

The Legal and Institutional Challenges Facing Community-based Disaster Management in Tanzania

*Esther Mlingwa**

Abstract

This article examines the legal and institutional challenges facing community-based disaster management in Tanzania. This study employed qualitative methods to analyse the legislative and institutional framework governing disaster management in Tanzania. Data was gathered through interviews and focused group discussions with stakeholders engaged in disaster management in Tanzania. The study results indicate that government actors acknowledge the significance of community-based disaster management. However, the integration of local communities in the disaster management process is impeded by various legal and institutional challenges. There exists a notable discrepancy between the policy and legislation governing disaster management. Additionally, the allocation of funds for disaster management is limited, and the avenues for public participation are ineffective. The requirement for sufficient integration of local communities is necessary to foster community-based disaster management. The study suggests a range of legal and institutional changes to improve the integration of communities in the disaster management process. These proposed reforms include legal empowerment of local communities, acknowledging the value of indigenous knowledge, strengthening disaster management committees by offering financial assistance and promoting greater involvement of the civil society.

Keywords: *local communities, disaster management, legal and institutional challenges*

1. Introduction

Recent empirical studies on disaster management show the increasing important role of communities in disaster management (Willits-king & Ghimire, 2019). Local communities complement government efforts by providing critical resources as they work alongside formal actors (Haaland & Wallevik, 2019). In fact, in any emergency, local communities are the first responders, before any government or international assistance becomes available. Community participation and empowerment are fundamental to successful disaster management (Azad et al., 2019). Community-based disaster management (CBDM) is based on the idea that the involvement of local communities will not only address their vulnerability, but also enhance their capacity to reduce the risk of disasters. As Azad et al. (2019: 136) explain, CBDM entails "... building capacity of local communities to assess their vulnerability to both human-induced and natural hazards and develop strategies and resources necessary to

* PhD Candidate, School of Law, University of Dar es Salaam: emlingwa@udsm.ac.tz

prevent and mitigate the impact of identified hazards as well as to respond, rehabilitate and reconstruct following their onset." It is a full cycle approach that targets proactive engagement of local communities in all stages of the disaster management cycle. This helps to map out local hazards and formulate appropriate strategies. It also builds on knowledge and practices already existing within the community. Through CBDM, countries can enhance public awareness and education, access to information and justice, participation in creations, implementation and enforcement of disaster strategies, recognition of traditional knowledge, cultural values and practices.

Despite international and regional calls for CBDM, existing literature identifies a notable absence of cooperation between government actors and local communities in the disaster management process (McKay & Perez, 2021; Hambati, 2021). For instance, even though the Sendai Framework identifies local communities as important actors in disaster management, the same is not reflected at the national level (UN, 2015; Atkinson & Curnin, 2020; Van Niekerk et al., 2020). Among the many factors to blame for this problem is the lack of adequate legal and institutional recognition of the role of local communities in disaster management (Scanlon & Groenendaal, 2014; Skar, et al., 2016). As argued in this article, the reason for such observations are attributed to legal and institutional challenges springing from the disaster management framework itself.

This article discusses the legal and institutional challenges facing community-based disaster management. It begins with a discussion of the relevant literature. The discussion then moves to the methodology and findings, which include a general overview of the policy, legal and institutional framework, as well as the specific legal and institutional challenges. Lastly, the article provides recommendations as a way forward.

2. Literature Review

Literature is abundant on disasters and local communities across disciplines due to the increased focus on the role of communities in disaster management. Numerous studies emphasize the importance of community participation, citing their unique knowledge, resources, volunteerism and resilience (Shamar et al., 2022, Hambati, 2021; McKay & Perez, 2019; Whittaker et al, 2015). They also illustrate the important role of local government institutions and other stakeholders in facilitating community-based disaster management (Clark-Ginsberg et al., 2022; Azad et al., 2019). Nevertheless, the integration of local communities in the disaster management process is not without challenges. Literature identifies coordination issues between formal disaster management authorities and communities, as well as disparities in resource allocation as significant challenges (Hambati, 2021; Shamar et al., 2022; McKay & Perez, 2019). This underscores the need for effective disaster management strategies, including addressing legal and institutional challenges, something that has not

been explored yet. As such, the current study bridges this knowledge gap by examining the legal and institutional challenges that might impede community-based disaster management.

2.1 The Concept of Disasters

Since the definition of a disaster varies among researchers, it is important to clarify how the term is defined in this article. So far, the United Nations Office for Disaster Risk Reduction (UNDRR) provides a globally accepted definition, which is widely used in international disaster management frameworks. In that regard, this study uses the following UNDRR definition:

A disaster is as serious disruption of the functioning of a community or a society at any scale due to hazardous events interacting with conditions of exposure, vulnerability, and capacity, leading to one or more of the following: human, material, economic and environmental losses and impacts which exceed the ability of the affected community to cope using only its own resources (UNDRR, 2017).

The UNDRR definition attempts to be as comprehensive as possible to capture the multifaceted reality of disastrous events, and provides a somewhat harmonized definition. It also does away with the distinction between 'man-made' and 'natural' causations of disasters, which many scholars agree do not reflect the nature of contemporary disasters (Hagen, 2021). From this definition, the word 'community' is mentioned twice, emphasizing the importance of community in the general understanding of disasters.

2.2 The Concept of Disaster Management

The UNDRR (2017) defines disaster managements as a process that involves organization, planning, and application of measures for preparing for, responding to, and recovering from disaster. Having discussed the concept of disaster management, it is clear that disaster management is a process that should be geared towards community. The Tanzania Disaster Management Policy identifies four main elements of disaster management: prevention and mitigation, preparedness, response, and recovery (URT, 2004). In this disaster management cycle, various activities, measures and strategies must be undertaken by various actors, including communities themselves (URT, 2014). It is here that law needs to delineate the responsibilities of actors, and establish institutions to oversee activities in the disaster management cycle.

2.3 Community-based Disaster Management (CBDM)

CBDM is a dominant theme in many international disaster management instruments since it was first introduced in the Yokohama Strategy (UN, 1994). Both the Hyogo and Sendai frameworks maintain special emphasis on community and society as a whole (UN, 2005). More recently, the United Nations

General Assembly (UNGA) has stressed the importance of inclusive participation and contribution of local communities (UN, 2021). The same is seen in regional instruments such as those adopted by the African Union (AU), Southern Africa Development Community (SADC), and the East Africa Community (EAC).

The success of CBDM requires careful consideration of several crucial aspects, as outlined by Azad et al. (2019), which include seven salient features explained in Table 1.

Table 1: Salient Features of Community-Based Disaster Management Approach

Item	Explanation
1.	Focus of attention on disaster management must be on the local community.
2.	Disaster management activities revolve around reducing vulnerable conditions and the root causes of vulnerability.
3.	Disaster management must establish linkages to community development processes.
4.	Communities should be empowered to participate in decision-making that affects their lives, and to enjoy the benefits of a healthy environment.
5.	Considering communities' responsibility and interest, the most vulnerable of communities should be given priority when considering community responsibilities and interests.
6.	A multi-sectoral approach must be applied to bring a multitude of community stakeholders for DRR.
7.	CBDM as a dynamic framework must have its implementation monitored, analysed, and updated.

Source: Modified from Azad et al., 2019.

The legal framework is a critical element in disaster management as it sets out norms, and defines the roles and responsibilities of the relevant stakeholders (Herwig & Simoncin, 2017). In this case, law can empower local communities to take leadership in disaster management by guaranteeing rights to public participation, information and adequate resources. The absence of such empowerment in the law may lead to inadequate engagement of local communities. Similarly, when national frameworks transcribe their aspirations in law, there is still a need of structures to oversee implementation. Institutional structures are dependent on financial resources, sustained funding, human capital, skills and capacity. This requires both political will and economic ability to enable institutions to function. As posited in this article, the underlying challenges that disrupt effective performance of institutions have implication on CBDM. For example, the absence of disaster management committees at the community level means there is a weak link between communities and the government.

3. Methodology

This article is based on a study that examined the legal and institutional challenges facing the integration of local communities in Tanzania's disaster management framework. The study adopted a qualitative methodology in which both

documentary review and field research was carried out to obtain primary and secondary data. The study relied on the analysis of primary sources, including legal instruments, policy instruments, and stakeholders' opinions. Secondary sources—including academic articles, media reports, and other materials—also complemented the primary sources. In addition, empirical data was obtained from field research through 24 interviews and six focus group discussions (FGDs) as the main tools for data collection. Based on Tanzania's past disaster experiences, the study selected floods and earthquakes as these natural-occurring hazards often result into disasters. The study was conducted in four regions of Tanzania. The focal points for data collection were Dar es Salaam (Ilala and Kinondoni Municipalities), Dodoma (Dodoma Municipality), Kagera (Bukoba Municipality and Misenyi District), and Morogoro (Kilosa and Kilombero Districts). Dodoma is the capital city of Tanzania and the headquarters of government agencies, including the Disaster Management Department in the Prime Minister's Office. The other three regions were selected based on disaster data available in official reports, newspaper articles and literature (UNDRR, 2019; Hambati, 2021; Ringo et al., 2016; *The Citizen*, 18th September, 2016).

4. Findings and Discussion

4.1 Community-Based Disaster Management in Tanzania

As one of the guiding principles for disaster risk management in Tanzania, CBDM seeks to increase the understanding of disaster risks and disaster prevention. It also seeks to improve disaster governance at the community level by empowering local governments (URT, 2022-2027). CBDM requires, first and foremost, an enabling environment at the domestic level that will facilitate community participation in the disaster management process. In this case, adequate as well as effective national legal and institutional responses are necessary.

Local communities are key players in disaster management in Tanzania. Evidence shows that community-based initiatives provide significant contributions to disaster management (Hambati, 2021; Ringo et al., 2016). In addition, ordinary people beyond affected communities also contribute to disaster management efforts. For example, in September 2016, a 5.9 magnitude earthquake hit the north-western region of Kagera, Tanzania, killing several people, and leaving others homeless (ReliefWeb, 2016). In response, the government raised funds through contributions from Tanzanians and external sources (Tanzania Affairs, 2019). A diversity of actors—ranging from individuals, family groups, faith-based groups, to community organizations contributed to designated collection accounts—reinforcing the important role of local communities (URT Parliament, 2016).

However, local communities may be overlooked in the disaster management framework. Studies report notable challenges in CBDM, particularly the lack of cooperation between local communities and government actors in disaster

management (Hambati, 2021; Sakijege et al., 2014; Ringo et al., 2016). Furthermore, stakeholders—including local communities themselves—are on record on asserting their feelings as outsiders in the disaster management process (*The Citizen*, 2016). These observations are a source of concern, considering the reality that local communities live in areas of high disaster risks (UNDRR, 2019). It is reported that approximately 56,000 households had been displaced by disasters by the year 2020, and the number is projected to rise in the coming years (Internal Displacement Monitoring Centre, 2022). The Sendai framework and other related instruments put a lot of emphasis on local communities as partners in disaster management (UN, 2015). More importantly, the constitution of the United Republic of Tanzania provides that citizens shall participate in all government activities (URT, 1977). In addition, other relevant sectoral laws—such as the Environmental Management Act—emphasize the need for public participation in environmental matters (URT, 2004). Against this background, this article discusses the legal and institutional challenges facing CBDM in Tanzania

4.2 Tanzania Disaster Management Framework

The United Republic of Tanzania includes Mainland Tanzania and Zanzibar. According to its constitution, there shall be public matters jointly governed by the Union Partners that are listed in the constitution (URT, 1977). All matters not listed in the constitution shall be separately governed by Union Partners (*ibid.*). Disaster management is not listed in the union matters; as such, separate disaster management frameworks exist in Mainland Tanzania and Zanzibar. Therefore, any reference to Tanzania in this paper is confined to Mainland Tanzania.

4.2.1 National Disaster Management Policy 2004

The National Disaster Management Policy of 2004 (NDMP) is a policy guide for disaster management in Tanzania. One of the objectives of the policy is to promote public knowledge and awareness of disasters, and enhance the involvement of the community in disaster management (URT, 2022: 1.6.1). The policy further acknowledges that a successful implementation of its objectives requires community participation (URT, 2022: 3.3). The policy proposes an institutional structure divided into three categories: leading institutions, supporting sector-specific institutions, and stakeholders' institutions. This institutional structure envisages an integrated and multi-institutional approach as encouraged in both the Hyogo and Sendai frameworks.

The policy also reflects the principle of shared responsibility as advocated in international disaster management frameworks. Various stakeholders are tasked with responsibilities for disaster management in what the Sendai framework calls “an all of society engagement.” One key feature in this structure of shared responsibility is the emphasis on the role of local communities. As

stated in the policy, "... local communities and individuals have a role of using their own capacities to safeguard their lives and property against disasters" (URT, 2022: 3.2.8). As such, the policy aims to reinforce the capacity of communities to withstand disaster threats through incorporating them in their plans, aspirations, perceptions, wishes, needs and coping mechanisms. To achieve this, the policy states clearly that disaster management committees at the ward and village levels shall be at the frontline of structures of disaster management at the community level (URT, 2022).

According to the policy, ward and village committees shall have the responsibility to implement disaster management activities at the community level, and in doing so, even apply customary law and traditional and indigenous practices (URT, 2022). The policy sets out specific responsibilities for households so that they can use their own capacities to protect their lives and property. Households are expected to respond to the initial impact of a disaster until support arrives, provide information on local hazards to government authorities, share their coping knowledge, and participate in training and capacity building programmes (URT, 2022). This presupposes a decentralized system of disaster management that relies heavily on local government authorities for the implementation of both policy and legislation. Stakeholders are also enjoined to assist the government in disaster management.

Special groups within the community are given special consideration in disaster management. According to the policy, the government and all stakeholders should take into cognizance the requirement for special groups in their disaster management activities (URT, 2022). In addition, special attention should be given to special groups at all levels in the disaster management process. In particular, women's contribution to disaster management should be encouraged through participation in disaster management activities. Likewise, because of their inherent vulnerability to abuse, sexual exploitation and violence, special protection should be offered to women, including protection of their right to privacy. Children should also be accorded special consideration, especially their right to education, which can be interrupted by disasters.

4.2.2 The Disaster Management Act

The Tanzania Disaster Management Act, 2022 is the framework legislation for disaster management in Tanzania. This Act is a very recent enactment, preceded by the Tanzania Disaster Relief Coordination Act, 1990; and the Disaster Management Act, 2015. This new legislation is in Kiswahili, which is a commendable step towards reaching local communities.

Reinforcing what is already provided in policy, the Disaster Management Act puts a general obligation on individuals to contribute to disaster management. These obligations are divided into four sets. First, the Act requires every person to maintain peace and harmony in disaster situations. Second, it

further requires every person to take due regard of advice from experts and community leaders. This obligation vests responsibility on individuals to act on advice given by experts and the government. The assumption here is that government institutions and experts will provide information and raise awareness so that individuals understand their risk and prepare accordingly. The proper functioning of government institutions at the community level, therefore, is essential in fulfilling this obligation.

In the third subset of the obligation, every person is required to maintain a mode of life that prevents or reduces the impact of hazards and recover after disaster. This obligation is a full cycle responsibility that targets proactive engagement of individuals within their communities by requiring their participation in disaster mitigation, preparedness, response and recovery. However, on a cautious note, it puts the greatest responsibility on individuals and households to understand their disaster risks and prepare accordingly.

The fourth and final part of the obligation requires individuals to exhibit readiness and willingness to participate in disaster management activities. This may include volunteerism and other humanitarian activities. It also includes attending meetings on public awareness, and supporting government initiatives for disaster management. This open-ended structuring of the obligation captures all aspects of disaster management as they arise.

Financing disaster management is a critical component of a well-functioning disaster management framework. Like its predecessor, the Disaster Management Act establishes the National Disaster Management Fund (NDMF) as a tool for financing disaster management. However, unlike the previous law, the Act introduces a statutory requirement for a budget to the NDMF (URT, 2022). This move ensures that resources are available at the national level to finance disaster management activities at all stages of disaster management. Other sources of funds include donations from individuals and institutions, aid or loans from inside or outside the United Republic of Tanzania, money obtained from sales of goods, and contributions (*ibid.*). The fund is administered by the central government through the ministry responsible for disaster management (*ibid.*).

In addition to the NDMF, the government may call for humanitarian aid from the public for purposes of disaster management (*ibid.*). There is a procedural requirement to that effect. The Act provides that any person or institution collecting humanitarian aid shall channel it through disaster management committees (*ibid.*). To guarantee that aid reaches the targeted affected community, the Act makes it an offence to divert humanitarian aid (*ibid.*). In this case, the legislation has cured the challenges of aid mismanagement and misappropriation, which were a frequent concern before the enactment of this new legislation.

4.2.3 The Disaster Management Regulations, 2022

Following the enactment of the Disaster Management Act, 2022, the minister responsible for disaster management promulgated the Disaster Management Regulations of 2022. These regulations replace the Disaster Management

Regulations of 2017. These Regulations provide for the operations of the emergency centre established in Section 5 of the Disaster Management Act. They further explain the powers and functions of the local government in relation to disaster management. The regulations have also addressed issues relevant to local communities. In that regard, they have implications on local communities, particularly in disaster management, on matters related to public awareness and education of disasters, evacuation and return of communities impacted by disasters, humanitarian responses, collection of aid, as well as volunteer activities of community members.

4.2.4 Disaster Management Institutions

The institutions responsible for disaster management are divided into three groups: leading institution, supporting sector-specific institutions, and stakeholders’ institutions. These institutions have different functions, powers and responsibilities shared amongst each other as outlined in Figure 1.

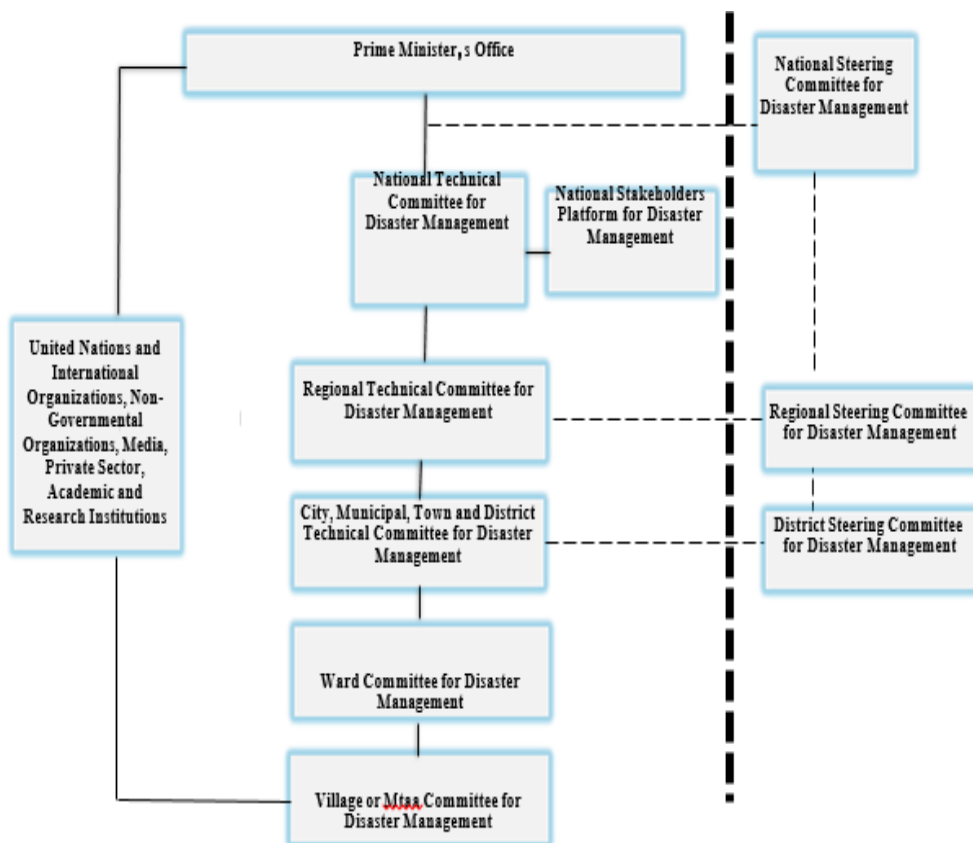


Figure 1: Institutional Framework for Disaster Management in Tanzania

Source: National Disaster Management Strategy, 2022-2027

The newly enacted Disaster Management Act created a parallel system of steering and technical committees up to the district level. Technical committees are responsible for providing technical expertise to a sector-specific disaster, while steering committees coordinate and oversee the activities of technical committees. This separation of responsibilities seeks to provide clear-cut boundaries between these institutions for effective disaster management.

4.3 Legal Challenges

4.3.1 Lack of Empowerment of Local Communities

The legal obligation vested on local communities is a reflection that communities are capable actors. However, the responsibility should have been accompanied by measures to empower communities.

More importantly, there are other ways to emphasize and mainstream the role of local communities in legislation, for example, by recognizing indigenous knowledge and customary practices, guaranteeing access to information and justice, as well as increasing public participation. The legislators could have taken a lesson from the Environment Management Act, which guarantees a right to a clean and safe environment, as well as public participation. In this case the drafters of the Disaster Management Act missed an opportunity for incorporating the abundant experience available in the area of environmental management in Tanzania.

4.3.2 Recognition of Informal Humanitarian Actors

In the aftermath of disasters, the local humanitarian landscape is usually composed of a diversity of actors ranging from individuals, family groups and faith-based groups to private foundations and charities offering assistance. Through technology, local humanitarian actors share information, self-organize, source assistance, and raise funds. As an official from the Tanzania Red Cross Society (TRCS) explains, “... after a disaster the government takes time to organize; during this time community members fill the assistance gap” (Interview with a TRCS Official, 20 June 2022). This form of assistance is regarded as an informal humanitarian response, pending formal assistance from government actors.

Informal humanitarian actors continue to support affected households even after formal government intervention, as an official from the Prime Minister’s Office (PMO) noted:

Government disaster relief does not predominately focus on individuals and households, but on public support systems such as infrastructure and health services; and stakeholders like the TRCS work with volunteers and informal actors to assist those affected (Interview with a Government official - PMO, 26 February 2022).

In this regard, informal humanitarian actors are crucial for disaster management. However, despite government actors acknowledging this, there are a number of legal and policy challenges that undermine informal responses. Informal responses are not recognized in the Disaster Management Act. For

government actors, informal responses do not need to be integrated into mainstream disaster management initiatives. Despite the fact that the government does acknowledge the fact that ordinary people are the first responders in events of crisis, and continue to provide aid long after formalized humanitarian aid has ended, it does not see the need to support informal responses.

4.3.3 Recognition of Vulnerable Groups within the Community

People are affected differently by disaster. The impact of disaster aggravates pre-existing vulnerability within the community. In this regard, special attention must be provided to vulnerable groups within the community. The Sendai framework emphasizes the importance of inclusiveness in the disaster management process, to ensure the rights of special groups are protected. In the Disaster Management Act, special groups are given representation in the national disaster management platform. The Act states that two representatives from civil society organizations for persons with special needs shall be part of the national disaster management platform (URT, 2022). The same representation is not available in the disaster management committees. In addition, the National Operational Guidelines for Disaster Management instructs that special attention should be given to the needs of special groups. The guidelines are cautious of gender issues, underlining vulnerabilities and needs of children, particularly in the area of education (URT, 2014). As per the guidelines, special groups should be engaged in the full cycle of disaster management to ensure they also contribute to disaster management (ibid.); and their needs should be met especially in the response and recovery processes.

The practice in the field indicates that issues concerning special groups are prioritized in the response and recovery processes. In particular, children's and women's needs are a priority for the government and stakeholders. A respondent from the TRCS noted that vulnerable groups are usually not involved in other stages of the disaster management process because there are no substantive measures to empower these groups. This is contrary to the national guidelines and policy. Local government officials, on the other hand, note that they have measures in place to empower vulnerable groups in other aspects. Local government officials in Missenyi noted that loans are provided to these special groups to improve their livelihood as part of building resilience.

The measures to address the needs of special groups show the commitment by the government to protect such people. Nonetheless, it would be more beneficial for vulnerable groups to enjoy more representation in disaster management committees. This will not only increase their participation, but also provide forums to mainstream their ideas at all levels of the disaster management framework.

4.3.4 Diminished Stakeholder Space

Even though stakeholders are an essential part of the institutional framework, their roles continue to diminish in the Tanzania legal framework. In the Disaster Management Act, 2015, there were a number of provisions that provided room

for stakeholder engagement. The current legislation, however, has to a large extent restricted the representation of stakeholders. A comparative assessment of the Disaster Management Act, 2015, and the Disaster Management Act, 2022, points to a diminished space for stakeholders. The Disaster Management Act, 2022, has limited the role of local communities in disaster management committees. Prominent persons within the community are no longer part of the disaster management committees. Likewise, community-based organizations, which were part of village committees, are no longer part of these committees. The Act further removes others stakeholders such as humanitarian organizations, with the exception of the TRCS. While the TRCS is a humanitarian organization, it is an auxiliary of the government. The TRCS Act clearly states that the TRCS shall be the sole national society for the United Republic of Tanzania, and an auxiliary to public authorities (URT, 2002). Thus, the inclusion of the TRCS in the disaster management framework does not address the part of civil society. Save for the National Disaster Management platform, civil societies have lost their position in disaster management committees.

In short, the 2022 Act is more focused on government actors in its composition of both technical and steering committees. Reading through the Act, new members include state security personnel, medical experts and members of parliament. As noted earlier, other stakeholders have filled the gap of the government in engaging with the community; these are no longer part of disaster management committees. This is contrary to the policy and the national guidelines, which state that non-state actors shall be responsible for facilitating awareness, access to information, capacity building, and preparedness; together with emergency response, and human, material and financial resources (URT, 2014). Table 2 presents a summary of issues that the 2022 Act has foregone in this regard.

Table 2: Comparative Assessment of the Position of Stakeholders in the Disaster Management Act, 2015 and Disaster Management Act, 2022

Stakeholder	Disaster Management Act, 2015	Disaster Management Act, 2022
Prominent persons	Section 18(2)(C), 40	No provision in the law
Community Based Organizations	Section 18(2) (b)	No provision in the law
Faith Based Organizations	Sections 13(2)(e), 15(2)(f), 18(2)(e), 20(2)(e), 40(2)(o).	Section 11(2)(l)
Civil Society	Sections 40(1)(h), 13(2)(b), 15(2)(c)	Section 11(2)(h)
Private Sector	Sections 13 (2) (c), 15(2) (b), 18(2) (a) 20(2) (a) and 40(1)(l)	No provision in the law

Source: Author, 2023

As pointed out earlier, CBDM needs to be supported by the state, as well as stakeholders. The dismissed space for stakeholders in the law has implications for CBDM, for failing to recognize the responsibility of key stakeholders. It further reinforced the argument that the legal framework curtails wider involvement of other stakeholders, which ultimately affects local communities.

4.3.5 Recognition of Indigenous Knowledge Systems

Indigenous knowledge systems (IKS) refer to knowledge, skills and traditional practices that have been developed and used by communities over generations (Tuladhar et al., 2015). This knowledge exists in a wide range of fields, including environmental conservation, fisheries, agriculture and disaster management (UNEP, 2008). As such the use of IKS is one mechanism of integrating local communities. IKS plays an important role in disaster management, particularly in communities where such knowledge still exists (Hambati, 2021). Local communities in many parts of the world use indigenous knowledge in disaster preparedness and risk reduction efforts. For example, local communities use changes in animal behaviour as an early warning system for earthquakes, volcanic eruptions and floods (Tuladhar et al., 2015). They also use indigenous knowledge in construction and land management to reduce the impacts of natural hazards (Hambati, 2021). This widespread usage among communities has attracted modern scientists who insist on the incorporation of indigenous and traditional practices into mainstream disaster management activities.

The use of IKS is an area that can bring integrated approaches that foster CBDM. This does not only ensure that community knowledge is shared and respected, but also provides sustainable solutions to addressing community problems. For example, the Paris Agreement emphasizes the potential of using local communities in identifying and addressing climate-disaster risks, and thus calls for the use of indigenous and local knowledge in climate change adaptation (UN, 2015). In this regard, national frameworks are called upon to accord recognition to IKS and traditional practices of local communities within their disaster management frameworks. Such a recognition in legislation enhances the value of IKS. In general, IKS is recognized in both sector policies and laws in Tanzania. For example, the Wildlife Conservation Act aims to enhance the recognition of IKS in wildlife conservation (URT, 2022). However, in the area of disaster management, the NMDP does not specifically mention customary and indigenous practices. Nonetheless, it can be deduced from various policy statements that there is some form of recognition. In particular, the policy emphasizes the use of community knowledge, resources and practices in disaster management (ibid.).

The 2015 Disaster Management Act permitted village committees to use customary law, traditional practices, and indigenous methods of warning and communication in the discharge of their functions (URT, 2015). Indeed, this is an example of law recognizing the role of IKS as part of the mainstream disaster management framework. The Disaster Management Act, 2022 is however silent on this aspect, which means it has essentially removed the use of traditional practices from the mainstream disaster management framework. This removal is contrary to the policy, which emphasizes the use of knowledge and practices already existing within the community.

In the field, local communities resiliently cope with disasters through local survival strategies. In Morogoro and Kagera, residents confirmed that there was the use of IKS. There are measures for disaster risk reduction at the community level. For example, community disaster preparedness for droughts and famine in Kagera includes cultivating drought-resistant crops in case of shortage in rains. Locals also have their early warning systems in place. A street chairman disclosed that he had suspected there was going to be an earthquake after observing the behaviour of animals such as dogs, chicken and birds. From this knowledge, he took the initiative to inform people within his community on the impending disaster, saving lives in the process. Residents in Kilosa and Kilombero admitted that they received weather information from local sources such as elders, neighbours, and traditional leaders long before the TMA could put out a formal announcement (FGDs in Kilosa and Kilombero, 23 and 28 July 2023). Many claimed that they trusted their own sources as being more accurate and reliable than warnings from the TMA.

The application of IKS in the formal structures was however not common even when there was room to do so in the previous legislation. Local government officials in Morogoro said that village disaster management committees did not commonly use IKS. The homogeneity prerequisite is a key factor, substantiating findings by other scholars like Pradhan (2020). A local government official explained: *“The mix of people from different tribes does not favour the application of customary practices or IKS in the committees”* (Interview with a Local Government Official, Kilosa District, 24 July 2022). Village committees use by-laws instead. The same was observed in Dar es Salaam: local government officials disclosed that IKS was not being used at the local government level because of by-laws not being in place.

Subsidiary instruments such as by-laws can be used to incorporate IKS into disaster management programmes (Oguamanam, 2023). An analysis of by-laws in Kinondoni suggests that these instruments have indirectly incorporated IKS. For example, the prohibition to construct toilets near water sources by leaving at least 60m from the water source reflects IKS on preserving water sources (URT, 2020). In this regard, by-laws have become instruments for formalizing IKS, thus defeating the precondition of homogeneity in the community. While the formalization of IKS in by-laws is an innovative way for fostering CBDM, it should not end there. IKS need to be promoted in statuses because they hold a lot of value in their own right.

4.4 Institutional Challenges

4.4.1 Disaster Management Committees

a) Operations of Committees

Disaster Management Committees are the cornerstones for disaster governance in Tanzania (URT, 2022). As such, the Disaster Management Act sets out specific responsibilities that target coordinated disaster management at all levels of

administration. Even though there is an elaborate network of disaster management committees that stems from the national level to the local level, the creation and operations of these committees fall short in many aspects. It was revealed in the field research that some of the committees had ceased operations due to various reasons, including the lack of funding. In other instances, these committees, though provided for in the law, were never established in the first place. Government officials note that committees at the lower level are largely not operational because disaster management is not budgeted for; hence, the conduct for activities such as meetings is impossible without funding. In addition, there is no salary for these members; which sometimes affects the morale of members to attend meetings.

Uncertainty about the existence of disaster management committees also affects stakeholders initiating community support programmes (World Bank, 2019). The TRCS note that one of the challenges they face in their disaster management operations is the absence of committees. Stakeholders such as the TRCS and World Vision have, in several cases, collaborated with local government officials to revive or establish disaster management committees. In Kagera Region, for example, the World Vision has worked to revive disaster management committees, and establish new ones where they were non-existent. Such initiatives have been accompanied by capacity building and awareness programmes. But as the TRCS notes, the established disaster management committees are sometimes not sustainable. A trained member may relocate to another area even after receiving training. Also, due to limited funding, the TRCS cannot support the activities of these committees in the long-run. Moreover, some members of disaster management committees are elected or appointed officials, which means that even if they acquire the necessary training, there is no guarantee they are going to retain their current positions after elections or presidential appointments.

The overall observation is that disaster management committees at the national, regional and district levels maintain steady performance. However, the same is not the case with those at the lower levels. There is a breakup in performance from the ward level downwards, especially due to limited funding to run operations, or even the absence of committees in the first place. The failure of committees at the lower level means there is a missing link between the government and communities. As discussed earlier, the law envisions the committees at the lower levels as implementers of government action on the ground. Their lack of operation affects local communities as they are denied channels for collaboration with other stakeholders.

In this respect, effective CBDM relies on a working framework at the ward and village levels. However, this was not the case in the field. Many of these committees were non-existent, not operational, riddled with financial constraints, lacked expertise, and were only visible after a disaster happens. Consequently, CBDM cannot be expected to be successful when structures that ought to support CBDM are ineffective; and non-existent in some cases.

b) Coordination as an Auxiliary Role

The capacity of government actors to carry out assigned duties was important for the effectiveness of institutions. For most government actors, disaster management was an auxiliary role. The persons assigned to coordinate disaster issues were already dealing with other responsibilities. These people were agricultural officers, education officers, social security officers and fund coordinators. In fact, their disaster management coordination duties were activated only when disaster struck. As a consequence, these coordinators focused on response recovery, and to some extent rehabilitation. Disaster coordinators admitted that, for them, disaster management was a reactive process.

One respondent at the Prime Minister's Office maintained that even though disaster coordinators had other roles, they were trained by the government in respect to disaster management. In the field, it was discovered that some individuals were indeed trained after their appointment to act as coordinators. However, some also learned on-the-job. One respondent disclosed that he had no prior training on disaster management, but relied on his general leadership skills when exercising his duties. As regards training of local government officials, it was clear that most of them had no training on disaster management, even though by the virtue of their offices they were members of disaster management committees. There is a need, therefore, of training local government officials as these are the first responders, and work closely with local communities.

c) Knowledge of Law and Policy

It is important that government actors have knowledge on national disaster management frameworks (Nji et al., 2022). However, this was not the case for many government actors. More interestingly, the majority of government actors who were responsible for disaster management were also neither aware of disaster management legislation nor the process of adopting a new Disaster Management Act, which was in progress at the time. After the enactment of the Disaster Management Act, 2022, some admitted that they had not seen or read the new law. This was also the case with the policy. In Kagera, one respondent said, "*I did not know that disaster management has a law, even though I was involved in the coordination after the earthquake*" (Interview with a Member of Disaster Management Committee, Bukoba Municipality, 9 April 2022). This statement suggests that disaster management is not well coordinated. It also indicates that the importance of local communities may be overlooked due to the lack of awareness on their roles as stated in both the policy and law. This particular fact was surprising considering that these actors were supposed to oversee disaster management activities within their localities.

Those who knew about the existence of the law and policy were not aware of the content of these two instruments. In Kigogo, a member of the committee admitted to have obtained only training on the law and policy, but nothing more. During an

interview with a local government official in Kinondoni District, he admitted he had learned of the law in a seminar, but he had not actually read it. This statement clearly indicates the knowledge gap among government actors. The few who knew of the law were better placed to understand the role of committees. In Ilala, for example, local government officials confirmed there was close collaboration with local communities because the law required the local government to work with local communities through disaster management committees. Therefore, training of government actors, especially at the community level, is important to effectively engage local communities in disaster management.

4.4.2 Contentious Relations between Government and Stakeholder Institutions

The NDMP envisions a framework where various stakeholders work together. However, this idea of togetherness suffers from some serious drawbacks. To begin with, there is a lot of mistrust between government and other stakeholder institutions. Government officials argue that other stakeholders may use disaster situations to advance their own agenda. For instance, during the 2016 Kagera earthquake, the government posed restrictions against giving help to affected communities on an individual basis. One of the reasons for this order was to prevent people taking advantage of affected communities (*The Citizen*, 2016). Although the claim was strongly contested by stakeholders, it was clarified during an interview with a respondent from the PMO that the government restriction had good intentions as far as security was concerned.

NGOs are very critical of government handling of disasters. For example, the World Vision Kagera criticised the restriction imposed during the 2016 Kagera earthquake. The private sector also blamed the government for unnecessary bureaucratic procedures when handling humanitarian assistance, while individual givers felt that their aid did not reach targeted victims. From the preceding scenario, it is obvious that there are contentious relations between the government and stakeholder institutions. What this means for CBDM is that the support of other stakeholder institutions in the disaster management process diminishes. In addition to the narrow room of stakeholder involvement in the disaster management committees, the government misses the much needed help that stakeholders can provide. For example, many affected people argue that government effort alone cannot meet all community needs, and hence other stakeholders should have more room to engage with the community. It is clear here that local communities are prejudiced by the government restrictions of stakeholder involvement.

4.4.3 Inadequate Financial Resources

Scholars argue that the increase in responsibility on local government needs to be accompanied by increased financial support. However, this is usually not the case in many countries due to national governance structures (Hermansson,

2019). This problem is also observed in Tanzania where local government authorities have limited financial power (URT, 2019). The administrative system in Tanzania is organized in a manner that local governments remain dependent on the central government, especially on issues of finance. One respondent at the Prime Minister's Office noted that local governments have ineffective financial management systems, and it is for this reason that many financial issues are administered at the central government level.

The NMDP identifies adequate funding as an important aspect in effective disaster management (URT, 2004). However, inadequate financing is a common factor in many of the issues highlighted in this article. Local government respondents across the board felt unprepared to handle their disaster management responsibilities because of the lack of funds. As explained in most parts of this discussion, funding issues affect disaster management, which ultimately also affects CBDM.

5. Conclusion

This article examined the legal and institutional challenges of CBDM in Tanzania. The preceding discussion indicates that government actors acknowledge the significance of engaging local communities in disaster management. However, the ability of local communities to actively participate in such efforts is impeded by various legal and institutional challenges. As noted, there exists a notable discrepancy between the policy and the legislation governing disaster management. Additionally, the allocation of funds for disaster management is limited, and the avenues for local community participation are ineffective. On this basis, there is a need to address the identified challenges to foster CBDM. More legal empowerment of local communities in the Disaster Management Act is required. In addition, acknowledging the value of indigenous knowledge in the disaster management legislation is paramount. Moreover, special groups within the community need to be engaged in the whole disaster management cycle. On the institutional part, the government needs to strengthen disaster management committees by offering financial assistance. Furthermore, promoting greater involvement of the civil society is also crucial in improving community engagement in disaster management.

Acknowledgement

The author acknowledges the support from the *Everyday Humanitarianism in Tanzania Research Project*, funded by the Ministry of Foreign Affairs, Denmark, and administered by the DANIDA Fellowship Centre.

References

- Atkinson, C. & Curnin S. (2020). Sharing Responsibility in Disaster Management Policy. *Progress in Disaster Science*, 7: 1–8.
- Azad, M. A. K., Uddin, M. S., Zaman, S. & Ashraf, M. A. (2019). Community-based Disaster Management and Its Salient Features: A Policy Approach to People-Centred Risk Reduction in Bangladesh. *Asia-Pacific Journal of Rural Development*, 29(2): 135–160.
- Clark-Ginsberg, A., Blake, J. S., Patel, K. V. (2022). Hybrid Governance and Disaster Management in Freetown Sierra Leon, Monrovia, Liberia and Dar es Salaam, Tanzania. *Disasters*, 46(2): 450–472.
- Haaland, H. & Wallevik, H. (2019). Beyond Crisis Management? the Role of Citizen Initiatives for Global Solidarity in Humanitarian Aid: The Case of Lesvos. *Third World Quarterly*, 40(10): 1869–1883.
- Hagen, R. (2021). Acts of God, Man and System: Knowledge and Technology in the Construction of Disaster. In Remes, J. A. & Horowitz, A. (Eds.). *Critical Disaster Studies*. Philadelphia, University of Pennsylvania Press. pp. 32–50.
- Hambati, H. (2021). Invisible Resilience: Indigenous Knowledge System of Earthquake Disaster Management in Kagera Region, Tanzania. *UTAFITI*, 16(2): 247–270.
- Hermansson, H. (2019). Challenges to Decentralization of Disaster Management in Turkey: The Role of Political-administrative Context. *International Journal of Public Administration*, 42(5): 417–431.
- Herwig, A. & Simoncin, M. (2017). Underpinning the Role of Law in Disaster Resilience. An Introduction, in Herwig, A. & Simoncin, M. (Eds.). *Law and the Management of Disasters: The Challenge of Resilience*. New York: Routledge. pp. 1–20.
- Internal Displacement Monitoring Centre *Tanzania Country Profile*, available at <<https://www.internal-displacement.org/countries/tanzania>> (accessed 23 June 2022).
- Mckay, D. & Perez, P. (2019). Citizen Aid, Social Media and Brokerage After Disaster. *Third World Quarterly*, 40(10): 1903–1920.
- Nji, T. M., Carolynne, A. K. & Vubo, E. Y. (2022). Natural Disaster Risk Management in Kenya: Prospects for Successful Implementation. In Balgah, R. A. & Kimengsi, J. N. (Eds.) *Disaster Management in Sub-Saharan Africa: Policies, Institutions and Processes*. Bingley: Emerald Publishing Limited, pp. 147–166.
- Oguamanam, C. (2023). A Critical Examination of the African Legal Framework for Indigenous Knowledge. *Journal of African Law*, 67(1): 1–21.
- Pradhan, D. (2020). Local Customary Law and Decentralized Community Based Disaster Mitigation. *Proceedings of the International Conference on Community Development (ICCD 2020) Advances in Social Science, Education and Humanities Research*, 477: 165–169.
- ReliefWeb Tanzania: Earthquake-September 2016: available at <<https://reliefweb.int/disaster/eq-2016-000098-tza>> (accessed 27 December 2019).

- Ringo, J., Luvinga, K., Morsardi, L., Omary, I., Mayengo, G. & Kawonga, S. (2016). *International Journal of Marine, Atmospheric and Earth Sciences*, 4(1): 1–15.
- Sakijege, T., Sartohadi, J., Marfai, M. A., Kassenga, G. & Kasala, S. (2014). Government and Community Involvement in Environmental Protection and Flood Risk Management: Lessons from Keko Machungwa, Dar es Salaam, Tanzania. *Journal of Environmental Protection*, 5(4): 760–771.
- Scanlon, J., Helsloot, J. & Groenendaal, J. (2014). Putting it all Together: Integrating Ordinary People into Emergency Response. *International Journal of Mass Emergencies and Disasters*, 32: 43–63.
- Sharma, S., Kumar, V. & Saruchi (2022). Community Approach Toward Disaster Resilience. In Bhattacharyya, S., Mondal, K., Prakash, K. B., Mondal, N. K. & Singh J, P. (Eds.). *Cognitive Data Models for Sustainable Environment*. India: Academic Press, pp.125–61.
- Skar, M., Sydnes, M. & Sydnes, A. (2016). Integrating Unorganized Volunteers in Emergency Response Management: A Case Study. *International Journal of Emergency Services*, 5(1): 52–65.
- Tanzania Affairs, Kagera Earthquake, available at <<https://tzaffairs.org/2017/01/Kagera/-earthquake/>> (accessed 27 December 2019).
- The Citizen Red tape Hurts Intervention Efforts in Kagera Earthquake, the Citizen (Bukoba): 24 September 2016: available at <<https://www.thecitizen.co.tz/tanzania/news/national/-red-tape-hurts-intervention-efforts-in-kagera-earthquake-2568252>> (accessed 19 December 2019).
- The Citizen, Bukoba quake Exposes Gap In-Disaster Response Strategy, the Citizen (Bukoba) 18 September 2016: available at <https://www.thecitizen.co.tz/tanzania/news/national/bukoba-quake-exposes-gap-in-disaster-response-strategy--2567688>> (accessed 26 September 2022).
- Tuladhar, G., Yatabe, R., Dahal, R. K. & Bhandary, N. P. (2015). Disaster Risk Reduction Knowledge of Local People in Nepal. *Geoenvironmental Disasters*, 2(1): 1–12.
- United Nations (UN) (1994). *Yokohama Strategy and Plan of Action for a Safer World: Guidelines for Natural Disaster Prevention, Preparedness and Mitigation*. World Conference on Natural Disaster Reduction.
- United Nations (UN) (2015). *Sendai Framework for Disaster Risk Reduction 2015–2030*. Endorsed by the UN General Assembly with Resolution A/RES/69/283 on 3 June 2015.
- United Nations Environment Programme (UNEP) (2008). *Indigenous Knowledge in Disaster Management in Africa*.
- United Nations Office for Disaster Risk Reduction (UNDRR) (2017). *Terminology on Disaster Risk Reduction*. Geneva: UNDRR.
- United Republic of Tanzania (URT) (1977). *Constitution of the United Republic of Tanzania*.
- URT (2004). *Environmental Management Act, Cap. 191*. Dar es Salaam: Government Printer.

- URT (2014). *National Operational Guidelines for Disaster Management* (2nd Ed.). Dar es Salaam: Government Printer.
- URT (2015). *Disaster Management Act*. Dar es Salaam: Government Printer.
- URT (2020). *Kinondoni Municipal Council (Health and Environment Sanitation) By-Laws, 2020: (GN. 183 of 2020)*.
- URT (2022). *Disaster Management Act*. Dar es Salaam: Government Printer.
- URT (2022). *Disaster Management Regulations*. Dar es Salaam: Government Printer.
- URT. (2022). *National Disaster Management Strategy, 2022 -2027*: Dar es Salaam: Government Printer.
- URT. (2022). *National Disaster Management Policy, 2022*: Dar es Salaam: Government Printer.
- URT. (2022). *The Wildlife Conservation Act, Cap. 283 [R.E. 2022]*. Dar es Salaam: Government Printer.
- URT Parliament (2016). Relief Efforts in Kagera. Speech by Hon. Kassim M. Majaliwa (Prime Minister) at the closing of Parliament, see Parliament of Tanzania, Hansards: Fourth Session-8th Sitting-16 September, 2016: available at <<https://www.parliament.go.tz/hansards-list>> (accessed 27 December 2019).
- Van Niekerk, D., Coetzee, C. & Nemaconde, L. (2020). Implementing the Sendai Framework in Africa: Progress Against the Targets (2015–2018). *International Journal of Disaster Risk Science*, 11: 179-189.
- Whittaker, J., Mclennan, B. & Handmer, J. (2015). A Review of Informal Volunteerism in Emergencies and Disasters: Definition, Opportunities, and Challenges. *International Journal of Disaster Risk Reduction*, 13: 358-368.
- Willitts-King, B. & Ghimire, A. (2019). The Nepal Flood Response: Resources Beyond International Humanitarian Assistance. *Humanitarian Policy Group Working Paper 11*.
- World Bank (2019). *Tanzania Urban Resilience Programme Annual Report*. Washington DC: World Bank, available at <<https://www.worldbank.org/en/programs/tanzania-urban-resilience-program>> (accessed 13 October 2022).