CHAPTER 433

THE UNESCO NATIONAL COMMISSION ACT

[PRINCIPAL LEGISLATION]

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CHAPTER 433

THE UNESCO NATIONAL COMMISSION ACT

An Act to provide for the establishment of the UNESCO National Commission and to provide for related matters.

[6th June, 2008]

Act No.
7 of 2008

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PART I
PRELIMINARY PROVISIONS

Short title

1. This Act may be cited as the UNESCO National Commission Act.

Application

2. This Act shall apply to Mainland Tanzania as well as to Tanzania Zanzibar.

Interpretation

3. In this Act, unless the context otherwise requires-

"Chairman" means Chairman of the Commission and includes an acting Chairman;

"Government" means the Government of United Republic of Tanzania;

"Commission" means the UNESCO National Commission of the United Republic of Tanzania;

"Executive Secretary" means Executive Secretary of the Commission appointed under section 11(2);

"Minister" means the Minister responsible for UNESCO affairs in the United Republic of Tanzania;

"UNESCO" means United Nations Educational, Scientific and Cultural Organisation;

"Technical Committee" means a Technical Committee established under section 7;

"technical sector" includes education, natural science, social science, culture and information.

PART II
ADMINISTRATION OF UNESCO IN TANZANIA

Establishment of Commission

4. There is established a commission to be known as the UNESCO National Commission of the United Republic referred to under the provisions of this Act as "the Commission".

Functions of Commission

5.–(1) The Commission shall, on behalf of the Government, perform all functions of UNESCO within the United Republic.

(2) Without prejudice to the generality of subsection (1), the Commission shall-

(a) cooperate with Government Ministries, organisations, institutions and individuals concerned with UNESCO's area of competence;

(b) encourage participation of governmental and non-governmental institutions and various individuals in the formulation and execution of UNESCO's related programmes so as to secure for UNESCO all the intellectual, scientific, artistic or administrative assistance that it might require;

(c) disseminate information on the objectives, programmes and activities of UNESCO;

(d) participate in the planning and execution of activities entrusted to UNESCO which are undertaken with the assistance of the United Nations agencies and multilateral organisations;

(e) participate in the search for candidates for UNESCO posts, fellowships, missions and consultancies financed under the regular programme and from UNESCO's extra budgetary resources and in the placement of UNESCO fellowship holders;

(f) participate with other National Commissions in joint studies on matters of interest to UNESCO;

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(g) cooperate with the Tanzania delegation to the UNESCO General Conference and other intergovernmental meetings convened by UNESCO by coordinating the preparations, participation and reporting for such meetings;

(h) collaborate with UNESCO's regional offices and centres in fostering regional, sub-regional and bilateral cooperation in education, science, technology, culture, information and communication, particularly through the joint formulation, execution and evaluation of programmes;

(i) undertake its own initiatives in other activities related to the general objectives of UNESCO of interest to the United Republic;

(j) fulfill membership obligation to UNESCO;

(k) collaborate with the office of the Permanent Delegation of the United Republic to UNESCO in the implementation of UNESCO activities;

(l) recruit and supervise the employment of the Secretariat staff;

(m) set up committees on education, natural and social sciences, culture, information and communication and other committees as the need arises; and

(n) perform such other functions as may be directed by the Minister or as may be provided for by any other written law.

Composition of Commission

6.–(1) The Commission shall consist of-

(a) the Chairman who shall be appointed by the President and the Vice-Chairman who shall be appointed by the Minister subject to subsection (3);

(b) not more than ten members appointed from ministries and institutions from Mainland Tanzania as follows-

(i) Ministry responsible for education;

(ii) Ministry responsible for communication, science and technology;

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(iii) Ministry responsible for foreign affairs and East African Cooperation;
(iv) Ministry responsible for youth development;
(v) Ministry responsible for women affairs;
(vi) one member from Universities;
(vii) Tanzania Commission for Science and Technology;
(viii) Ministry responsible for information and culture;
(ix) the umbrella non-governmental organisation;

(c) not more than four members appointed from ministries and institutions from Tanzania Zanzibar as follows-
(i) Ministry responsible for education;
(ii) Ministry responsible for information and culture;
(iii) Ministry responsible for youth, women development and children;
(iv) the umbrella non-governmental organisation;

(d) two members appointed by the Minister one from Mainland Tanzania and one from Zanzibar; and

(e) Executive Secretary of the UNESCO National Commission of United Republic.

(2) Members under paragraphs (b) and (c) of subsection (1), shall be appointed by the Minister upon nomination by their respective ministries or institutions.

(3) Where the Chairman hails from Mainland Tanzania the Vice-Chairman shall hail from Tanzania Zanzibar, and vice versa.

(4) In appointing members under this section, the President or as the case may be, the Minister, shall take into account a person's knowledge and experience in education, natural science, social sciences, information and culture.

(5) The Schedule to this Act shall have effect as to the tenure of office of members, and proceedings of the Commission.

(6) The Minister may, by notice published in the *Gazette*, amend, vary or replace all or any of the provisions of the Schedule to this Act.

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(7) The Executive Secretary shall be the Secretary to the Commission.

Technical Committees of Commission

7.–(1) The Commission may, for the purpose of facilitating performance of functions under this section, appoint not more than five Technical Committees to accomplish such functions as may be delegated by the Commission.

(2) Technical Committees appointed under subsection (1) shall be-

(a) Education Technical Committee;
(b) Natural Science Technical Committee;
(c) Social Science Technical Committee;
(d) Culture Technical Committee; and
(e) Information and Communication Technical Committee.

(3) Members of each Technical Committee shall elect the Chairman from amongst their number.

(4) Each head of a technical sector specified under subsection (2) shall be the coordinator of the functions of a technical committee established for the sector.

(5) Technical Committees established under this section shall be responsible and accountable to the Secretariat.

Members of Technical Committees

8.–(1) Each Technical Committee shall be composed of not more than six members appointed by the Minister from various offices under the relevant sector.

(2) The Education Technical Committee shall be composed of members appointed from-

(a) the Ministry responsible for Science and Technology;
(b) the Ministry responsible for education being one from the office of the Chief Education Officer and one from the Department of Higher Education;
(c) the Ministry responsible for education and vocational training, Zanzibar, Office of the Commissioner for Education;
(d) universities offering education programmes; and
(e) UNESCO National Commission (Education Sector).

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(3) The Natural Science Technical Committee shall be composed of members appointed from-

(a) a representative of association of public universities;
(b) a representative of association of private universities;
(c) the Institute of Marine Sciences University of Dar es Salaam;
(d) a representative of Department of Natural Science from a public or private university;
(e) Ministry responsible for energy and minerals, Department of Science and Technology; and
(f) UNESCO National Commission of Tanzania (Natural Science Sector).

(4) The Social Science Technical Committee shall be composed of members from-

(a) the Ministry responsible for community development, gender and children, Department of Women and Children Development;
(b) the Ministry responsible for labour, employment and youth development, Department of Youth Development;
(c) the Ministry responsible for youth development, employment, women and Children, Zanzibar, Department of Youth Development;
(d) UNESCO National Commission, (Social Science Sector); and
(e) a representative of association of public universities and a representative of association of private universities.

(5) The Culture Technical Committee shall be composed of members appointed from-

(a) the Ministry responsible for natural resources and tourism, Department of Antiquities;
(b) the Ministry responsible for information, culture and sports, Zanzibar, Commission for Culture and Sports;
(c) the Ministry responsible for culture;
(d) the National Museum of Tanzania; and
(e) the UNESCO National Commission (Culture Sector).

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(6) The Information and Communication Technical Committee shall be composed of members from-

(a) the Ministry responsible for information, culture and sports, Department of Information;
(b) the Ministry responsible for information, culture and sports, Zanzibar, Department of Information;
(c) the Tanzania Library Service Board;
(d) the Department of Journalism or Department of Mass Communication from a public or private university;
(e) UNESCO National Commission (Communication Sector).

Functions of Technical Committees

9. The functions of each Technical Committee shall be to-

(a) advise the Secretariat on all technical matters regarding the sector to which it relates;
(b) examine the annual report and draft estimates before their submission to the Commission;
(c) supervise the implementation of the Commission's approved programmes relating to sector to which it belongs; and
(d) perform such other technical functions as the Commission may direct.

Secretariat

10.–(1) There shall be a Secretariat of the Commission which shall be composed of-

(a) the Executive Secretary;
(b) two Deputy Executive Secretaries; and
(c) such number of officials and staff as may be required.

(2) The matters relating to departments and units of the Secretariat shall be as the Minister may prescribe in the regulations.

(3) It shall be the duty of the Secretariat to conduct daily affairs of the Commission.

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Executive Secretary

11.–(1) The Secretariat of the Commission shall be headed by the Executive Secretary.

(2) The Executive Secretary shall be appointed by the Minister from amongst senior public servants who shall hold office for a term of five years and be eligible for reappointment.

(3) The Executive Secretary shall be the Secretary to the Commission.

Deputy Secretary

12.–(1) There shall be two Deputy Secretaries appointed by the Minister amongst senior public servants from either side of the United Republic.

(2) Each Deputy Executive Secretary shall be the head of the department of the Secretariat and in discharge of duties be accountable to the Executive Secretary.

Other officers and staff of Secretariat

13. The Commission shall appoint such number of officers and staff of the Secretariat as may be required for the performance of duties of the Secretariat.

PART III
FINANCIAL PROVISIONS

Funds and resource of Commission

14.–(1) Sources of the fund of the Commission shall include-

(a) such amounts as may be appropriated by Parliament;

(b) such sums as may be payable to the Commission by way of donation, gifts, grants, loans or bequests;

(c) such sums as may in any manner become payable to or vested in the Commission or acquired in the course of discharging of its duties; and

(d) any other lawful source of funding.

(2) The funds and resources of the Commission shall be applied for the purposes for which the Commission is established and in accordance with directions of the Commission.

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Books of accounts

15.–(1) The Commission shall-

(a) cause to be kept proper books of accounts and other records relating to the funds and resources of the Commission;

(b) within three months after the end of each financial year, cause such accounts to be audited in accordance with the Public Finance Act;

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(c) prepare and publish an annual report which shall contain-

(i) estimates of income and expenditure for the year stated in the report;

(ii) account of operation during the year for which the report was prepared;

(iii) audited accounts; and

(iv) such other information or matter as may be required.

(2) The annual report of the Commission and the auditors reports shall be forwarded to the Minister who shall as soon as may be practicable lay the reports before the National Assembly.

Remuneration

16. Members of the Commission and Technical Committees shall be paid from the fund, allowances at such rates as may be determined by the Commission upon approval by the Minister.

PART IV
GENERAL PROVISIONS

Direction by Minister

17. The Minister may give specific or general direction to the Commission on any matter relevant to its objectives, and the Commission shall give effect to such direction.

Former officers

18.–(1) Subject to the provisions of subsection (4), every officer and staff shall, as from the commencement of this Act, be deemed to be an officer or as the case may be, staff of the Commission.

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(2) The terms and conditions of service of the former officer shall be governed by the provisions of this Act and regulations made thereunder.

(3) Subsection (2) shall not be construed to permit any reduction in the salary to which the former officer was entitled immediately before the commencement of this Act.

(4) For the purpose of determining any right to pension, gratuity or other terminal benefits of a former officer, his service with the Commission shall be regarded as continuous with his service immediately before the commencement of this Act.

(5) For the purpose of this section "former officer" means any person employed as a staff or employee of UNESCO office immediately preceding the date of commencement of this Act.

Regulations

19.–(1) The Minister may, upon the advice of the Commission, make regulations for the better carrying out of the purposes and provisions of this Act.

(2) Without prejudice to the generality of subsection (1), the Minister may make regulations prescribing-

(a) various procedural matters regarding the implementation of provision of this Act;

(b) forms to be used under this Act;

(c) staff management, disciplinary procedures and such other matters relating to officers and staff of the Secretariat in conformity with the Public Service Act;

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(d) procedures for performance of Technical Committees; and

(e) anything which needs to be prescribed under this Act.

(3) Regulations made under this Act shall be published in the *Gazette*.

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SCHEDULE

(Made under section 6(5))

PROVISIONS RELATING TO THE COMMISSION

Tenure of office

1.–(1) The Chairman shall hold office for a period of three years and may be eligible for re-appointment once.

(2) The Vice Chairman and a member of the Commission, shall, unless his appointment is sooner terminated by the Minister, or he ceases in any other way to be a member, hold office for a period of three years and may be eligible for re-appointment for one further term.

(3) A member appointed by virtue of his office shall cease to be a member upon ceasing to hold the office entitling appointment to the Commission.

Termination of membership

2. Notwithstanding paragraph 1(2), any member of the Commission, other than the Chairman or a person holding an office of Chairman or a person holding an office of emolument under the United Republic, may at any time resign from membership of Commission by notice in writing addressed to the appointing authority, who shall forthwith cause it to be forwarded to the Commission, and from the date of the receipt by the Commission of such notice, such member shall cease to be a member of the Commission.

Meetings of Commission

3.–(1) The Commission shall meet not 1ess than four times in a year and at such times as may be necessary or expedient for the transaction of its business and such meetings shall be held at such places and time and dates as may be determined by the Chairman.

(2) The Secretary of the Commission shall give notice of a meeting to each member not less than fourteen days before the date of meeting.

(3) The Chairman shall preside at all meetings of the Commission, and in his absence, the Vice Chairman.

(4) In the absence of both the Chairman and Vice Chairman, members present and constituting a quorum shall elect from among themselves a temporary Chairman who shall preside at the meeting.

Absent members to be represented

4. Where a member of the Commission who is a member by virtue of his office is unable for any reason to attend any meeting of the Commission he may nominate another person from his organisation to represent him in the meeting.

Quorum

5. The quorum at any meeting of the Commission shall be half of the members.

Decision of Commission

6.–(1) Subject to subparagraph (2), matters proposed at a meeting of the Commission shall be decided by a majority of the votes of the members present and voting and to the event of any equality of vote then the person presiding shall have a casting vote in addition to his deliberative vote.

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(2) A decision may be made by the Commission without a meeting by circulation of the relevant papers among the members and the expression of the views of the members in writing, but any member may require that the decision be deferred and the subject matter be considered at a meeting of the Commission.

Minutes of meeting

7.–(1) The Commission shall cause to be recorded and kept minutes of all business conducted or transacted at the meetings and the minutes of each meeting of the Commission shall be read and confirmed or amended and confirmed at the next meeting of the Commission and signed by the person presiding and the Secretary to the meeting.

(2) Any minutes purporting to be signed by the person presiding and the Secretary at a meeting of the Commission shall in the absence of proof of error be deemed to be a correct record of the meeting whose minutes they purport to be.

Vacancies not to invalidate proceedings

8. The validity of any act or proceeding of the Commission shall not be affected by any vacancy among its members or by any defect in the appointment of any of them.

Orders, direction of Commission

9. All orders, directions, notices or other documents made or issued on behalf of the Commission shall be signed by the Chairman or as the case may be the Vice Chairman.

Proof of documents

10. Any document purporting to be under the hand of the Secretary as to any resolution of the Commission or as having been issued on behalf of the Commission, shall be receivable in courts of law or tribunals or other bodies authorised to receive evidence and shall unless the contrary is shown, be deemed, without further proof to be sufficient evidence of what is contained in the document.

Commission may regulate its own proceedings

11. Subject to the provisions of this Schedule, the Commission may regulate its own proceedings.

Cessation of membership

12. A person shall cease to be member of the Commission where that person-

(a) is absent from the three consecutive meetings of the Commission without good cause;
(b) ceases to hold the office or position for which he was appointed;
(c) tenders a resignation in writing to the appointing authority;
(d) is suffering from mental disorder or illness; or
(e) dies.

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