THE NATIONAL SECURITY COUNCIL ACT, 2010

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21. Amendment of the Disaster Relief Co-ordination Act.

THE UNITED REPUBLIC OF TANZANIA

NO. 8 OF 2010

I ASSENT,

Jakaya Kikwete

President

17th March, 2010

An Act to establish the National Security Council and the defence and security committees at various administrative hierarchies with a view to regulating and co-ordinating national security matters; to establish machinery for individual persons, public and private institutions to co-operate and participate effectively in matters of defence and national security and to provide for related matters.

ENACTED by Parliament of the United Republic of Tanzania.

PART I
PRELIMINARY PROVISIONS

Short title

1. This Act may be cited as the National Security Council Act, 2010, and shall come into operation on such date as the Minister may, by notice published in the *Gazette*, appoint.

Application

2.-(1) This Act shall apply to Mainland Tanzania as well as to Tanzania Zanzibar.

(2) This Act shall not apply to security matters at operational level except for exigency of public interest and where the defence and national security organs so advise.

Interpretation

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

"Chairman" means the Chairman of the Council;

"Council" means the National Security Council established under section 4;

"defence and security organs" means the Tanzania Peoples' Defence Forces, National Service, Tanzania Police Force, Tanzania Prisons Service, Immigration Services and Tanzania Intelligence and Security Services;

"Minister" means the Minister responsible for the national security;

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

Cap. 47 "security" has the meaning ascribed to it under the National Security Act.

PART II
THE NATIONAL SECURITY COUNCIL

Establishment and structure of the Council

4.-(1) There is established a Council to be known as the National Security Council.

(2) The Council shall consist of the following members-

(a) the President, who shall be the Chairman of the Council;

(b) the Vice-President;

(c) the President of the Revolutionary Government of Zanzibar;
(d) the Prime Minister; and
(e) the Chief Minister of the Revolutionary Government of Zanzibar.

(3) The Chief Secretary shall be the Secretary to the Council.

(4) The Council may invite any person to its meetings for the purpose of giving advice on any matter which is the subject of consideration.

(5) The Council may, where circumstances require, form a Committee for the purpose of performing or undertaking a specific function or task on its behalf.

Functions of the Council

5.-(1) The Council shall be the principal advisory organ to the President on all matters relating to the national security.

(2) Without prejudice to the generality of subsection (1), the functions of the Council shall be to-

(a) formulate, establish and oversee core values of the national security for purposes of protecting and defending national interests;
(b) review policies of defence, security, foreign affairs and other policies which relate to national security in view of prevailing national and international circumstances;
(c) evaluate the state of national security on short and long terms and recommend the proper cause of action;
(d) receive and analyse reports relating to the state of defence and security in the country from the defence and security organs, Government departments and institutions and Regional Security Committees and give directions as appropriate; and
(e) perform any other function as may be assigned by the President.

Secretariat

6. There shall be the Secretariat to the Council comprising of-

(a) the Chief Secretary who shall be the Head and the Co-ordinator;
(b) two Assistant Co-ordinators from the Tanzania Peoples' Defence Forces;
(c) two Assistant Co-ordinators from the Tanzania Intelligence and Security Service;
(d) one Assistant Co-ordinator from the Police Force;
(e) one Assistant Co-ordinator from the Immigration Department.
(f) one Assistant Co-ordinator from the Tanzania Prisons Service; and
(g) one Assistant Co-ordinator from the Rehabilitation College.

Functions of the Secretariat

7.-(1) The functions of the Secretariat shall be to-

(a) prepare agenda and take minutes of Council meetings;
(b) analyse and compile various reports from the defence and security organs and other Government departments and institutions for submission to the Council for its decision;
(c) coordinate and serve as a focal point for the administration of activities between the Council, Government departments and institutions as well as defence and security organs;
(d) keep and maintain records and control confidentiality of all documents relating to the Council's activities;
(e) make follow-up and prepare implementation reports of the Council's decisions; and
(f) perform any other function as may be assigned to it by the Council.

(2) The Secretariat may co-opt any person during its meetings for the purposes of giving advice on any matter which is the subject of consideration.

PART III
SECURITY COMMITTEES

Composition of Regional Security Committees

8.-(1) There is hereby established the following Security Committees-

(a) the Regional Security Committees; and
(b) the District Security Committees.

(2) The Regional Security Committee shall be composed of-

(a) the Regional Commissioner, who shall be the Chairman ;
(b) the Regional Administrative Secretary, who shall be the Secretary;
(c) the Regional Police Commander;
(d) the Commanding Officer of the Tanzania Peoples' Defence Forces Unit;
(e) the Regional Security Officer;
(f) the Regional Immigration Officer;
(g) the Regional Militia Advisor; and
(h) the Regional Prisons Officer and, in the case of Tanzania Zanzibar, the Regional Rehabilitation Colleges' Officer.

(3) The Regional Security Committee may invite any person to its meetings for the purpose of giving advice on any matter which is the subject of consideration except that such person shall not have a right to vote.

(4) The Regional Security Committee may, where circumstances require, form a Committee for the purpose of performing or undertaking a specific function or task on its behalf.

Functions of Regional Security Committees

9. The functions of the Regional Security Committee shall be to-

(a) receive and analyse security reports from the District Security Committees and defence and security organs and take appropriate action;
(b) prepare evaluation reports on defence and security situation in the Region for submission to the relevant

authorities within the region;

(c) plan, coordinate and give directions on the manner of dealing with emergencies such as disasters, famine, epidemics, floods and major accidents, incidents like serious crimes, cattle theft, land disputes, environmental degradation, robbery, sabotage, illegal immigrants, moral turpitude, illicit drugs including such other occurrences which are likely to endanger peace and tranquillity to the public in the respective Region;

(d) specify and identify social and administrative problems within the Region which may endanger security and advise the relevant authority on appropriate measures or the proper course of action;

(e) consider applications for citizenship and advise the Minister responsible for citizenship;

(f) consider applications for ownership of arms and explosives and make decision in accordance with the existing laws;

(g) evaluate and make follow-up on the status of strategic reserve levels of food, medicine and fuel and alert the relevant authorities for their action; and

(h) perform any other function as may be assigned to it by the relevant authority.

Composition of District Security Committees

10.-(1) The District Security Committee shall be composed of-

(a) the District Commissioner, who shall be the Chairman;

(b) the District Administrative Secretary, who shall be the Secretary;

(c) the Commanding Officer of the Tanzania Peoples' Defence Forces units situated in the respective District;

(d) the District Security Officer;

(e) the District Police Commander;

(f) the District Militia Advisor;

(g) the District Immigration Officer; and

(h) the District Prisons Officer and, in the case of

Tanzania Zanzibar, the District Rehabilitation Colleges' Officer.

(2) The District Security Committee may invite any person in its meeting for the purpose of giving advice on any matter which is the subject of its consideration except that such person shall not have a right to vote.

(3) The District Security Committee may, where circumstances require, form a Committee for the purpose of performing or undertaking a specific function or task on its behalf.

Functions of District Security Committees

11. The functions of the District Security Committee shall be to-

(a) prepare plans and strategies for defence and security and make follow-up for the implementation;

(b) prepare evaluation reports on defence and security situation in the District for submission to the Secretary of the Regional Security Committee;

(c) plan, coordinate and give directions on the manner of dealing with emergencies within the District such as disasters, epidemics, famine, floods and major accidents and occurrences like serious crimes, cattle theft, land disputes, environmental degradation, robbery, piracy, looting, poaching, rape sabotage, illegal immigrants, illicit drugs, moral turpitude, including other occurrences which are likely to endanger peace and tranquillity within the respective District;

(d) specify and identify social and administrative problems within the District which may endanger security and advise the relevant authority on the appropriate measures or course of action;

(e) consider applications for citizenship and submit recommendations to the Regional Security Committee;

(f) consider applications for ownership of arms and

explosives and make decisions in accordance with the existing laws or advise the Regional Security Committee on such applications;

(g) evaluate and make follow up on the status of strategic reserve levels of food, medicine and fuel and inform the Regional Security Committee for its action; and

(h) perform any other function as may be assigned by the relevant authorities.

PART IV
GENERAL PROVISIONS

Offences and penalties

12. Any person who, being a member of any Committee referred to under section 8, divulges any information obtained by virtue of his membership to such committee, commits an offence and shall, on conviction, be liable to a penalty prescribed for the offence under the relevant law.

Proceedings of the Regional and District Security Committees

13. In the absence of the Chairman the person presiding over at the meeting of the Regional Security Committee or the District Security Committee, shall be a person acting in that capacity of the Regional Commissioner or the District Commissioner.

Submission of periodic reports to the Council

14.-(1) The defence and security committees specified under this Act shall, on the basis of geographical administrative hierarchical arrangements, be under the general obligation to submit to the relevant authorities, quarterly reports on defence and national security matters.

(2) Public and private institutions may be required to submit reports on any matter which the Council or defence and security committees consider necessary for defence and security, group of persons, the community or the general public.

(3) Without prejudice to subsection (2), the Council, the Regional Security Committees and the District Security Committees, shall work on a system which shall enable individual persons, public and private institutions to submit information and reports relating to matters of concern to defence and national security.

Expenses of the Council

15. The expenses incurred by or in respect of the Council at all levels shall be charged on and paid out of the Consolidated Fund.

Regulations

16. The Minister may make regulations prescribing matters which are necessary or convenient to be prescribed for better carrying out or giving effect to the provisions of this Act.

PART V
CONSEQUENTIAL AMENDMENTS

Construction

17. The Written Laws specified under this Part are amended in a manner provided for in this Part.

(a) Amendment of the Tanzania Intelligence and Security Service Act

Amendment of the Tanzania Intelligence and Security Service Act

18. The Tanzania Intelligence and Security Service Act herein after referred to as the principal Act is amended -

(a) in section 3, by inserting at an appropriate alphabetical order the following definition:

""Council" means the National Security Council established under section 4 of the National Security Council Act 2009";

(b) in section 5 by-

(i) inserting the phrase "the Council", between the words "the" and "Minister" appearing in paragraph (a);

(ii) inserting the words "the Council and' between the words "advise" and "Ministers' appearing in paragraph (b);

(iii) inserting a comma after the word "state" and inserting thereafter the word "the Council" appearing in paragraph (c);

(iv) inserting the words "the Council" after a comma that appears after the word "President" appearing in paragraph (d).

(b) Amendment of the National Defence Act

Amendment of the National Defence Act

19. The National Defence Act, hereinafter referred to as the "principal Act" is amended -.

(a) in section 3, by inserting at an appropriate alphabetical order the following definition:

""Council" means the National Security Council established under the National Security Council Act, 2009;

(b) in section 5, by inserting the phrase "or the Council" immediately after the word "Act" appearing in the second line;

(c) in section 7, by inserting a comma after the word President appearing in subsection (2) and inserting thereafter the words "the Council;

(d) in section 15, by-

(i) inserting a comma after the word "President" appearing in subsection (2) and inserting thereafter the words "the Council";

(ii) inserting the words "the Council" immediately after the words "United Republic" appearing in the fourth line of subsection (3);

(e) in section 25, by inserting the phrase "upon advice of the Council or" immediately after the word "may" appearing after the word "President"; and

(f) in section 30, by inserting the words "Regional

Security Committee and" after the word "the" that appears just before the word "Defence" in subsection (3).

(c) Amendment of the National Service Act

Amendment of the National Service Act

20. The National Service Act, hereinafter referred to as the "principal Act" is amended -

(a) in section 2, by inserting at an appropriate alphabetical order the following new definition:

""Council" means the National Security Council established under the National Security Council Act, 2009";

(b) in section 25, by inserting the phrase "upon advice of the Council" immediately after the word "may" appearing in the first line of subsection (1).

(d) Amendment of the Disaster Relief Co-ordination Act

Amendment of the Disaster Relief Co-ordination Act

21. The Disaster Relief Co-ordination Act, hereinafter referred to as the "principal Act" is amended-

(a) in section 2 (1), by inserting at an appropriate alphabetical order the following definition:

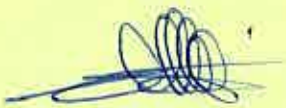
""Council" means the National Security Council established by the National Security Council Act, 2009;"

(b) in subsection (2) of section 8, by inserting the words "Council and" immediately before the word "Committee" appearing in paragraph (a); and

(c) in section 14 by adding immediately after subsection (2) the following subsection:

"(3) Subject to subsection (2), the President may convene a meeting of the Council to deliberate on the emergency situation that exists in a disaster area."

Passed in the National Assembly on the 12th February, 2010.



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Clerk of the National Assembly