

Introduction and Background of NGOs Policy in Tanzania

1.0. Introduction

This report is a synthesis of the views of key stakeholders of NGOs in Tanzania supplemented by a critical review of the literature on NGOs. The report was prepared to help the drafting the NGOs Model policy which is an addendum to this report. The purpose of this report was, therefore, to present an analysis of the current NGOs policy in Tanzania since its inception in 2001 based on the views/opinions of the stakeholders and documentary review with a view of highlighting the areas of the policy that need to be reviewed and suggest ways for enhancing its implementation. The review also aimed at identifying some key challenges and lessons for reviewing the NGOs Policy in Tanzania.

It should be noted that for some time now there have been discussions about whether the laudable goals of the NGOs policy are being realized in practice. This is because, whereas some public officials have publicly argued that the current policy has worked, others, especially those outside government, including the NGOs, have thought otherwise. This lack of consensus, therefore, raises certain pertinent questions. First, how far are the NGOs' policy objectives being met? Second, are there any ways in which the policy formulation and implementation processes could have been improved to ensure the realization of its stated goals? These are some of the pertinent questions that this report tried to respond.

1.2. Background of NGOs Policy in Tanzania

Non-governmental Organisations (NGOs) have since the colonial period played a major role in socio-economic development in Tanzania. Africa. This role has increased in the post-independence period, especially from the 1980s -1990s following the demonstrated failure of the state all over the Africa continent, as a credible provider of basic needs services to the poor both in the rural and urban (Oyugi, 2004)¹. According to Lange et al. (2000), social scientists commonly see contemporary societies as consisting of three sectors: the governmental sector, the private sector and the civil sector. The media that may be governmental or private is increasingly seen as the fourth sector.

¹ Oyugi, W.O. (2004) The Role of NGOs in Fostering Development and Good Governance at the Local Level in Africa with a Focus on Kenya

For the case of Tanzania, NGOs have also been doing well in the development agenda, especially in local service delivery. Since the liberalisation of Tanzania in the early 1990's, NGOs had blossomed nationwide. For example, there are about 10,000 NGOs in Tanzania. Moreover, while the NGO Policy reflects the government's recognition of NGOs in Tanzania as key partners in development, the 2002 NGOs Act does not seem to create a favourable environment within which these organisations can work. This has been one of the major reasons that NGOs in Tanzania have reiterated their call for the NGOs Policy of 2001 to be reviewed because of its restrictiveness.

1.3. An Overview of the Origin of Modern Civil Society Organizations (CSOs) in Tanzania

Civil Society in Tanzania can be traced back to the beginning of British colonial rule in the 1920s. The Tanganyika Territory African Civil Servants Association (TTASA) was established for ensuring the welfare of native civil servants in 1922. At the same time, there were cooperative movement and pastoralist movements which formed concentrating on land ownership.

The Tanganyika African Association (TAA) was also established in 1929, to promote sports and cultural activities, although later in 1954 it was transformed into a political party when the Tanganyika African National Union (TANU) was formed.

By late 1940s, labour and nationalistic movements started to emerge, and intense mass actions took place. As a result, the colonial administration enacted some laws that aimed at controlling and restricting the operations of these movements as they were seen as a challenge to the position of the colonial administration. These movements continued to exist to the dawn of independence in 1961, where they were the leading force to of the state apparatus. However, a dramatic change occurred in 1965 when the constitution of the then Tanganyika was changed to allow for the establishment a one-party system.

Under the one-party system, other political parties were not allowed apart from TANU. The post-colonial government inherited most of the most of the laws and institutions from the colonial period. Accordingly, the existing political was very restrictive for civil society organizations which rendered their freedom to organize their activities independently. Surprisingly, only the religious groups, charity organisations and relief foundations could operate since their activities were not considered political and threat to the post-independent government.

In the 1980s, the Structural Adjustment Programmes (SAPs) initiated by the International Monetary Fund (IMF) and the World Bank were introduced after the retirement of Nyerere in 1985 that allowed for the privatization and the rapid contracting of the public sector. These changes led to increased funding for civil society organisations. In early 1990, more changes were made in Tanzania that allowed for the establishment of multiparty democracy in 1992 followed by multiparty elections in 1995. On their part, the CSOs were given new space as the state could now see them as essential partners for community development.

1.4. The genesis of the NGOs Policy

The government approved the current NGOs Policy in 2001 as a result of various consultations that started a way back in 1996. The government initiated the consultations through the Vice President's office in collaboration with the umbrella of NGOs in Tanzania, the Tanzania Non-Governmental Organizations (TANGO), Tanzania Council for Social Development (TACOSODE) and Association of Non-Governmental Organizations of Zanzibar (ANGOZA). The process of policy initiation involved different stakeholders from zonal and national workshops that using extensive discussions, consultations and advocacy. For each phase of the policy formulation, a draft policy was developed further discussed in the subsequent workshops.

The outcome of the various policy discussions was the formulation of the current NGOs Policy (2001) document. This policy has 14 sections, which are:

- 1) Introduction
- 2) Current status of NGOs
- 3) Growth and role of NGOs
- 4) Justification for the policy
- 5) Objectives of the NGOs policy
- 6) Policy issues
- 7) Definition of NGOs
- 8) Institutional framework
- 9) legal framework
- 10) Exchange of information and sharing
- 11) NGOs accountability and transparency
- 12) Government- NGOs partnership
- 13) Implementation
- 14) Conclusions

The ten policy areas above are what constitute the current NGOs policy in Tanzania. In the following sections, these policy areas will be reviewed in line with the stakeholders' views and a critical review of the literature on civil society in Tanzania.

1.5. Objectives of the Review

According to the Terms of Reference (ToRs) the consultants were required to undertake the following activities and deliverables:

- a) To make a review of the current NGOs Policy; its strengths and weaknesses in relation to the establishment and operation of NGOs in Tanzania.
- b) To develop a model NGOs Policy based on recommendations from THRDC members and other relevant stakeholders

Deliverables:

- a) An analysis of the current NGOs Policy (Policy Review Report)
- b) The consultant was also required to present it at a meeting of CSOs stakeholders.
- c) A log of Policy recommendations
- d) A Model NGOs Policy

1.6. Methodology and Approach for the Review

1.6.1. Approach

The review process used a five-staged participatory approach which involved a series of consultations and discussions with a wide range of stakeholders (see Figure 2). The first stage involved a critical review of the literature on the civil society in Tanzania, with the aim of establishing a situation analysis of the NGOs sector in Tanzania. This was followed by a second workshop that involved resource persons who presented an overview of the current NGOs Policy as well as the NGOs Act of 2002. The next step was the formation of discussion groups which discussed the two documents and provided feedback to the consultants. Given the current digital era, other NGOs were reached through online platforms such as WhatsApp groups and google groups. To balance the view, a few government officials from the ministry were also consulted for the opinions on the implementation of the NGOs policy.



Figure 1: Policy Review Process: Five Staged Process

1.6.2. Sampling Procedures

The sample for this review was largely drawn from the study population of NGOs representatives. A total of 63 NGOs participants attended the workshop on 11th April 2018 and were involved in the discussion of the current NGOs policy. Other NGOs representatives who could not attend were given self-administered questionnaires to fill in and return them. Indeed, there was a reasonable response rate as about 90 questionnaires were duly filled and returned to the consultant for compilation and analysis. In total, 141 questionnaires were filled out of the targeted 200 questionnaires with a response rate of about 94%. Therefore, more than 200 NGOs/stakeholders were reached during the two workshops (inception and validation meetings), through the online platforms and filling of the questionnaires.

Figure 1: Participants Zonal Distribution

No.	Zone	Number of Organizations	Percentage
1	Coastal Zone <i>(Dar es Salaam and Coastal Region)</i>	59	28.2
2	Zanzibar	23	11
3	Western Zone <i>(Tabora, Kigoma and Katavi)</i>	10	4.78
4	Iringa/Njombe	9	3.82
5	Southern Highland <i>(Mbeya, Rukwa)</i>	16	7.65
6	Central Zone <i>(Dodoma, Singida and Morogoro)</i>	16	7.65
7	Northern Zone <i>(Tanga, Manyara and Arusha)</i>	30	14.2
8	Lake Zone <i>(Mwanza and Mara)</i>	17	8.13
9	West Lake Zone <i>(Kagera, Shinyanga,)</i>	14	6.69
10	Southern Coast Zone <i>(Ruvuma, Mtwara and Lindi)</i>	15	7.17
TOTAL		209	100%

1.6.3. Data Collection Methods

Documentary Review

The review of the NGOs Policy involved an intensive review of documents that contain information on the NGOs sector and civil society in general, policy implementation reviews, evaluation documents, etc. The consultants requested THRDC to provide the consultants a set of basic documents that served as useful references during the implementation of the review. Furthermore, the consultants looked for additional pertinent documents.

Questionnaire

Semi-structured questionnaires were used for data collection were used to capture the views of the key stakeholders (See Annex 2). This tool was administered to selected NGOs as described in 1.4.2 above.

Data Analysis

All the data collected during the workshop's discussions and from the semi-structured questionnaires were subjected to a critical thematic review where the information was summarized and analysed to address the ToRs as well as providing key sources for policy recommendations. Through this process, themes that which reflect the TORs were generated for report writing this report and informing the drafting of the NGOs Policy Model

Brainstorming Workshops

There were two workshop sessions. The first one was to equip the participants with the knowledge about the NGOs and NGOs Policy of 2001. This was made through presentations of various aspects of the two instruments followed by general discussion and group work assignments.

While discussing the two NGOs instruments, the participants were guided by the following review questions:

- Has the current NGOs policy achieved its stated purpose?
- Are the outcomes and objectives expressed in the policy still consistent with the current political, socio-economic and cultural context?
- Are there any legal changes that impact on the policy? Is the current NGOs Act of 2002 consistent with the NGOs objectives?
- Is the NGOs policy being complied with? If not, what evidence is available to substantiate this?
- Are all parties involved in the NGOs Policy implementation clear about their roles and responsibilities?
- Are there any barriers to compliance, particularly at an operational level?
- Are the supporting procedures/guidelines consistent with the policy and effective in ensuring compliance? If not, what evidence is available to substantiate this?

The second workshop was for validation of this report and the model of NGOs policy. The consultants presented both the draft reports and the key members who were mostly NGOs representatives had the opportunity to provide feedback to the documents.

1.7. Organization of the Report

This report is organized into Six Chapters. Chapter one provides the introduction and context for the NGOs Policy Review with the discussion of the genesis of the NGOs policy in Tanzania, the objectives of the review, the methodology and approach used by the consultants. Chapter two presents an assessment of the policy design and its context including issues of articulation of the NGOs Vision and Mission, ability to enforce accountability, assessment of any outdated aspects of the current NGOs policy, assessment of the NGOs policy's recognition and operations of NGOs in Tanzania; assessment of the current NGOs policy in regulating and coordination NGOs, a review of the definition NGOs provided in the policy; issues of reporting, accounts and fund raising; policy responsiveness to NGOs and finally a review of the Institutional framework of the current NGOs in Tanzania.

Chapter three highlight some challenges involved in the implementation of the NGOs Policy as expressed by the key stakeholders and a review of policy implementation reports. Chapter four is focused on gauging the government's attitudes towards the NGOs. Chapter five discusses the changing political-socio-context and of the current policy. The final chapter draws some key lessons, conclusions and recommendations for the review of the NGOs policy in Tanzania.

Chapter Two

The review of Policy Design and Context

2.0. Introduction

This chapter focuses on the review of the current policy design and its context. Specifically this chapter provides the rationale for the NGOs Policy Review, followed by section review of the current NGOs Policy Design which includes the articulation of the NGO vision, ability to enforce accountability, assessment of any outdated aspects of the current NGOs policy, assessment of the NGOs policy's recognition and operations of NGOs in Tanzania; assessment of the current NGOs policy in regulating and coordination NGOs, a review of the definition NGOs provided in the policy; issues of reporting, accounts and fund raising; policy responsiveness to NGOs and finally a review of the Institutional framework of the current NGOs in Tanzania.

2.1. The Rationale for Policy Review

The idea of having an NGO policy review is supported with several reasons. The current policy did not adequately capture contributions from various beneficiaries of this policy. In addition, the policy needed to address and align with several policy changes which had been introduced by the Government. It should also have captured the challenges underpinning the NGO sector in Tanzania. According to most NGOs interviewed, the NGOs policy affects the operations of NGOs in many ways hitherto; threats imposed for deregistration of some NGOs, detention of NGOs leaders responsible for advocacy component etc. Accordingly, in the views of stakeholders, these activities by the government agencies affect the smooth operation on the NGOs which itself proclaims for self-governing of NGOs as one of the characteristics good governance.

In January 2018 the Registrar of NGOs announced the beginning of the process of developing a New NGOs Policy. This follows from several economic and social changes that have taken place in Tanzania in the past 17 years since the adoption of the current NGOs Policy in 2001. The Tanzania Human Rights Defenders Coalition (THRDC), as one of the key stakeholders, saw the need to spearhead this process of developing a new NGOs Policy in Tanzania. The needs and challenges facing NGOs sector change over time depending on economic, political, technological and social changes.

For some time now there have been discussions about whether the laudable goals of the NGOs policy are being realized in practice. This is because, whereas some public officials have publicly argued that the current policy has worked, others, especially those outside government, including the NGOs, have thought otherwise. This lack of consensus, therefore, raises certain pertinent questions. First, how far are the NGOs' policy objectives being met? Second, are there any ways in which the policy formulation and implementation processes could be improved to ensure the realization of its stated goals if they are not already being achieved?

It was these challenges that justified the development of NGOs Policy in 2001. The Policy aimed not only to solve the immediate problems of NGOs but assist in the promotion and development of the NGOs in Tanzania. Then NGOs Policy was formed in 2001 followed by its NGOs law in 2002. The NGO Policy of 2001 and the subsequent Tanzania Non-Governmental Organizations Act of 2002 were formulated to establish the legislative framework to allow NGOs to operate freely and effectively. However, many provisions remain unclear and in need of revision. Moreover, recent donor funding strategies are increasingly re-directing development aid to the Government of Tanzania, thereby transferring greater responsibility to the government for the future development of autonomous civil society. Yet, it is unknown how NGOs will be affected or will respond, but this trend may usher in a new era of cooperation and collaboration between NGOs, donors, and the State.

It is from this angle that the members of THRDC and other affiliate NGOs saw the need for a policy review through a participatory process.

1.3. Clear articulation of the NGO Vision

From the stakeholders' point of view, the current policy does not have a clear vision statement which provides direction for the operations of the NGOs in the country. This is a significant weakness of the current NGOs policy. Hence it is difficult to evaluate/assess the achievements/efficiency over a period of what the current policy sought to achieve.

Accordingly, the stakeholders proposed the following vision and mission statements for the new NGOs policy.

Vision Statements

- To generate an enabling environment for the NGOs to operate effectively and professionally in the social and economic transformation of the country
- Vibrant, free and competent NGO's in Tanzania
- A country that recognizes, respects, supports and protects NGOs for a collective move towards development
- A country where NGOs feel respected supported and are given space for their operations to bring social and economic change.
- Development that works

Mission Statements

- To create an enabling environment for the NGOs to operate effectively and efficiently in the social and economic transformation of the country.
- NGOs work to improve the quality of life of people in Tanzania and promote transparency, accountability and awareness among NGOs themselves, government and other partners
- To have vibrant, free and competent NGO's in Tanzania which will improve the living conditions of Tanzanian's through service delivery, advocacy and networking.
- To cultivate self-reliance in Tanzania
- To promote and advance NGOs work to contribute to improved social and economic changes and access to justice.

It was also emphasized by the stakeholders that the in the development of a new vision statement; these keywords should be considered: Vibrant, Accountable, democracy/freedom and transparency.

Accordingly, based on views of the respondents above, we have proposed the following goal, vision and mission statements of the proposed NGOs Policy:

Goal

The overall goal of this policy is to put in place a set of frameworks that create an enabling and secured environment for NGOs to operate freely, transparently and efficiently while serving the needs of the people of Tanzania.

Vision

Tanzania has a vibrant, sustainable and self-regulating NGOs sector which efficiently serves the interest of the society.

Mission

To develop an effective, secure and sustainable national system for NGOs to operate, grow and contribute to socio-economic development through efficacious partnerships with the Government.

1.4. Outdated Aspects in NGOs Policy

Generally, the findings suggest that there are some issues of importance that have been outdated in the current NGOs policy that need to be amended/changed/removed. This is because the current policy seems to be not friendly to NGOs and it is not well addressing or protecting NGOs in Tanzania. The context since 2001 to date has changed tremendously which needs to have a demand for a review of the policy to include the current trends. One of the issues that need to be recognized by the new policy, for example, is the need to digitalize operations between the government and NGOs. This needs to be stated in the

policy for smooth implementation. It is currently exhaustive if one wants to register an NGO where one must travel all the way to Dodoma to simply go and launch a registration process only to be told several documents that there are a lot of changes need to be done. This practice discourages many people who want to establish NGOs. Therefore, the review of the policy will enable the government to revisit and review issues that are outdated and to also include new ones to enhance smooth implementation of the policy. The review will also provide new ideas to strengthen the performance of NGOs and coordination of NGOs.

1.5. Adequate NGO Sector Recognition and Operations

The Government basically recognizes the significant role and contribution of NGOs and considers them as important partners in the development process. But NGOs need to be better recognized and supported to operate. The world on NGOs is changing and the government has already developed some strategies and plans, for example, the National Plan of Action to End Violence Against Women and children, and the implementation of Sustainable Development Goals.

To be successful, the government needs to work with NGO in a friendly environment where they can operate and bring tangible results. In an environment where the government does not work collaboratively with NGOs, it is likely that service delivery will be affected. It is now almost 17 years since the policy was in place, there is an increase of NGOs and the need for partnership for better service delivery. It is, therefore, in the interest of the Government to create a conducive and enabling environment to ensure that NGOs potentials are fully utilized. There has been a tremendous diminishing of NGO's civic space as compared to above policy statement. In the views of the stakeholders, the partnership between government and NGOs is not such robust to enable the smooth implementation of NGOs activities.

The policy has been supporting NGOs with necessary institutional requirements like registration, recognition and reference however it falls short in delivering since it cannot harmonize policy affecting NGOs from other Government regulatory authorities.

The current NGOs Policy does not provide timelines for report submission (which is practicable). Some important policy statements are not adhered to by the Government. It does not protect or lay down principles that guide operating law to be friendly and single. Hence there is the presence of multiple laws controlling/regulating NGOs in the country.

One of the barriers is poor technology as many NGOs must travel to Dar es Salaam, and now Dodoma to submit reports. This is a traditional way of doing things. Travelling to submit reports is expensive and time-consuming. For example, an NGOs representative travelling from Kagera, Kigoma to submit a report is quite unnecessary under the current digital world. The NGOs must travel for registration, and at some point, more than three times following up the same. Much as we want registration the registration environment should be looked at to improve our partnership. The same resources wasted for travelling could be used for other development work, and for small and growing NGOs even affording is complicated due to lack/or inadequate resources.

The current NGO policy states there will be decentralization of its activities, however; looking at the actual procedures it's different. For example, annual payments are done via banks but receipts need to be collected from Dodoma. This could have been done the respective District or Regional Offices, as one of the aspects of decentralization as stipulated in the NGOs policy. The same to annual reports, they are all submitted to the registrar while it could be done to the regional offices that could easily justify the work done by the NGOs in their own regions. In the existing policy self-assessment/monitoring and evaluation of NGOs by themselves is not stipulated.

1.6. Efficacy of the NGOs policy in regulating and coordinating NGOs

In response to the question on the efficacy of the NGOs policy in regulating and coordinating NGOs, a range of responses was elicited:

- The policy is generally not effective.
- The existing policy does not readily contribute to the efficacy of NGOs; it also does not support the development of the sector.
- There is a missing link in that the Registrar of NGOs does not have an annual forum with the NGO community.
- Apart from dormant committees, there is no policy for a group forum hence common issues affecting all NGOs are left unattended.
- Overall, there is poor coordination of the NGOs sector in Tanzania. NGOs have been established but the government does not support their operations, especially technical support and regular reflection meetings with the sector. The efforts of NGOs especially at grassroots' level are not recognized because there is no clear point of interaction and partnership with coordination units at the local level and local government authorities. The registrars at regional and council level have not been given resources to coordinate NGOs. There are good works done by grassroots levels NGOs but are not well documented.
- There is a considerable increase of NGOs in Tanzania to address social and economic challenges, but they lack support from the government. One of the problems that have been noted is the demand for per diem by government officials at council level, where many NGOs operate, it is very complicated and discouraging if the charity has no money to pay them at the same time the community need payment as well.
- In another angle, the International NGOs interested to work in a district should work with existing NGOs to build their capacity instead of working directly at the grassroots level alone. When international NGOs work in the community where we have started our interventions, our works are not visible, and they get credit while we have already done a lot. Therefore, the best approach should be a partnership between existing NGOs, international NGOs and government department where we all have a strong say. There should be proper coordination mechanisms to regulate our work relationship.

In the proposed new policy, issues to be added include:

- a. The ability of NGOs to enforce transparency and accountability of the government as indicated in Objective (vii) of the NGOs Policy is weak.
- b. The NGOs must act as autonomous entities to keep them safe from unnecessary encroachment by the state.
- c. There must be regulations guiding the government acts toward NGOs.
- d. Registration of NGOs under the NGOs Act should be free from charge apart from those registered under BRELA.

The policy itself is a big challenge, but the gaps that are seen in the legal framework are the ones that make the policy look like it is ineffective, hence the need to be reviewed so that to it can address the current institutional and legal framework in regulating NGOs in the country.

1.7. Comprehensiveness in the Definition of NGOs

Various studies have shown that there is a mismatch between the definitions provided by both the policy and Act.

For example, the NGO Policy (2001) defines NGOs as follows:

“An NGO is a voluntary grouping of individuals or organizations which is autonomous and not-for-profit sharing; organized locally at the grassroots level, nationally or internationally for the purpose of enhancing the legitimate economic, social and /or cultural development or lobbying or advocacy on issues of public interest or interest of a group of individuals or organizations.” (NGO Policy, 5.1 (viii))

The NGO Act includes a slightly different definition:

“a voluntary grouping of individuals or organization which is autonomous, non-partisan, non-profit making which is organized locally at the grassroot, national or international levels for the purpose of enhancing or promoting economic, environmental, social or cultural development or protecting environment, lobbying or advocating on issues of public interest or a group of individuals or organizations, and includes a Non-Governmental Organization established under the auspices of any religious organization or faith propagating organization, trade union, sports club, political party, or community based organization; but does not include a trade, union, a social club or a sports club, a political party, a religious organization or a community based organization.” (NGO Act (2))

While the definition offered by the NGOs Act (2002) seems to be more comprehensive, the definitions should also include issues related to service delivery, good governance and democracy.

Moreover, while the types and levels of NGOs have been just mentioned in the definition NGOs by the policy to include grassroots level, national and international NGOs, other policy documents such as the National NGO Policy of Uganda (2010) defines these levels more clearly. For example, the National NGO of Uganda defines NGOs as follows:

Non-Governmental Organization: Any legally constituted private, voluntary grouping of individuals or associations involved in community work which augment government work but clearly not for profit or commercial purposes.

National Non-Governmental Organization: An NGO that is wholly controlled by Ugandans, registered exclusively within Uganda and with authority to operate within or across two or more districts in Uganda.

Regional Non-Governmental Organization (RENGO): An NGO having its original incorporation with one of the states of the East African Community (EAC) and partially or wholly controlled by citizens of one or more partner states in East Africa but operating in Uganda under a certificate of registration.

These three levels of definitions of NGO provides a more precise understanding of the meaning of NGOs across different stakeholders.

2.8. NGOs and the Right to Freedom of Association

The current NGO Policy provides for the protection of the independence of NGOs and the right to freedom of association. For example, Section two states that:

“this policy reiterates and retains all the fundamental principles of NGOs, that is, they are formed, run, developed or terminated only through free and voluntary acts of individuals and associations; are managed and controlled by members, trustees or directors independent of the Government.”

While it may be tempting to conclude that the protection of the independence of NGOs, meaning that an NGO can only be closed through free and voluntary acts of the NGO itself, independent of the government, the provision in the NGOs Act of 2002 and its regulation is contrary to this intention. For example, the NGO Act includes provisions that give the government authority to close NGOs in the articles 7(1)(e), 20 and 21. Article 20. These articles give the NGO Coordination Board the authority to suspend or cancel a certificate of registration. The same body has the power to approve or reject applications for registration.

1.9. Reporting and accounts

The current NGO Policy also stresses the values of information sharing, transparency and accountability. For example, Section 7 states that all NGOs will be required to provide reports on their activities and audited annual accounts. Similarly, Articles 29 and 30 of the NGO Act give legal backing to these requirements.

The stakeholders complained about the physical submission of annual reports and accounts to the register offices. This is largely seen as time wasting and inefficiency. Accordingly, the stakeholders recommend the following to be included in the reviewed NGOs policy:

- The use of electronic application process, reporting and annual payments to reflect the current trends. This will reduce time spent to visit register office for things that can be implemented online.
- To include a section that requires the government to receive reports online and not travelling with hard copies. The same should apply to NGOs to apply through the government central portal systems.

1.10. Fundraising

The NGO Policy (Section 8) and NGO Act (Article 32) both state that NGOs are allowed “to engage in all legally acceptable fundraising activities”. There are no further restrictions on fundraising activities in the code of conduct, beyond the reasonable requirement that NGOs should “seek to limit resources used towards fundraising.” However, there were some suggestions that the policy allows NGOs to fundraise, but it is not ready to support and ensure sustainability of the NGOs. The stakeholders argue that the policy should contain a provision/statement that recognizes NGOs as important pillars of development in the country that need recognition, protection and support from the government.

1.11. Vague and imprecise terms in the Policy Document

Various studies and opinions expressed by the stakeholders show that the NGOs Policy, NGOs Act and the Regulations use terms which are not defined, and which potentially give broad scope for misinterpretation. For example, on the aspect culture and traditions, Section 8 of the NGO Policy states that International NGOs will be required “to respect the culture and the traditions of the people and communities in which they operate.” Similarly, article 31(b) of the NGO Act gives all NGOs the duty to “to respect the culture and traditions of the people and communities in which it operates unless such culture and traditions are contrary to any other written law.”. Looking critically at these statements, they seem to be vague and imprecise and hence difficult for interpretation.

1.12. The policy’s responsiveness to NGOs issues

Stakeholders feel that key issues like taxation are not addressed in the current policy. They argue, for example, that framework on the NGOs Coordination Board is biased as it targeted representative from the government alone and didn’t balance representation from both sides. Some critical issues are not well addressed including security issues for NGOs’ existence and their activities.

The List of issues needing to be better addressed include:

- a. More freedom of NGOs
- b. Need to see improvements in the government and NGOs partners complementing each other rather than seeing NGOs as a threat
- c. Established a single regulatory system for NGOs
- d. The NGO policy should also capture the aspect of capacity building for government officials, such as NGO Coordinator at the council level. Sometimes they are not well informed about changes that are happening.
- e. Definition of donors, donors that are acceptable and those that are not acceptable. This will help clarify and avoid conflict of interest from the government and other donors
- f. Decentralization of NGO register powers to the District and Regional levels
- g. The use of electronic application process, reporting and annual payments to reflect the current trends. This will reduce time spent to visit register office for things that can be implemented online.
- h. The policy should be able to protect NGOs whenever other government agencies intimidate certain NGOs because of their practice or actions.
- i. The policy should state the roles of the District, Regional and National NGO register government offices. Since currently almost everything is done at the national level, while local offices wait to receive orders only.
- j. Monitoring and evaluation should be clear
- k. The position of the NGOs in contributing to the country in general
- l. To recognize NGOs as key partners in economic development
- m. To reduce the registration and annual fees
- n. The policy registration process should avoid discrimination based on any orientation

1.13. Institutional Framework of the current NGOs Policy in Tanzania

The institutional framework for the current NGO policy is weak. The following are the main issues being faced:

- a) There is a missing link in that the Registrar of NGOs does not have a forum with the NGO community.
- b) The below policy statement has not been put in implementation: "At national, regional and district levels appropriate frameworks and mechanisms be established to facilitate communication and consultations between the Government and NGOs".

- c) The composition of NGO Coordination Board is not optimal. The institutional framework of the current policy is not bad but needs to be modified. It establishes the Board (which is non-existing) and National Council of NGOs (NaCoNGO).
- d) The policy statement below has not been put in implementation, so need to be in practice now. "At national, regional and district levels appropriate frameworks and mechanisms be established to facilitate communication and consultations between the Government and NGOs".
- e) The current NGO policy does not allow for a smooth institutional framework and coordination of District, Regional and National offices. For example, an NGO is nationally registered under the NGOs register and is updated yet when a similar NGO goes to its respective location they need to register it to its local rosters. This shows lack of coordination.
- f) The District and Regional offices who in most cases are the custodian of many NGOs do not have the power to allow NGOs from within their area or those that come from outside to operate in their area. Currently, all NGOs wanting to operate in a particular area need to be granted permission from TAMISEMI. This is a challenge in itself
- g) There is a missing link from national, regional and district level.
- h) There is no monitoring/ supervision of NGOs from the government authorities

Chapter Three

Review of Policy Implementation

3.0. Introduction

Effective policy implementation is the cornerstone of any successful policy. Policy implementation is of critical importance to the success of Government. However, no policy can succeed if the implementation does not bear a relationship to the intentions of policy adopters. It is generally expected that when the Policy is embraced and fully implemented by the responsible players, the following impacts will be registered.

- A vibrant relationship and productive synergy between a publicly accountable NGO Sector, Government, the Private Sector and Development Partners at both the centre and local level;
- Improved coordination of the respective contributions of State and Non-State Players to sustainable development;
- Availability of a strong and efficient mechanism for effective monitoring and assessing of the impact of the NGO sector to development;
- Enhanced integrity, accountability, and transparency amongst sector players, and
- An empowered population that ensures it gets what it is entitled to and that takes the initiative to mobilize additional resources for development²

The rest of the sections discuss and highlight some challenges involved in the implementation of the NGOs Policy as expressed by the key stakeholders and a review of policy implementation reports.

3.1. Policy Implementation

The implementation framework of the 2001 NGOs policy is described in section 5.2 under Institutional Framework. The policy states that “at national, regional and district levels appropriate frameworks and mechanisms be established to facilitate communication and consultations between the Government and NGOs”. Accordingly, the Office of Vice President is vested with the responsibility to coordinate the activities of NGOs, while the sector ministries, contact office would be dealing with NGOs matters under their respective ministries. The policy further states that there be NGO Coordination Board and NGOs Networks and Fora. This implementation framework appears to be not informed by the need to strengthen

² A 9 Point Guide to Understanding the National NGO Policy, The National Non-Governmental Organisations Policy, July 2012.

mechanisms through which NGOs can operate smoothly as it lacks clear identification of the key levels, their structures and functions for working with NGOs.

Regarding the key players for implementation of the policy, the NGOs policy states that “the implementation of the National NGO Policy will require the participation of all actors at different levels”. According to this policy, “all local and International NGOs, the ministry responsible for NGOs, coordination, National NGO Body, Umbrella NGOs and networks, Government ministries, region, Local Government Authorities shall work together to ensure effective implementation of the National NGO Policy”. This is another area that requires a review. The policy only mentions the key players for implementation but fails to identify the roles and responsibilities of each key player in the policy implementation. This lack of clear roles and responsibilities for each implementing players brings not only conflicts and confusion, but also leads to inefficiency and poor implementation of policy objectives.

3.1.1. Views of the Stakeholders on the Implementation of Policy Objectives

The NGOs Policy (2001) overall objective was to create an enabling environment for the NGOs to operate effectively and efficiently in the social and economic transformation of the country. Table 1 summarizes the extent to which the NGOs’ Policy key objectives have been achieved and identifying the facilitating/constraining factors as suggested by the key stakeholders. A major conclusion from the opinions expressed by the stakeholders on the implementation of the policy objectives is that all the eight policy objectives have some challenges and problems in their implementation. Most of the stakeholders are not satisfied with the intention of the policy objectives as well as the way they are being implemented.

Figure 3.1 Policy Objectives Implementation Status

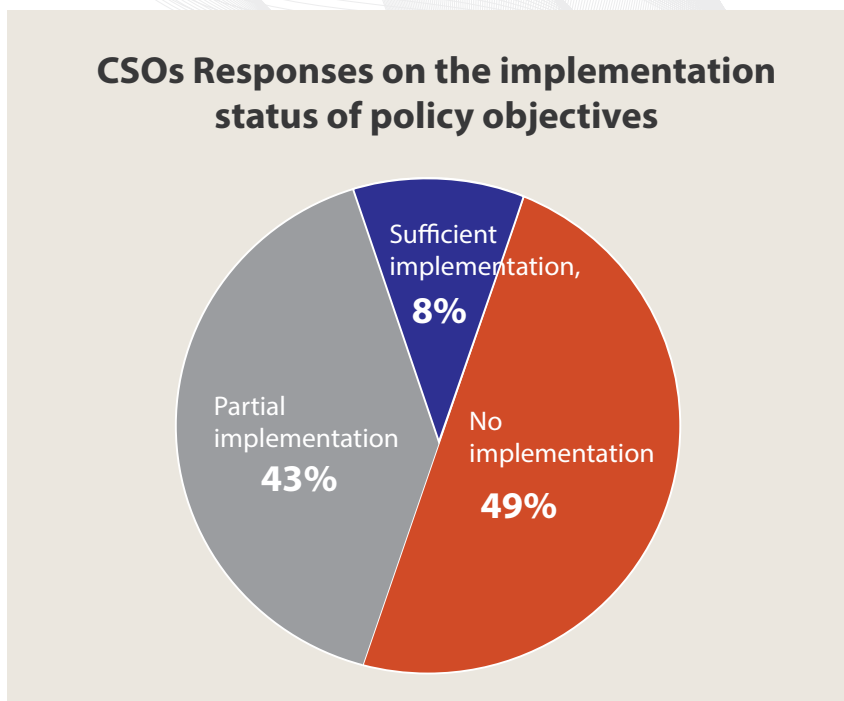


Table 1: Stakeholders' views/opinions on the Facilitating/constraining factors for NGOs Policy Objectives

NGOs Policy (2001) Objectives	Stakeholders' views/opinions on the Facilitating/constraining factors affecting the implementation of NGOs Policy Objectives
<p>(i) To provide an operational definition of NGOs.</p>	<ul style="list-style-type: none"> ● The policy statement on NGOs operational definition is detailed on paper but not active in practice ● Purpose of lobbying and advocacy is limited. ● Some NGO's representatives do not understand the different definitions of NGO's. ● The use or involvement of the media has to some extent facilitated the provision of an operational definition of NGO ● The challenge is that having multiple laws and authorities registering NGOs complicates the implementation process. ● The definition of NGO is clear. However, the constraining factor is lack of knowledge on the definition of NGO, and how it is differentiated to other groups. Maybe there should be a description indicating the scope of NGO operations what to do and what not to do. ● There is no good relationship between NGOs ● There is no openness on the activities of NGOs
<p>(ii) To provide a broad framework for legal and institutional arrangements to facilitate the operations of NGOs of Tanzania.</p>	<ul style="list-style-type: none"> ● The objective is not achieved ● Local government at Districts' level put lots of restrictions ● This has not been achieved as some institutions e.g. District councils (community development department) do not understand their roles in NGO facilitation, regulation and support ● Poor implementation ● The NGO Act is not well known. Sometimes NGOs fall into trouble due to lack of knowledge on the legal framework.

NGOs Policy (2001) Objectives	Stakeholders' views/opinions on the Facilitating/ constraining factors affecting the implementation of NGOs Policy Objectives
<p>(iii) To put in place registration procedures which are transparent, decentralized and which will facilitate better coordination of NGOs while safeguarding the freedom of association.</p>	<ul style="list-style-type: none"> ● The NGO policy does not provide clear and transparent procedures ● Unfortunately, some of these procedures are not adhered to. ● No clarity apart from accusations, demands of documents ● Too much bureaucracy ● Some registration sections, e.g. District councils are not fully aware of their roles in the registration of NGO's even the registration tools are not aware and available to them. ● Almost all NGO activities are centralized. Decentralization is still a challenge. There is also still a long way to go especially on safeguarding the freedom of association ● The policy has put it very clear that inter-ministerial concerns about NGOs should be regulated and referred to one ministry (focal ministry) (ref. Para. 6 f the Policy). However, that is not the case; each authority wants to show that it has powers. ● There is inadequate coordination at national, council and local levels. NGOs operate in the same environment, but they do not know each other. ● There is a decrease in importance of NGOs and its space

NGOs Policy (2001) Objectives	Stakeholders' views/opinions on the Facilitating/ constraining factors affecting the implementation of NGOs Policy Objectives
<p>(iv) To strengthen the relationship between the Government and the civil society.</p>	<ul style="list-style-type: none"> ● The relationship is fragile; it is not achieved ● There is no forum where the registrar of NGOs meets together with CSOs and the Government ● Enforcement of government accountability on NGOs issues is weak ● Not much achieved. The relationship is loose because the implementation arrangement for this is not practical. At the National level, regional and district level there is no proper channels for a relationship. National, regional and district NGO networks are proper coordination to strengthen the relationship. ● Lack of political will has to some extent affected the strong relationship negatively. ● The policy does not explicitly establish and cement such relationship, except that it has established/suggested some boards, e.g. NGO Coordination Board (which does not exist, NGO National Board (which should be self-governed). So, for the Policy, some provisions are unambiguous, but the problem is not implementation. ● Government agencies threaten the relationship, and the register of NGOs do not defend NGOs when harassed ● Government officials are not well trained about the importance and the roles of NGOs

NGOs Policy (2001) Objectives	Stakeholders' views/opinions on the Facilitating/ constraining factors affecting the implementation of NGOs Policy Objectives
<p>(v) To enhance mechanisms for collaborative relations between NGOs, the Government, funding agencies and other stakeholders.</p>	<ul style="list-style-type: none"> ● NGOs are forging to collaborate even when there is refusal from the government side. The policy has tried to lay down how the good cooperation should be to enhance the relationship, but there is a problem as the government plays a role of the controller instead of partner/stakeholder. This makes it a great challenge for NGOs in implementing their plans/projects. ● For internal funding agencies it works but for international and multilateral funding agencies have not been achieved yet. ● In some areas there is a strong collaboration but, in some areas, there is weak collaboration because of good or lack of political will. The government involves NGOs when it writes periodic reports (UPR) to reflect NGOs' works as the government's works. ● Poor communication between organization registered under BRELA which limited liability corporation are ● There is a need for advocating the position of NGOs in economic development

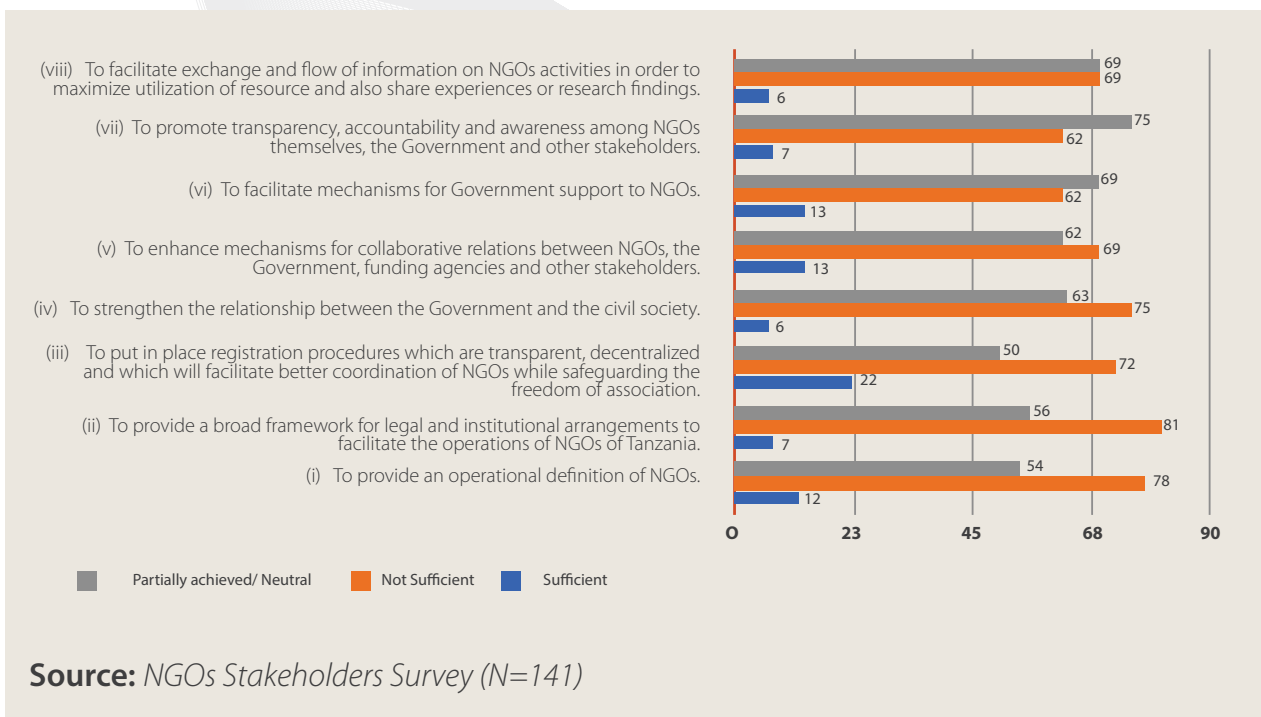
NGOs Policy (2001) Objectives	Stakeholders' views/opinions on the Facilitating/ constraining factors affecting the implementation of NGOs Policy Objectives
<p>(vi) To facilitate mechanisms for Government support to NGOs.</p>	<ul style="list-style-type: none"> ● Government supportive of procedures and framework only but partnering on funding is insufficient. ● Also, support regarding project implementation is achieved but regarding funding still a challenge ● The NGO coalition and NACONGO have very much contributed to the facilitation of the mechanisms for government support to NGOs, though there is still a long way to go ● A major problem is: The policy allows NGOs to fundraise, but it is not ready to support and ensure sustainability of the NGOs. If the policy should contain a provision/ statement that recognizes NGOs as an important pillar of development in the country that needs recognition, protection and support from the government, it may help the government respect NGOs. ● One of the notable areas we have seen support during the registration process at the council level. The support to get a letter from the district. Sometimes councils try to link NGOs with funders though it is not always, they have goodwill on that. The feeling is that if there is a budget at council level for NGOs coordination, council officials are interested in supporting NGOs to grow, but they lack budget capacity. ● There is no communication between NGOs and openness of their activities

NGOs Policy (2001) Objectives	Stakeholders' views/opinions on the Facilitating/ constraining factors affecting the implementation of NGOs Policy Objectives
<p>(vi) To promote transparency, accountability and awareness among NGOs themselves, the Government and other stakeholders.</p>	<ul style="list-style-type: none"> ● Not achieved substantially. However, the Coalition has mostly contributed to awareness creation among NGOs, government and other stakeholders. ● Lack of regular check and balance on accountability, transparency and awareness among NGOs and the government. ● Not achieved much because at regional and district levels there is no formal mechanism of sending financial and technical reports at this stage. ● For the policy, it has captured this by establishing the NGO Board. However, this is not in place. So, the policy needs to be reviewed and see how it can have provisions that will be adhered to by the authorities. ● Lack of budget is one of the constraints factors for awareness of NGOs themselves. Transfer of some council staff have been a constraining factor, sometimes you find a committed council official but once she/he is transferred it takes time to build a relationship. ● There are no funds for development of NGOs

NGOs Policy (2001) Objectives	Stakeholders' views/opinions on the Facilitating/ constraining factors affecting the implementation of NGOs Policy Objectives
<p>(vii) To facilitate exchange and flow of information on NGOs activities in order to maximize utilization of resource and also share experiences or research findings.</p>	<ul style="list-style-type: none"> ● Very weak, no flow neither exchange of information. Need to be improved ● Regular recognition of NGOs works and appraised by the government unlike the way NGOs engage and appraise government concern ● No proper flow of information exchange as there are no formal and proper NGO structures at National, regional and district levels. ● The exchange and flow of information on NGOs activities depended much on coalition meetings and networks ● There are no mechanisms for exchange of information, and this is affected by poor coordination. There is no national policy for the development of NGOs

Figure 2 below provides a more precise assessment of one the extent to which the eight NGOs policy objectives have been implemented. The general picture drawn from Figure 2 shows that most of the stakeholders feel that the objectives of the policy have not been sufficiently implemented as expected.

Figure 2: Summary of Responses on the Eight Objectives of the NGOs Policy in terms of Objective Achievements



Source: NGOs Stakeholders Survey (N=141)

Other stakeholders felt that the current policy objectives are also not adequate regarding addressing the Civil Society Sector in Tanzania. Instead, they proposed the following to be done:

- There must be regular forum meetings between all stakeholders (CSOs, Registrar of NGOs and the Government). The policy must command more comprehensive knowledge and mandate to act as the authority on NGO issues an advisory role to other Government institutions
- NGOs should have direct enforcement of the government accountability and transparency for NGOs democratization process
- There is a need to review some objectives to make them more attainable.
- On legal framework, there should be a paragraph that empowers NGOs self-regulatory Board or authority to have powers to discipline NGOs that goes contrary to ethics or any other laws and collective agreement, instead of the government having absolute powers over NGOs.

- Any decision that the government may wish to take against an NGO should seek an opinion from the NGOs Board/authority that is to be formed by NGOs themselves.
- The following should be added-promoting the capacities and abilities of local NGOs.
 - Refraining the NGOs from doing any acts which are likely to cause competition or misunderstanding among themselves.
- There should be one objective that targets to minimize threats from the government, where NGOs are not exactly seen as contributing to National social and economic development.
 - The objective should be tied to important values like respect between Government and Civil Society.
 - There is also a need consider the protection of NGOs (i.e. sometimes a government official threatens to close NGOs, maybe there, but some mechanisms in place where a certain NGO may be obliged to comply with the NGOs the policy. This can be done through developing a mechanism for warning or having prior discussions before the closure/intention to close NGO).
 - Respect to NGO work should be considered and not everyone to stand and threaten the operations. Maybe this can be captured in a legal framework and the NGO to provide guidelines
- The policy objective to be added:
 - To define political activities that need not fall under the NGO activities and set specific clauses that will condition certain activities in case they fall under NGO activities.
 - The government should set aside a fund for NGOs development.
 - The government should provide advice and directions of operation of NGOs

Government Attitude Towards NGOs

4.1 Introduction

This chapter presents the findings on the views of the stakeholders on the government's attitude towards the NGOs. The government's attitude towards the NGOs sector is a good indicator proper growth of NGOs sector. Tanzania, like many other countries in the world, has strived to maintain good relations with the civil society sector. This is due to the reality that both depends on each other for the socio-economic development. The government has also realised that it cannot develop in isolation from the participation of the third sector and that its development and prosperity are interrelated. This chapter, therefore, presents the views of the NGOs sector with regard to how the government has maintained this spirit either positively or negatively.

4.2. Government Attitude Towards NGOs

Generally, the government has a positive attitude towards NGOs. However, there are some areas where there is sometimes a misconception of issues. Apparently, at present, the constitutional, legal and policy environment of NGOs is not a priority for the Government. This is a major issue that must be addressed in the policy review and subsequent review of the NGO law. Specific issues are:

- a. NGOs are noncompliance group when it comes to taxation which is the priority agenda of the current administration.
- b. Some Government officials and politicians perceive NGOs sometimes aggressive and threatening to obliterate their operations.
- c. NGOs works are subsidized not recognized, and appraised save only for few ones politically regarded potential.
- d. Flow and sharing of information is very poor
- e. The government sees NGOs as competitors - sometimes
- f. The government sometimes sees NGO's contribution to development to be very insignificant
- g. Some government officials sometimes feel as if NGOs are allied to opposition political parties.

- h. The government sees NGOs as not accountable enough to donor funds
- i. The government (some sections) sees NGOs as enemies and competitors for foreign funds and see them as their critiques who add no value to their work
- j. NGO's failure to demonstrate well and measurably the impact on social development.

A major related issue is an extent to which the government is pushing for enabling constitutional, legal and policy environment of NGOs. Apparently, the constitutional, legal and policy environment of NGOs is not a priority for the Government. It is a good thing if the push is for improving a sector but if a push targets to align with the changes in Government policies and priorities, it will affect much the NGO operating environment.

The consensus is that no serious - substantial efforts to improve the enabling environment. At some point some governments/officials or politicians don't see and appreciate the role of NGOs in bringing development. There had been an expression of the negative environment seeking to restrict freedom of expression and freedom of civil society.

However, recently there have been signs of change. Despite some challenges, there is some goodwill between government departments and NGOs. There is some space to raise voice and to participate. A notable example is the opportunity that the NGOs have been given by the government to be part and parcel of policy review and the NGOs verification process. So many NGOs have Memorandum of Understanding with ministries and government departments. Recently, the Ministry of Community Development, Gender, Elderly and Children entered an MoU with NGOs aiming at involving NGOs in the implementation of policies managed by the ministry. It has been also a good practice to see government officials being invited to officiate NGOs events and activities. This is the evidence that there is a still some good relationship between NGO and government in improving policy environment. However, the constitutional aspect is taking us back; it could work better working on the policy and legal framework in an environment where the constitution is creating an enabling environment.

The Changing Political-socio-context and the Policy

5.1 Introduction

This chapter presents a summary of the changing political-socio-context of the NGOs policy in Tanzania which necessitate for the review of the NGOs policy. It should be noted that NGOs are products of a political system in which the state is the key supplier of the rules that govern NGOs' emergence and functioning. Any changes to government regulatory approach toward NGOs in the three key strategic areas, namely (a) barriers to entry, (b) constraints on NGO political activities, and (c) constraints on NGOs' economic resources, can severely affect the smooth operation of the NGOs. National regulations influence which NGOs emerge, where, and how they can function. While NGOs can shape policies and institutions, they are also shaped by the broader state–societal arrangements. Accordingly, the changing political-social-economic in Tanzania since 2001 has significantly changed. The next sections summaries some of these impacts on the operations of the NGOs in Tanzania as observed by the key stakeholders under this study.

5.2. Changing Political-Socio-Context and the Policy

The mushrooming of the NGOs in Tanzania and the changing political, economic and social contexts seems to pose some challenges on the current NGOs policy. Issues for the reviewed policy will be:

- The NGO policy needs to command authority regarding what constitutes a genuine NGO.
- Due to diligence registration processes must support procedure and the annual NGO returns need to change from compliance only to practically verifiable process
- The political context limits the freedom of NGOs to criticize the government and evaluate government operational requirement framework against NGOs. It affects the policy statement on the government's – NGOs partnership on recognition and signification of NGOs contribution in the society and considers them unimportant partners in development because of political interest as a mushrooming hindrance factor in the policy
- NGOs have focused almost exclusively on their roles as service providers, leading to a limited perspective on their participation in society.

- The policy should insist on contextual ethics (national values) to be respected by all NGOs. This may control the operations of NGOs to stick to national values, and goals without limiting the increase of NGOs provided the NGOs Board will have the power to advise and empower monitor the operations of NGOs
- It is undoubted that the government must regulate and the CSOs have a responsibility to follow the regulations.
- The point here is coordination and regulations of who does what and where. NGOs are established with good intentions, and if they are well coordinated, they produce tangible results. Similarly, through coordination to find a mechanism of reducing of clustering/concentration of NGOs in one area and support them to operate in areas where there is a demand as well.
- The current NGO policy states that the NGOs will not be engaged in any political activities. This policy does not define precisely what ought to be a political activity and what not to be. This has seen many NGOs addressing human right issues to be considered doing political activities and have been denied permission to operate in some places. Such scenarios need for the reviewed policy to provide a precise operational definition of what needs to be political and what not needs to be
- Increase in number of NGOs in our country is a blessing. This need to better appreciated by all stakeholders including the Government.

Lessons, Conclusions and Recommendations

6.1. Introduction

This final chapter draws the key lessons, conclusions and recommendations towards the establishment of the NGOs Model policy as evidenced by the above discussion of the findings from stakeholders.

6.2. Lessons

From the discussion of the stakeholders' views, the following are some lessons that can inform the development of the new NGOs in Tanzania.

- The contribution of NGOs in the areas of service delivery, advocacy, democracy and good governance as well as community empowerment is beyond debate. However, the process of NGO sector development, methods of work and the impact of NGO program activities, among other issues, have continued to generate varied and sometimes contradictory views and experiences.
- The Government fully acknowledges and recognizes the key role that NGOs play in service delivery especially to marginalized groups, and improving accountability of public institutions
- A series of consultations and discussions with a wide range of stakeholders at regional and national level. Various interest groups including NGOs and NGO umbrella bodies, public servants at national, district and lower levels, Parliamentarians, the Private Sector and Donor representatives should be all consulted
- The New Policy should recognize the imperative of strengthening the partnership between Government and the NGO sector based on clear principles and practices
- The success of the New Policy will require the active commitment and involvement of all the actors identified herein including State and Non- State actors.

6.3. Conclusions

What has come out clearly in this review is that there has been reluctance on the part of the government over the years to review the NGOs policy in good time so that policy could attain the desired goals. In the light of the discussion of the views expressed by the NGOs consulted, until and unless the policy is subjected to a serious review, the intention of the government to nurture NGOs, must only be seen in symbolic terms as an expression of 'intent' since the actual functioning of the NGOs in Tanzania after nearly 17 years leaves much to be desired.

6.4. Recommendations

In the light of the of the discussion of the findings, there is the need for a policy review if the NGOs in Tanzania must deliver on their core functions. It is in the light of this that the review makes the following recommendations/suggestions as a way of contributing to the debate on the way forward in promoting an adequate democratic space for the NGOs in Tanzania.

1. Maintain the inclusion of advocacy and lobbying as legitimate acts that fall within the definition of NGOs.
2. Confirm that a variety of legal forms of organisation can bring different benefits to society.
3. Confirm that registration as an NGO is a voluntary act.
4. Provide an incentive to register as an NGO by making all registered NGOs automatically exempt from income tax, VAT and capital gains tax.
5. Ensure that the independence of NGOs is fully respected by ensuring that decisions on registration, suspension and deregistration are taken by a body with majority representation of NGOs.
6. Ensure that the voluntary nature of NGOs is fully respected by removing the requirement to register. As such, organisations that are suspended or deregistered would continue to exist and operate but would simply no longer be registered as NGOs and would no longer have tax-exempt status. This would strengthen the [financial] incentive for them to update their registration.
7. Increase the time required for an NGO to prove its existence from 30 days to 180 days.
8. Maintain a public record of registered NGOs, including details of reports and accounts submitted and fees paid, which NGOs and members of the public can access free of charge, ideally online.
9. Maintain NaCoNGO as an independent self-regulatory body, accountable to NGOs themselves.
10. Maintain the requirement for registered NGOs to submit annual reports and accounts.
11. Maintain the entitlement for NGOs to engage in a wide range of fundraising activities, to maximise the resources available for development activities.
12. The policy should bring NGOs together and built a participatory approach.
13. Establish a well constituted and empowered joint committee and operationalize it fully
14. NGOs must be given freedom to act on their capacity without being interfered by political myth.
15. Equality for both Government and NGOs should be enshrined in the policy to ensure a sounding check and balance for NGOs sector.
16. Registration of NGOs shouldn't include fees for non – profit making organizations.
17. Governments should recognize the work of NGOs and broadcast its contribution in the socio-economic sector and appraise

18. Completely be non-partisan and avoid all use of political tactics and interventions
19. NGO's should be more assertive, use evidence-based constructive intervention approach
20. Structurally Regional and District networks should be included in the policy as the organs which will coordinate NGO's at their levels.
21. The policy should adopt attainable objectives
22. The policy should promote transparency and accountability
23. The policy should have a clear vision, mission statements and measures of success
24. The NGO law should be reviewed to support the implementation of the new policy
25. Establish specific authorities to regulate NGOs operations and ensure protection/ security and sustainability of NGOs
26. Recognize NGOs and staff as potential and support if possible, the government contribute in their Social security pensions.
27. Government be left with registration and coordination role.
28. The policy should leave NGOs to govern themselves.
29. Ensure Government's financial and material support to NGOs.
30. Facilitate NGO's access to Parliament
31. Strong National Forum which could promote proper relationship between government and NGOs.
32. Centralizing registration to either District or Regional
33. Centralizing Annual return to district or region level
34. Include a section that aims to advance and promote values such as respects between government and NGOs as a partner.
35. Second, the policy to be costed and the budget to be allocated at a different level for coordination.
36. Improve quality assurance of the work of NGOs including technical support by NGOs Coordinator at the council level.
37. Build the capacity of NGO Coordinator at the council level to be able to guide and provide technical support to NGOs so that they comply with policy and legal framework. The capacity should go hand in hand with dissemination of different guidelines that govern NGOs.
38. Include the section that requires the government to receive reports online and not travelling with hard copies. The same should apply to NGOs to apply through the central government systems of reporting.
39. Give more power and decentralize the roles of the National NGO register to District and Regional registers for easy access and operation
40. There should be cooperation between NGOs and government
41. There should be enough freedom for these NGOs to operate

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Annexes

Annex 1: List of CSOs Participated in this Review

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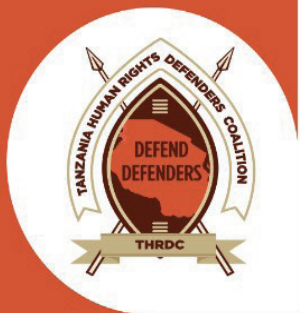
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Annex 2: Interview and Group Discussion Guide



Policy Engagement

Stakeholders' Consultative Meeting

The Development of the New NGOs Policy

Date: 11 April 2018

Venue: Kisenga LAPF Building-Kijitonyama

THRDC RECOMMENDATIONS COLLECTION TOOL

Following the current process of developing a new NGOs Policy in Tanzania, the THRDC is currently collecting recommendations from its 150 members and affiliated NGOs. All recommendations will be sent to the Consultants who have been hired by the Coalition. The Consultants will prepare a draft model NGOs Policy basing on the collected recommendations to be submitted to the Registrar of NGOs through already agreed modality under NACONGO coordination.

THRDC encourages an open and inclusive approach. This may trigger policy issues and policy gaps that may come after thorough consultation with wider group of NGOs in Tanzania. At this stage THRDC hired two policy development experts (Dr A. Kessy and Prof Beatus Kundi) from University of Dar es Salaam for review of the policy and the development of policy recommendations from THRDC members and affiliated NGOs. The policy issues log should record issues that emerged during the implementation and the use of the current NGOs Policy and NGOs Law. The hired policy experts will guide the review and the development of the CSOs policy recommendations. The need for a new policy, or policy review could be identified at any level. However, the overall context in which a policy might be developed and reviewed should be done in consultation with the relevant NGOs and partners who will be affected by the policy. We therefore kindly ask you to share your recommendations with the experts through this collection tool.

You are kindly requested to fill this questionnaire and send it back to the THRDC before 18th April 2018. All recommendations should be sent through email: thrddefenders@gmail.com. Thank you for agreeing to take part in this important process for the future of the NGOs sector in Tanzania.

Please fill the information requested below:

1. Do you support the idea of having an NGOs Policy Review? Why or why not?

2. How does the current NGOs policy affect the operations of NGOs in Tanzania?

3. How do you assess the efficacy of the NGOs policy in regulating and controlling NGOs?

4. Are the NGOs issues well addressed and what additional policy issues need to be added?

5. How do you assess the Institutional Framework of the current NGOs Policy in Tanzania?

6. To what extent have the NGOs' Policy key objectives been achieved and what are the facilitating/constraining factors?

NGOs Policy (2001) Objectives	Facilitating/constraining factors
(i) To provide an operational definition of NGOs.	
(ii) To provide a broad framework for legal and institutional arrangements to facilitate the operations of NGOs of Tanzania.	
(iii) To put in place registration procedures which are transparent, decentralized and which will facilitate better coordination of NGOs while safeguarding the freedom of association.	
(iv) To strengthen the relationship between the Government and the civil society.	
(v) To enhance mechanisms for collaborative relations between NGOs, the Government, funding agencies and other stakeholders.	
(vi) To facilitate mechanisms for Government support to NGOs.	
(vii) To promote transparency, accountability and awareness among NGOs themselves, the Government and other stakeholders.	
(viii) To facilitate exchange and flow of information on NGOs activities in order to maximize utilization of resource and also share experiences or research findings.	

7. Are these policy objectives adequate in terms of addressing the Civil Society Sector in Tanzania? What needs to be added or removed?

8. The mushrooming of the NGOs in Tanzania and the changing political, economic and social contexts seems to pose some challenges on the current NGOs policy. What are your views on this?

9. How do you assess the extent to which the government is pushing for enabling constitutional, legal and policy environment of NGOs?

10. In general, what are the main strengths and weaknesses of the current NGOs policy?

11. What are key recommendations do you suggest to improve the NGOs policy?

12. How do you assess the government's attitude towards NGOs?

13. Does the current NGOs policy in Tanzania cover the whole spectrum of political, economic and social contexts? If Yes or No, please explain.

What are the main NGOs problems that require policy and legal protection in Tanzania ?

14. Do you see any problem with the current multiple registration system and regulatory framework of CSOs in Tanzania?

15. How do you want the regulatory framework of NGOs in Tanzania to be in the next policy?

16. Propose how the next NGOs policy can be used to address security challenges facing NGOs in Tanzania and their shrinking space.

17. Do you know the tools used by the government to enforce the policy? If yes Mention

18. Can you suggest a vision and mission statement for the revised NGOs Policy in Tanzania?

20. How do you suggest the operations of International NGOs to be regulated in Tanzania?

NAME: _____

ORGANIZATION _____

REGION/DISTRICT _____

CONTACT _____



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