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THE CONSTITUTION OF THE UNITED REPUBLIC OF
TANZANIA,
(CAP 2)

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SCHEDULE

GOVERNMENT NOTICE NO. 231 published on 27/3/20

THE CONSTITUTION OF THE UNITED REPUBLIC OF TANZANIA, 1977
(CAP. 2)

INSTRUMENT

Made under Article 36(1)

WHEREAS Article 36(1) of the Constitution of the United Republic of Tanzania, 1977, vests in the President powers to establish and disestablish such offices in the Service of the Government of the United Republic of Tanzania;

AND WHEREAS knowledge on National Security and Strategy is an important component on National Defence development and for preparing National leaders;

AND WHEREAS most nations in the world have established National Defence Colleges for that purpose and the Government acknowledges the need for establishing National Defence College - Tanzania for purpose of imparting knowledge on national and international Defence and security issues to selected senior military officers and Government officials, by taking into account the global environment and internationally agreed goals;

AND WHEREAS the Government intends to establish National Defence College - Tanzania which its objective is to equip senior military officers and Government officials with necessary background and understanding of the complex general system of economic, political, military, scientific, international relations, national organizational aspects and planning necessary for security both in its internal dynamics and external compulsions;

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NOW, THEREFORE, in exercise of the powers vested in the President by Article 36(1) of the Constitution and all other powers enabling in that behalf, I, JOHN POMBE JOSEPH MAGUFULI, President of the United Republic of Tanzania, DO HEREBY orders as follows:

PART I

PRELIMINARY PROVISIONS

Citation	1. This Instrument shall be cited as the National Defence College - Tanzania (Establishment) Order, 2019.
Interpretation	2. In this Instrument unless the context otherwise requires: “Academic Committee” means the committee established under Article 12 of this Instrument;
Cap. 192	“Act” means the National Defence Act; “appointing authority” in relation to any member of the College Governing Board means the person or body of persons by whom such member was appointed or elected to the College Governing Board; “award” means a prize or other mark of recognition given in appreciation of an academic achievement; “Board” means the College Governing Board established under Article 10; “Chancellor” means the Chancellor of the College appointed under Article 15. “Chairperson” means Chairperson of the Board; “College” means The National Defence College-Tanzania established under Article 3; “College Secretary” means the College Secretary appointed under Article 21; “Commandant of the National Defence College - Tanzania” means the head of the College who is also an Accounting Officer of the College, appointed under Article 16; “Convocation” means the Convocation established under Article 27; “course members” means senior military officers and Government officials selected or appointed to attend the National Defence Course;
Cap 129	“Council” means National Council for Technical Education established under Section 3(1) of the National Council

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for Technical Education Act;
“Defence Forces” means Tanzania Peoples’ Defence Forces;
“Director of Studies” means the Director of Studies appointed under Article 19;
“former College” means the National Defence College that was in existence before the coming into operation of this Instrument;
“financial year” means the period of twelve month commencing on the 1st day of July to 30th day of June in any calendar year;
“member” in relation to the Board includes the Chairman;
“Minister” means the Minister responsible for Defence and National Service;
“NDC – TZ” means National Defence College – Tanzania;
“*ndc*” means the prestigious symbol of NDC-TZ conferred by the Commandant of the National Defence College - Tanzania to Course Members who have satisfied the requirements for such conferment;
“Directing Staff” means Senior and Junior Directing Staff who are running the NDC - TZ Programmes;
“President” means the President of the United Republic of Tanzania;
“sponsoring agent” means Government organizations and Governments of participating countries which send course members to the NDC–TZ for studies ;
“Supporting Staff” means officers, men and civilian officials of the National Defence College - Tanzania.

“Seal” means Seal of the College.

PART II ESTABLISHMENT OF THE COLLEGE

Establishment of
College

3.- (1) There shall be established a prestigious College to be known as The National Defence College - Tanzania.
(2) The College shall be a body corporate and shall:
(a) have perpetual succession and common seal;
(b) in its corporate name, be capable of suing and being sued;
(c) be capable of purchasing and otherwise acquiring, and alienating, any movable and immovable property;
(d) be capable of entering into contracts;
(e) have power to borrow such sums of money as it may require for its purposes; and

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- (f) have powers to perform all other acts and things which are necessary for the proper performance of its function under this Instrument.

Objectives and
functions of
College

4.-(1) Objectives of the College shall be:-

- (a) to provide a facility (forum) for course members from various organizations of the Government for the purpose of giving them a structured exposure to diverse issues related to national security;
- (b) to facilitate an individual development of a course member by creating at the College the necessary academic environment related to national security;
- (c) to develop mutual understanding between different organizations of the Government by creating necessary working environment and opportunities for development of such understanding between course members; and
- (d) to be an instrument for the Government to foster understanding, cooperation, regional cooperation and linkages in the national, regional and international security related fields.

(2) Functions of the College shall be:-

- (a) to offer an opportunity to senior military officers and government officials enrolled as course members of getting together and exchanging ideas and hence enabling holistic appreciation of the situation both in peace and war times;
- (b) to offer training programmes leading to professional and semi-professional qualifications in various disciplines related to defence, security and other fields as the Board may from time to time decide;
- (c) to conduct examinations and to grant “ndc” prestigious symbol, degrees, diplomas, certificates and other awards of the College to a course member that has qualified for such award;
- (d) to provide general education and offer a wider outlook on a wide scope of state affairs to the senior military officers and government officials holding highly specialized appointments;
- (e) to prepare present and future Tanzania leaders in the state of the art and competencies in the conduct of national management, government business and

- decision making on issues of national security and strategies;
- (f) to provide professional think-tank role for Tanzania in equipping Government policy makers with requisite economic, political, military, scientific, international relations and national organizational knowledge necessary for understanding of national security in its internal and external dynamics;
 - (g) to prepare leaders for grand strategic decision making in the national defence and security;
 - (h) to develop the leadership and professional skills of managers of defence and security organs;
 - (i) to provide a professional exposition of the fundamentals of national interests, national security and strategic issues to existing and future cadres of national leadership and managers of security and strategic organs;
 - (j) to provide a structured exposure to diverse issues related to national security of modern states in general, and Tanzania in particular;
 - (k) to develop the competences of policy makers in objectively and critically analyzing national and international situations as well as dealing with requirements of defence and security policy and decision making;
 - (l) to create necessary academic environment to individual course members in relation to national defence and security issues;
 - (m) to develop a thorough and sustainable mutual understanding between different organizations and Government institutions as a prerequisite for synergizing the various policies;
 - (n) to stimulate and promote nationalistic and cultural development of the United Republic for the benefits of the people of Tanzania
 - (o) to publish and disseminate materials produced in connection with the work and activities of the College, including teaching manuals and materials, textbooks, newsletters, journals and results of any research carried out by the College in accordance with the law;
 - (p) to initiate, organize and participate in both local and international seminars, meeting and conferences relating to national security and strategic training and development of the discipline

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in its entirety;

(q) to affiliate or associate with other academic colleges and other training institutions with the approval of the Board; and

(r) engage in self-reliance activities for effectively financing and promotion of entrepreneurship.

(3) In performing the objects and functions under Sub article (1) and (2), the Board shall be guided by the Act, various national policies and any other guidelines promulgated by Defence Forces Authorities.

Governance
Wings of
College

5.-(1) The College is organized into Academic Wing, Research Wing, Administrative Wing and any other Wing as may be established by the Board with approval of the Minister.

(2) All Wings established under Subarticle 5 (1), shall be under the directives of the Commandant of the National Defence College - Tanzania and supported by Directing and Supporting staff.

Functions of
Wings

6. Functions of the Wings shall be as directed by the Commandant of the National Defence College - Tanzania upon approval of the Board.

Conferrin
g symbol
'ndc'

7. The Commandant of the National Defence College - Tanzania shall confer the College prestigious symbol of "ndc" to all course members who have satisfied the requirements of the College.

Academic
awards

8.-(1) The College may confer Doctorate and Masters Degrees, diplomas, certificates and such other academic awards as may be prescribed by the Academic Committee with the approval of the Council.

(2) The provisions of subarticle 8 (1) also shall apply to the degree of Masters or Doctor *honoris causa* which the Academic Committee, with the approval of the Council, may confer upon any person who in the opinion of the Academic Committee, has rendered distinguished service in the advancement of national leadership, national security and

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strategy or has otherwise rendered himself worthy of such conferment.

Conferring of
academic awards

9. With the exception of conferment of award under Article 7, all academic awards of the College shall be conferred to by the Chancellor or any other guest of honour proposed by the Academic Committee.

PART III BOARD OF THE COLLEGE

Establishment of
Board

10. (1) There shall be established a Board of the College known as the College Governing Board which shall be made of the following members:-

- (a) the Chief Secretary who shall be a Chairperson;
- (b) the Permanent Secretary of the Ministry responsible for Public Service;
- (c) the Permanent Secretary of the Ministry responsible for Defence and National Service;
- (d) the Permanent Secretary of the Ministry responsible for Foreign Affairs;
- (e) the Chief of the Defence Force;
- (f) the Judge Advocate General;
- (g) one member representing the Ministry responsible for Finance;
- (h) one member representing the Ministry responsible for Technical Education;
- (i) one member from Zanzibar appointed by the President of Zanzibar;

(2) The Commandant of the National Defence College - Tanzania shall be an Ex-Officio member and Secretary to the Board.

(3) The provisions of the Schedule to this Instrument shall have effect in respect of membership of the Board, tenure, proceedings, duties and other matters related to the Board.

(4) The Board shall be accountable to the President.

Powers and
Functions of

11. The Board shall have powers to perform the following functions -

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Board

- (a) to formulate policies of the College;
- (b) to govern and control the management of the College;
- (c) to authorize curricular of studies for award of prestigious “*ndc*” symbol and other academic programmes of the College;
- (d) to prescribe the terms and conditions which must be fulfilled before the award of the prestigious “*ndc*” symbol to any graduate of the College;
- (e) to describe welfare of College Staff and course members of the College;
- (f) to endorse the College budget proposals;
- (g) to prescribe tuition fees payable by the course members to the College;
- (h) to establish other wings whenever needs arises; and
- (i) to do all such other acts which are necessary or expedient for the proper discharge of its functions and functions of the College under this Instrument.

Establishment of Committees

12. The Academic and Management Committees and any other committee(s) as may be required shall be established by the Board and approved by the Minister.

The Members and functions of Committee

13. The members and the functions of all Committees established under Article 12 shall be determined by the Board and approved by the Minister.

PART IV

ADMINISTRATION OF THE COLLEGE

Administration of College

14. The College shall be administered by military, academic and non-academic staff.

Appointment of Chancellor

15. (1) There shall be a Chancellor, who shall be appointed by the President.

(2) One of the functions of the Chancellor is to confer degrees, diplomas, certificates and other awards of the College to College graduates, and shall have such other non-executive functions and privileges as are or shall be determined by the

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Board.

(3) Chancellor shall hold office for such period and on such terms and conditions as may be specified in the instrument of appointment.

The Commandant
of National
Defence College -
Tanzania

16. (1) The President upon the advice of the Minister shall appoint an officer of the Defence Forces not below the rank of Major General to be the Commandant of the National Defence College - Tanzania.

(2) The Commandant of the National Defence College - Tanzania shall be responsible to the Board.

(3) The Commandant of the National Defence College - Tanzania shall hold office for such period and on such terms and conditions as may be specified in the instrument of appointment.

(4) Notwithstanding terms and conditions under subarticle 16 (3), the Commandant of the National Defence College - Tanzania shall be an alumnus of any recognized National Defence College or National Defence University and shall be a holder of academic qualifications of at least master's degree of any discipline from any recognized University.

(5) The Commandant of the National Defence College - Tanzania shall be the chairperson of the Academic and Management Committees.

Senior directing
staff

17. (1) There shall be senior military and civilian directing staff.

(2) The senior military directing staff shall be officers of the Defence Forces not below the rank of Brigadier General and shall possess at least bachelor degree from any recognized university or academic institution and shall be a graduate of National Defence College or National Defence University or War College.

(3) The senior civil service directing staff shall be civil servants holding appointment not below the position of the Director or its equivalent appointed by the appointing authority and shall possess at least bachelor degree from any recognized university or academic institution and shall be a graduate of

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National Defence College or National Defence University.

(4) The role of the senior directing staff is to ensure the smooth implementation of the College academic programmes.

(5) Senior directing staff shall hold office for such period and on such terms and conditions as may be specified in the instrument of their appointment proposed by the Board and approved by the minister.

Junior directing
staff

18. (1) There shall be junior military and civilian directing staff.

(2) The junior military directing staff shall be officers of the Defence Forces not below the rank of Lieutenant Colonel.

(3) The junior civil service directing staff shall be civil servants holding the appointment of a principal officer (1) or (2).

(4) Junior directing staff shall hold office for such period and on such terms and conditions as may be specified in the instrument of their appointment by the Board.

The Director of
Studies

19.-(1) There shall be a Director of studies who shall be appointed by the Board.

(2) No person shall be appointed as the Director of Studies under subarticle 19 (1) unless he or she is or was a professor or an associate professor of social sciences in an recognised university or academic institution.

(3) The Director of Studies shall hold office for such period and on such terms and conditions as may be specified in the instrument of appointment.

Functions of the
Director of
Studies

20. The Director of Studies shall:

- (a) be responsible for all matters pertaining to the academic and consultancy programmes;
- (b) be responsible for quality assurance matters;
- (c) assist and advise the Commandant of the National Defence College - Tanzania on matters pertaining to academic affairs, studies and training programmes;

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- (d) oversee and coordinate curriculum development;
- (e) provide a link between College and other higher learning institutions including academic and technical education regulatory authorities;
- (f) oversee the smooth running of the curriculum and the assessment methodology;
- (g) provide academic supervision to course members pursuing doctoral, masters, diplomas and certificate programmes; and
- (h) such other functions as may be prescribed by the Commandant of the National Defence College - Tanzania.

The College
Secretary

21. (1) There shall be a College Secretary who shall be an officer of Defence Forces not below the rank of Brigadier General who possesses at least a bachelor degree from any recognized academic institution or university.

(2) The College Secretary shall be appointed by the Board.

(3) The College Secretary shall be responsible for:

- (a) all administrative matters pertaining to the College and academic support; and
- (b) such other functions as may be prescribed by the Commandant of the National Defence College - Tanzania.

(4) The College Secretary shall hold office for such period and on such terms and conditions as may be specified in the instrument of appointment.

Supporting staff
to College
Secretary

22. The College Secretary shall be supported by two categories of supporting staff as follows:

- (a) the Academic Staff who shall include:-
 - (i) Junior Directing Staff Research and References;
 - (ii) Research Coordinators; and
 - (iii) Directing Staff Coordination;
- (b) the administrative staff who shall include-
 - (i) an Officer Commanding;
 - (ii) a College Financial Comptroller;

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- (iii) a staff officer responsible for administration;
- (iv) a staff officer responsible for IT Systems;
- (v) A staff officer responsible for logistics;
- and
- (vi) any other such officers as the Commandant of the National Defence College - Tanzania may determine.

PART V
FINANCIAL PROVISIONS

Sources of
Funds of the
College

23. The Sources of funds and resources of the College shall consist of:

- (a) such sums of money as may be appropriated by Parliament for the purposes of the College;
- (b) All course members' fees and other charges payable to the College;
- (c) any sums which may be payable to the College by way of donations, gifts, grants or bequest from any lawful sources within or outside the United Republic;
- (d) any sums accrued from the College's investments;
- (e) any sums which the College with the approval of the Minister responsible for Finance may borrow for the purposes of the College approved development project(s); and
- (f) any sums which may in any manner become payable to or vested in the College as a result of or in the course of discharging its functions under this Instrument.

Annual budget
estimates

24.- (1) Within three months before closure of the financial year, the management shall prepare for the approval of the Board, annual budget estimates of the revenue and expenditure of the College that include provisions for all estimated expenditure for the ensuing financial year.

(2) The Board shall, subject to such modification as it may consider appropriate, consider and approve the estimates prepared in accordance with this article and thereafter forward

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the proposed estimates to the Minister.

(3) The expenditure for the purpose of the College shall not be incurred save in accordance with this Article.

Powers to invest

25. The Board shall, with the approval of the Minister, have powers to invest the funds of the College in such investments as it may think fit or may place such funds on deposit at such banks as may determine.

Accounts and
audits

26.-(1) The Board shall cause to be kept proper accounts and shall, as soon as practicable but not later than three months after the end of each financial year, cause such accounts relating to such financial year together with a statement of income and expenditure during financial year be submitted to the Controller and Auditor- General for auditing.

(2) The audited accounts under Sub-article 26 (1) shall be tabled before a meeting of the Board for approval and implementation of the Controller and Auditor- General's findings.

(3) As soon as the accounts of the College have been audited and in any case not later than six months after the closure of the financial year, the Board shall submit to the Minister a copy of the audited statement of accounts together with a copy of the report made by the Controller and Auditor General on the statement of accounts.

Convocation

27. There is hereby established a Convocation of the College which shall consist of-

- (a) the Chancellor;
- (b) the Commandant of the National Defence College - Tanzania;
- (c) all members of the Academic Wing;
- (d) the College Secretary;
- (e) all holders of the symbol "ndc" resident in the United Republic;
- (f) such persons as the Commandant of the National Defence College - Tanzania may, upon recommendation by the Academic Committee, appoint to be members of the Convocation.

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Chairperson of
Convocation and
procedures of
Convocation

28. (1) The Convocation shall at its meeting elect from among its members a chairperson of the Convocation.

(2) The chairperson of the Convocation shall, subject to his continuing to be qualified to be a member of the Convocation and unless he sooner dies or resigns, hold office for a period of two years and shall be eligible for re-election.

(3) The chairperson of the Convocation shall preside over the meetings of the Convocation.

(4) The College Secretary shall be the secretary to the Convocation.

(5) The Convocation shall meet at least once a year at such times as may be necessary or expedient for the transaction of its business.

(6) The secretary to the Convocation shall give every member of the Convocation at least twenty one days' notice of the date, time and place of the meeting.

(7) Where at any meeting of the Convocation the Chairperson is absent, the members present may elect from amongst themselves a temporary chairperson who shall preside over the meeting.

(8) Fifteen members shall constitute the quorum for the meeting of the Convocation.

Alumni
association

29. (1) The Board may approve the establishment of alumni associations for the alumni of the National Defence Course whose affairs shall be governed by their constitutions which shall be subject to approval by the Board including amendment thereof.

(2) An Alumni Association whose establishment is approved under subarticle 29 (1), shall have the right to transmit its resolutions to the Board and the Academic Committee.

PART VI
MISCELLANEOUS PROVISIONS

Fees and
allowances

30. The Minister may, by order issued under his hand, prescribe the fees and allowances payable to the members of the Board.

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Minister to make
directives

31. (1) The Minister may give to the Board directives of a general or specific nature which shall be consistent with the purposes and provisions of this Instrument, as to the performance by the Board of any of its functions under this Instrument, and the Board shall give effect to every such direction.

(2) Notwithstanding subarticle 31 (1), in issuing directives that relates to academic awards such as degrees, diplomas and certificates, the Minister shall consult with the Minister responsible for education matters.

Board to make
by-laws

32. (1) The Board may, with the approval of the Minister make by-laws for the better carrying out of the purposes of this Instrument, and without prejudice to the generality of this Article, may make by-laws prescribing-

- (a) awards which may be conferred or granted by the College, the conditions which must be fulfilled and manner of granting the awards;
- (b) the conduct of examinations and practical training assessments;
- (c) fees for course members admitted to the College; and
- (d) for any matter or thing which, in the opinion of the Board is necessary to provide for the furtherance of the functions and objects of the College.

(2) Notwithstanding subarticle 32 (1), the Board shall, in prescribing the awards under subarticle 32 (1) (a), consult the Council for the purpose of validation and approval of the awards.

Immunity

33. Anything done or omitted to be done by any member of the Board, Academic Committee, Management Committee and supporting staff of the College shall not, if it was done or omitted in good faith in the execution of the functions conferred upon such member or officer by this Instrument, render such member or officer personally liable for such action or omission.

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Functions of
former College
to be carried by
College

34. -(1) All the duties and functions of the former College shall vest to the College and the College shall carry out and continue the functions of the former College in accordance with the provisions of this Instrument and all course members who immediately before the date of commencement of this Instrument were course members of the former College shall as from the date of commencement of this Instrument become course members of the College and shall continue with programmes for which they were enrolled until the end of their courses.

(2) All graduates of the former College notwithstanding that they were not enrolled in the College, shall upon coming into force of this Instrument become graduates of the College and Alumni of the same.

Staff of former
College

35.-(1) Salaries, allowances and other fringe benefits that was payable to the former college staff shall be maintained by the College until such time as may be preferred for change by the Board.

(2) Subject to Sub article 35 (1), the Board shall formulate the manner or procedure in which to deal with the staff of the former college.

Protection of
property

36. All assets and liabilities of the former College shall vest to the College upon coming into operation of this Instrument.

Revocation of
GN. No 75 of
2012

37.-(1) The Defence Forces (Establishment of the National Defence College) Order, 2012, GN No. 75 of 2012 is hereby revoked.

(2) Notwithstanding the revocation of GN No. 75 of 2012 made under Sub article 37 (1) anything done, omitted or any action taken under the revoked Order shall in so far as it is not inconsistent with the provisions of this Instrument, be deemed to be done, omitted or taken under the corresponding provisions of this Instrument;

Seal of College

38. (1) The Seal of the College shall be of such shape,

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size and form as the Board may determine.

(2) The Seal of the College shall be authenticated by:

- (a) the Commandant of the National Defence College - Tanzania ; or
- (b) College Secretary or any other officer of the College Staff as the Board may nominate in that behalf.

Execution of
documents

39. All documents to which the College is a party, shall be executed on behalf of the College by:

- (a) the Commandant of the National Defence College - Tanzania; or
- (b) College Secretary or any other College Staff as the Board may nominate in that behalf.

SCHEDULE

(Made under Article 11(2))

PROVISIONS RELATING TO THE BOARD

Delegation of
powers of
Board

1. The Board may by instrument in writing under the Seal of the College, delegate to any committee of its members or College Staff of any of its powers under this Instrument.

Vice-
Chairman

2. The Board shall elect one of its Members to be Vice Chairman who shall serve office for such period as may be determined by Board.

Meetings of
Board

3.-(1) Subject to any general or specific instructions by the Minister, the Board shall meet four times on each financial year or as it may be decided by the Board.

(2) Notwithstanding subarticle 3 (1), the Chairman may, by request in writing of at least six members, convene a meeting of the Board within twenty one days of such request.

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(3) The Chairperson, or in his absence the Vice Chairperson, shall preside in all meetings of the Board.

(4) In the absence of both Chairperson and Vice-Chairperson at any meeting of the Board, the members present may elect a temporary Chairperson who shall preside at that meeting from amongst themselves;

(5) The Board may co-opt any person who is in its opinion desirable to attend and participate in the deliberation of a meeting of the Board or committee and such person shall have no right to vote.

Quorum

4. At any meeting of the Board, the quorum shall not be less than two thirds of the Board Members.

Decision by
vote

5.-(1) Subject to the provision relating to casting vote, all issues at a meeting of the Board shall be decided by a majority of the votes of the Board Members present at the meeting, and if any Member decline or abstain to vote, his or her vote shall be counted in the negative.

(2) The Chairperson, Vice Chairperson or temporary Chairperson presiding at any meeting of the Board, shall, in the event of equality of votes, have a casting vote in addition to his or her deliberative vote.

(3) Notwithstanding the foregoing provisions, any decision of the Board may be made without a formal meeting on matters of urgency, by circular decision (s), however, if six Members require that any such decision be referred to the Board for its consideration then that matter shall be considered at the next meeting of the Board

Validity of
proceedings
of the Board

6. Proceedings of the Board or any committee of the Board shall not be invalid by reason of any vacancy of any member at the time of such act, proceeding or of any defect in the appointment of any Member

Board to
regulate its
own
proceedings

7. Subject to this schedule, the Board shall regulate its own proceedings

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State House,
22nd February, 2020

JOHN POMBE JOSEPH MAGUFULI
President