

Humanitarianism in Tanzania's Disaster Management Policy & Legislative Framework: A Bird's- Eye View

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Humanitarian response to disasters in Tanzania has been witnessed when disasters (earthquakes, storms, hurricanes, droughts, severe floods etc.) strike communities leaving them vulnerable. Everyday humanitarianism, helping outside of formal humanitarian assistance, has been important, especially before formal government intervention.

The government of Tanzania, like governments in other jurisdictions, has used laws, founded on policies, to regulate the provision of informal assistance provided to victims in the event of disasters. These policies and laws have had an impact on the provision of assistance by humanitarian responders before, during and after disasters.

The government of Tanzania put in place a disaster management law (1990) and thereafter a policy (2004) to regulate management of disasters. Since then, the policy has remained intact. However, the 1990 Disaster Relief Coordination Act No. 9 of 1990 - Cap. 242 was replaced by the Disaster Management Act No. 7 of 2015 Act, (2015 Act) which was also later replaced by the Disaster Management Act No. 6 of 2022.[1] (2022 Act).

The government's amendment of the law was part of a wider reform of the overall policy, institutional and legal framework to regulate disaster management and response systems which seek to involve stakeholders at all stages. The 2015 Act to some extent recognized various categories of stakeholders who provide rapid and informal assistance to disaster victims.

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[1] Cap. 242, R.E. [2002] (Act No. 7 of 2015) Laws of Tanzania. (Available at: <https://faolex.fao.org/docs/pdf/tan154205.pdf>)

It recognized representatives of the Disaster Management Committees established at the lowest level of governance. These included Community Based Organizations (CBOs), Non-Governmental Organizations (NGOs), the Red Cross, Faith Based Organization (FBOs), 'humanitarian and voluntary organizations' and 'prominent persons' at ward and district levels. The 2015 Act also clearly made provisions for the role and duties of humanitarian and volunteer organizations in these committees.

The National Disaster Management Strategy of 2022 – 2027 (2022-2027 Strategy) was launched in the same year the 2022 Act came into force. This strategy is in the English language and is available at: <https://www.pmo.go.tz/uploads/documents/sw-1677564328-National%20Disaster%20Management%20Strategy%202022%20%E2%80%93%202027.pdf>

The 2022-2027 Strategy has a number of well-intended statements relating to humanitarianism. One of the key objectives, stated at page 3 is '...to provide guiding actions on disaster risk management interventions in the country to strengthen socio - economic resilience and humanitarian services.' It also provides that the government 'will continue to consider a holistic approach towards disaster risk management and humanitarian services, where emphasis has been given to working together with all stakeholders to develop and implement strategic, scientific and innovative partnerships for community resilience' (page. xi). Further, the Strategy provides indicative actions 'relevant to sectoral plans, program and strategies in addressing key disaster risks, (and) manage humanitarian response...' (page xii). It also seeks to 'strengthen disaster response capacity and humanitarian services at all levels.' (page xv).

The 2022-2027 Strategy identifies key groups that are required to play voluntary humanitarian roles in disaster management to supplement government authorities. These the Tanzania Red Cross and Tanzania Scout Association (p. 70). Others are NGOs, CBOs and FBOs (page 71) and local community and 'individual families, communities and individuals' who 'have a role of using their own capacities to safeguard their lives and property

against disasters. Their actions form an integral part in disaster risk reduction initiatives for implementation of this strategy. It should be clear that they are the first ones to identify, face the disaster risk and have great role during initial response. Community groups for mitigation and livelihood protection, early warning, communication, first aid and social network are key in all society.’ (Page 72). Unfortunately, the 2022-2023 Strategy’s well intended aim of effectively engaging humanitarian responders in disaster management has not been replicated in the 2022 Act and subsequent Regulations as noted below.

The foundation upon which the 2015 Act was promulgated is the National Disaster Management Policy of 2004, which to some extent recognizes the critical role of humanitarian responders in disaster management processes. (The Policy is available at: <https://www.pmo.go.tz/uploads/documents/sw-1664370353-Disaster%20Management%20Policy%202004.pdf>). The 2015 Act was repealed and replaced by the 2022 Act.

The 2022 Act establishes a new disaster response management framework made up of two parts – decision-making and technical execution. The decision-making side comprises of Disaster Management Steering Committees (DMSCs) at the national, regional and district levels. The technical execution, on the other hand, is to be undertaken through (must be approved by) the DMSCs also at the national, regional and district levels. The technical part is responsible for analyzing and proposing technical measures to decision-makers. (The 2022-2027 Strategy, p. 1)

An analysis of the 2022 Act reveals that the provisions of the 2015 Act, which captured humanitarian responders who provide informal assistance, often before formal government intervention, have been removed. This is contrary to the National Disaster Management Policy of 2004, which at least makes an effort to recognize the critical role of humanitarianism responders. Also, the Policy, to some extent, seeks to ensure that the government’s commitments to international and regional obligations that require engaging humanitarian actors in managing disasters are complied with. (Paragraphs 2.1.7.2 and 3.3 of the Policy).

The enactment of the Disaster Management Act of 2022 was not been preceded by a change of the Policy, despite the development of the 2022-2027 Strategy in the same year. The new Act is in Kiswahili, it has not been translated into English [2]. It does not refer to humanitarianism responders mentioned in the repealed Act but only refers to NGOs, the Red Cross and FBOs at the District Management Committee levels.

The Disaster Management Regulations of 2022 (Government Notice No. 658 A of 22nd November 2022) made under the 2022 Act, are also in Kiswahili and are also a regressive step in terms of engaging humanitarian actors [3]. In fact, they have wiped out the concept of humanitarianism envisaged by the Policy and the 2015 Act. They also make no reference to international and regional obligations that the government has committed to that require engaging humanitarian actors in managing disasters. Instead, the Regulations introduce a very restricted procedure for engaging volunteers and humanitarian actors in disaster management processes.

In view of the above, EHTZ, recommends that:

1) Stakeholders should continue to engage the government of Tanzania to ensure that local humanitarian actors are not left at the periphery in disaster management preparation and response systems.

2) Together, the stakeholders must ensure that the envisaged revision of the New Disaster Management Policy addresses, among others, the shortfalls identified here to ensure effective, meaningful, joint and collective approaches by both government and humanitarian responders in addressing disasters in the country.

[2] The 2022 Act is available at: <https://www.pmo.go.tz/uploads/documents/sw-1675254187-SHERIA%20YA%20USIMAMIZI%20WA%20MAAFA%20Na.%206%20YA%20MWAKA,%202022..pdf>

[3] The Regulations are available at: <https://www.pmo.go.tz/uploads/documents/sw-1675254304-KANUNI%20ZA%20SHERIA%20YA%20USIMAMIZI%20WA%20MAAFA%20%20NA.%206%20YA%20MWAKA%202022..pdf>

3) The government should, in complying with international and regional legal instruments that it has signed, consider amending the legal framework to acknowledge and take on board humanitarian actors in disaster management and response systems.

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7.6.2023