



ENHANCING THE SUPPORTIVE ENVIRONMENT FOR CITIZENS CLAIMING OF ACCOUNTABILITY FOR WATER SECURITY IN TANZANIA

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Executive Summary

This policy brief draws findings of the research to propose recommendations for improving citizen's voice. The policy is based on research findings from the accountability for water action and research programme phase one implemented by Shahidi wa Maji from 2020 to 2023. The programme aimed to collect evidence to enhance citizens' voices to claim accountability for water and government response to citizens claims. The key findings of the research showed that citizens feel government does not take sufficient measures to respond, reporting channels are limited and unclear, and public litigation mechanisms are missing. Therefore, Shahidi wa Maji recommends that regulators should conduct outreach programmes to orient citizens on where to report. We also recommend establishment of the Environmental Appeal Tribunals in every District in Tanzania to facilitate public interest litigation, allowing citizens to exercise their right to safe water and a clean environment.

Introduction

Water is a vital resource for socio-economic development in Tanzania. Msimbazi, Kibangu and Ngerengere Rivers, situated in Dar es Salaam City and Morogoro Municipality in Tanzania, are important resources for domestic consumption (Kironde, 2016). Notably, communities use water directly from rivers for agriculture and household (Kuhenga, 2020).

The Msimbazi river is a source of water to vegetable farmers in Kigogo, Vingunguti, and Jangwani (The Citizen News Paper, 2017). Despite their value, the rivers are polluted by emissions of liquid and solid wastes from industries, abattoirs, households, and waste stabilization ponds (PO-RALG, 2021). Consequently, the water is contaminated with heavy metals such as Chromium VI (PO-RALG, 2021) and lead (Chanzi, 2017). The heavy metals have increased the water pH level to 12, which is relatively higher than the required legal standard of 8 (PO-RALG, 2021).

This alarming situation affects citizens who are exposed to health problems such as severe burns (Ahmad, 2015; TAWASANET, 2019; Sauka, 2019). Furthermore, vegetables grown near Msimbazi River contain toxic chemicals such as lead and copper. Yet such vegetables are consumed by residents of Dar es Salaam City (Leonard et al., 2012). Citizens affected by the pollution of

Ngerengere River have formally complained to the responsible authorities on several occasions since 2013. NEMC and the Basin Water Board issued an enforcement order to stop polluting operations until treatment facilities were upgraded [Shahidi wa Maji, 2016]. Similarly, citizens residing in Kigogo Ward, where the Msimbazi and Kibangu Rivers pass, have reported the water pollution problem to authorities such as NEMC. In 2016, NEMC penalised one of the polluting industries with a fine of TZS 30 million shillings. This caught media attention and was reported to the public [Millard Ayo, 2016]. However, pollution of Msimbazi and Ngerengere Rivers has persisted.

Between 2020 and 2023, Shahidi wa Maji conducted studies with communities around Msimbazi and Ngerengere Rivers to understand what should be done to enhance supportive environments to strengthen citizens' voice in claiming accountability. The study involved focus group discussions with citizens. This policy brief draws findings of the research to propose recommendations for improving citizen's voice.



Citizens' Feel that Government is Not Responding

Management of water resources requires the involvement of several stakeholders, including citizens. The Water Resources Management Act (WRMA) No. 11 (2009) and the Environment Management Act No. 20 (2004) stipulate principles for water resources management, some of which emphasise reporting of water pollution. The same legislation makes pollution an offence. This study found that despite the legislations, citizens felt that the government does not make sufficient efforts to hold polluters into account [Shahidi wa Maji, 2022].



Limited and Unclear Reporting Procedures

The findings showed that citizens felt that avenues of reporting water pollution are limited and not clear. One of the citizens who have been reporting water pollution in Msimbazi River said “we report to ward and sub-ward offices, but response has been minimal. We have also written letters to the National Environment Management Council (NEMC), but who exactly is supposed to respond, NEMC or local government? Or both?” [Shahidi wa Maji, 2022]. Another citizen also added “people are not reporting because they do not know where to report beyond ward offices, should we go to NEMC, or Wami-Ruvu Basin Water Board or both?” [Shahidi wa Maji, 2022]. Unclear reporting channels prevent citizens from reporting water pollution regularly.



Limited Enforcement of Public Litigation Mechanisms

The government of Tanzania has established the Environment Management Act of 2004, which stipulates the establishment of an Environmental Appeal Tribunal to hear cases put forward by individuals who are aggravated by the Minister's decisions or omissions or the imposition or failure to impose any condition, limitation or restriction issued under the Act [Sec.206(1)]. However, the tribunal has not been established since the Act was enacted 20 years ago. Without the Environmental Appeal Tribunal, individuals and communities affected by water pollution have no legal forum to challenge decisions or inactions by the Minister or other authorities. This limits their ability to hold polluters accountable through the legal system.



Recommendations

Local Government Authorities, NEMC and Wami-Ruvu Basin Water Board should collaborate with Shahidi wa Maji to conduct outreach programmes to train community members on using the available reporting channels such as e-mrejesho, where the public can report complaints to various government organisations.

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The current National Environment Policy of 2021 recognises the establishment of the Environment Appeal Tribunal with respect to the Minister's decisions. Shahidi wa Maji recognises the need to extend the scope of the Tribunals to allow citizens to not only challenge the Minister's decisions but also persistent polluters such as industries. Shahidi wa Maji, therefore, recommends the Vice President's Office, Environment Division, to spearhead the establishment of Environmental Appeal Tribunals in every District in Tanzania. The tribunals will facilitate public interest litigation, allowing citizens to exercise their right to safe water and a clean environment.

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