The Challenges of Implementing International Housing Legislations in Disaster Situation in Malaysia: An Updated Review

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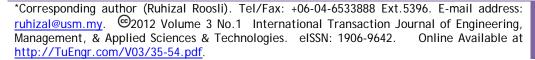[a] *School of Housing, Building and Planning, Universiti Sains Malaysia, 11800 Penang, MALAYSIA*

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ABSTRACT

This article reviews the practice and implementation of international legislations in providing emergency housing in Malaysia. The objective is to highlight challenges and level of influence of international understanding in local circumstances. A consideration of appropriate and specific legal tools is beyond the scope of the guidelines provided by the international treaties. International guidelines only present the legal context for the implementation of emergency housing 'responses' and do not represent a law. The guidelines highlight some of the legal considerations that should be taken into account when planning settlement strategies, programmes and project matters. These guidelines outlined are based upon the consideration of law and human rights. It is important to reflect these guidelines on advocacy tool, to understand the socio-political in the context of regulatory awareness and also to understand the rights of affected groups in legal context. As a result, the disaster victims and other members of the general public are more concerned about the availability of resources to support life recovery, ignoring any weaknesses of the local government. At the scene of a disaster, officials are often caught in the middle between working with ethics and programmes' implementation whilst they have failed to fulfill requests from the disaster victims and public. Hence, there is still a need to develop laws further, on both national and international levels, in order to deal with several aspects of emergency housing.

1. Introduction

Nowadays the local government is more concerned with producing more professionally trained officials in order to achieve the desired level of effective management. The new management puts more emphasis on enhancing local government standards and legitimate action; lawful authority; an encouragement in sustaining action; and resources of institutional interest. However, the ideal planning design stands to be unsuccessful if the officials' fail to blend together correct attitudes and translate this into policies. Officials initially require an understanding of the internal structure of the organisation as a result of adequate information about the direction of the organisation (Roosli, 2010). Adequate information will then influence officials to the correct attitudes in policy implementation. These are all the reasons that contribute to unachievable disaster planning objectives. Problematic local government is a government that relegates them to a low priority in disaster response, adopts responses in a manner consistent with other government roles and responsibilities (without trying to suit the local atmosphere) and leaves private interests to make decisions. The problem worsens if any local government fails to consider public requirements in the designing and application of disaster programmes (Wolensky *et al.*, 1990). Scholars have also argued that local government stability is not the only reason in implementing policies and optimising resources. It is actually the reality of the political base that should be established along with decentralisation from federal government and two-way interactions (Dynes, 1983; Drabek, 1987).

The objective of this article is to highlight challenges and level of influence of international understanding in local circumstances. International guidelines only present the legal context for the implementation of emergency housing 'responses' and do not represent or bind as a law. These guidelines outlined are based upon the consideration of law and human rights. It depends on local and national customary law. Customary law is recognized after each individual in community/agencies recognises the benefits of behaving in accordance with other individuals' expectations. Therefore, law stipulated by the international communities concerning human rights in order to implement durable solutions for transitional settlement is still not enough because legal action is under states jurisdiction.

The work of writing this article concentrated mostly on academic reports of original investigations rather than reviews. The conclusions in this paper are generalizations based on the author's interpretation of those original reports. This literature report deals mainly with literature in English. Most of the references were found by searching journals and databases such as Disaster Prevention and Management; International Journal of Mass Emergencies and

Disasters; Emergency Management: Principles and Practice for Local Government; and Journal of Contingencies and Crisis Management. The survey revealed some literature databases and overviews, notably from mainly the Malaysia, the Asian, the U.S.A. and the U.K. These databases are in both electronic form and printed form and are continuously being updated. Reports (not necessarily with bibliographies) with reviews on emergency management, disaster planning and emergency housing have been published in several countries. In the Malaysia, in particular, there are government sponsored promotional publications about these particular topics such as the Prime Minister's Department, Malaysia; and the National Security Council. Meanwhile in the International arena, mostly these particular topics been covered by the Asia Disaster Reduction Centre (ADRC); the Shelter Project, (UK); the United Nations International Strategy for Disaster Reduction; the Federal Emergency Management Agency (FEMA); the Oxfam (UK) and the UNHABITAT.

2. Background

2.1 International Legal Context in Shelter/Housing Sector

The international guidelines (SPHERE Handbook, Oxfam and UNHCR) provided are the simple documents of instructions (Corsellis *et al.*, 2008). These guidelines related to the reasons for considering the law and human rights. In these numerous legal documents the terms 'shelter' and 'housing' are highlighted concerning emergency housing. Unfortunately, the definition of shelter is not legally binding (Corsellis *et al.*, 2005).

However, according to the United Nation Declaration, shelter and housing matters in the context of emergency can become binding if the particular social setting established patterns of behavior known as 'customary law' is achieved and community/agencies utilise human rights law as an advocacy tool (Corsellis *et al.*, 2005). 'Customary law' is recognised, not because it is backed by the power of some strong states' individual or institution, but because each individual in community/agencies recognises the benefits of behaving in accordance with other individuals' expectations. Fuller (1969) proposed that 'customary law' might best be described as a 'language of interaction'. A 'language of interaction' is necessary for people to effectively engage and expect meaningful social behaviour to increase the happiness or diminish the misery of other people (Fuller, 1969). This type of interaction can only be accomplished by establishing clear (although not necessarily written) codes of conduct, enforced (generally acceptable by community/agencies) and supported by common laws (legal sanctions).

Although, according to this understanding there is still no clarification concerning the status of rights of an individual in a community after disaster.

The Universal Declaration of Human Rights in 1948 is the first international law commonly promulgated by the United Nations. Subsequently, other international covenants and conventions, codes, rules, principles, guidelines and standards were developed. Some of the most important international laws with regard to the status of rights to emergency housing sector are those relating to human rights and housing rights. There are many international laws that could relate to the status of rights to displaced people in an emergency when responding to the issue of the peoples' rights to adequate housing such as:

a) The 'Committee on Economic, Social and Cultural Rights' (CESCR) notes that there is a connection between housing law and emergency housing concerning forced evictions for refugees and IDPs (CESCR, 1997);

b) The 'Agenda 21' in Section 7.6 describes that "National and international action should be a fundamental in creating access to safe and healthy shelter is essential to a person's physical, psychological, social and economic well-being" (Earth Summit, 1992: Section 7.6);

c) The UNHCR notes that "Having a secure place to live is one of the fundamental elements for human dignity, physical and mental health and overall quality of life, that enables one's development" (UNHCR, 2004, p. 2).

Based on these statements, countries affected should be obligated to give fair treatment to all displaced people (Corsellis, 2005). However, law stipulated by the international community's concerning human rights in order to implement durable solutions for transitional settlement is still not enough because legal action is under states jurisdiction.

The traditional position at International Law was that self-governing independent states were free to treat their own nationals as they chose without threat of external interference (IC, 2002). However, recent developments in International Criminal Law affirm that the advances of international human rights law have decided that a state's treatment of its own nationals as also an issue of international concern (IC, 2002). Any sorts of infringement to the international legislations by any states (especially the UN members) in the international convention are liable to be judged within any existing international statutes capacity such as:

a) The 'Statute of the International Tribunal for the Persecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991';

b) The 'Rome Statute for the Establishment of a Permanent International Criminal Court (1998)';

c) The '1977 Geneva Protocol 1 Additional to the Geneva Conventions of 12 August 1949 and Relating to the Protection of Victims of International Armed Conflicts' (IC, 2002).

The International Criminal Tribunals and Special Courts (e.g. in Rwanda and Yogoslavia) where's Rome Statute entered into force on 1 July 2002, has currently jurisdiction for genocide, crimes against humanity and war crimes. However, Wilkins *et al.* (2006) argued that there is no such thing as an explicit, universally agreed definition of 'international law crimes' in treaty law except in 'customary international law' that has to be refined such as war crimes in the '1949 Geneva Conventions' and prohibition against torture in the '1984 Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment'. Thus, there is no final concept and certainties in international humanitarian law regarding protection to the displaced people in emergency or disaster (Wilkins *et al.*, 2006).

Even the practical application and enforcement of human rights in the field in emergency situations is often difficult due to certain country's internal political reasons (Corsellis, 2005). These might be the crises in public sector, failures of policy and crisis to response to this policy (Gray *et al.*, 1998) because one of the main issues in implementing a disaster programme is the liability to disaster community. As argued by Drabek (2000) liability is the principle legal issue that arises from administration of a disaster management programme. There are a wide range of legal issues confronting disaster management community. Both decision makers and operation personnel need to increase their understanding of potential liability associated with emergency actions. It is essential that emergency managers are aware of the principle areas of potential conflict between disaster management actions and statutory or constitution rights because strict liability means no flexibility (to promote compliance) (Parker, 2002; Comfort *et al.*, 2006).

Thus, under 'customary law', offenses to codes of conduct in an organisation's operation are treated as 'torts' (private wrongs or injuries) rather than crimes (offenses against the state or the 'society') (Fuller, 1969). In addition, strategies (reduce/avoid liability) need to be devised for legal reform in numerous areas, ranging from decisions to issue warnings to 'Good

Samaritan' legislation in order to increase support from a disaster community in a disaster programme. The 'Good Samaritan' doctrine is a legal principle. According to this principle, rescuers are free from prosecution or consequentially being sued for 'wrongdoing'. This acknowledgement has been done in order to encourage voluntary work and humanitarian responses. Therefore, this doctrine was mainly developed for first aid providers and humanitarian assistance at a disaster scene (Drabek, 2000). Still, the best protection against infringement/violation of rights is to ensure that regulatory measures are implemented by the disaster community and enforced fairly (Anderson *et al.*, 1991) even though some actors in disaster scene have regulatory flexibility (lenience or forgive).

2.2 Malaysia and Asia

Asia comprises two thirds of the world's population, over 50 per cent of the world's surface, 50 per cent of the global's economy, 45 per cent of the world's military and is home to 70 per cent of the world's disasters (Ausaid, 2008). Asia acquires physical losses approximately worth USD 39.5 billion annually (ADB, 2008). In the year 2005 only about 650 severe natural hazard events were recorded worldwide, 42 per cent of these happened in Asia with estimated USD 21 billion physical damage and a shocking 80 per cent of the worldwide death toll (Ausaid, 2008).

The geophysical and geographical characteristics of Asia make the region more vulnerable to natural disasters. Ausaid (2008) notes, that 75 per cent of the world's active and non-active volcanoes are in Asia. Asia also experiences 90 per cent of the globe's earthquakes. The region suffers from 37 per cent of the world's recorded natural disasters, 57 per cent of deaths, affecting 89 per cent of population affected and damages to 44 per cent of property and infrastructure affected from the year 1975 to 2005. Ausaid (2008) also found that weather-related hazards contributed approximately two thirds of the natural disasters in Asia and Pacific region.

Recently, Asia has been experiencing strong economic growth and investing massive capital into infrastructure and disaster management. The Asian community has both the need and to some extent the capacity, to focus on disaster risk management at the national and regional level (Ausaid, 2008). Unfortunately, there exists the embarrassment of regional mechanisms (bodies, organisations and venture) particularly in focused and broader regional engagement. The South Asia Association for Regional Cooperation (SAARC), Association of South East Asia Nations (ASEAN) and the Asia-Pacific Economic Community (APEC) are

non-effective entities insecurely associated with individual regional organisations and national policy agendas (ADB, 2008). The support from international institutions is obvious. The United Nations, Red Cross Movement and other international humanitarian organisations have established a number of regional headquarters and also enduring disaster risk management programmes (e.g. warehousing stores, groups' coordination and training center) in Asia. However, there is still no formulation of a comprehensive disaster management framework between countries in Asia (Ausaid, 2008).

Basically, Malaysia and all other Asian countries have established their own National Disaster Management Mechanisms and for most this is a civilian Disaster Management Mechanism supported by variable levels of associated legislation, regulations and resources, including military capabilities (Shaluf *et al.*, 2006). Civil society (including local non-government organisations and faith-based organisations) form an important component to the region's preparedness, response and recovery capabilities.

However, coordination and cooperation of agencies; and expertise, resources and knowledge of best practice in humanitarian action are diverse within this environment that is often challenging. Current disaster relief efforts have not lived up to the high standards because efforts in humanitarian and action plan have been frequently frustrated by the rejections from individual states authorities under the name of 'sovereignty' (supreme, independent authority) (Lai *et al*., 2009). ADB (2008) concludes that the Asia landscape of disaster risk management is complex and rather confusing (ADB, 2008).

2.3 Action Plan

ADB introduced the 'Disaster and Emergency Assistance Policy' (DEAP) in 2004. The DEAP was mainly initiated to provide guidance towards encounter response in the situation of country conflict, natural, technological and environmental hazards and health emergencies in Asia. It encourages developing countries to adopt strategies (suggested by international treaties) in disaster risk reduction by incorporating it into their planning and development processes. The DEAP was formed from lessons learned from two earlier disaster policies in 1987 (Rehabilitation Assistance to Small Disaster Management Centers Affected by Natural Disasters) and 1989 (Rehabilitation Assistance after Disasters) and its implementation is directed more to rehabilitation and reconstruction assistance (ADB, 2008).

However, recent drastic approach and implementation only came to reality after Tsunami

stroke Asia in 2004. Even the ASEAN Committee on Disaster Management (ACDM) was already established in 2003, ASEAN still suffers from ineffective and inadequate collaboration network amongst members, for example, no warning system before Tsunami strikes in ASEAN (Lai *et al*., 2009). The ASEAN Agreement on Disaster Management and Emergency Response (AADMER) was only signed by the member countries in July 2005 in Laos as a result from a significant feature of the agreed HFA framework (Lai *et al*., 2009).

The support also comes from international institutions. According to Article 11 of Kyoto Declaration, developed countries are obliged to provide financial resources and technology transfer to developing countries (UNISDR, 2005). Subsequently, the United Nations International Strategy for Disaster Reduction (UN-ISDR), with the World Bank and the Association of Southeast Asian Nations (ASEAN) announced a joint cooperation, during the Bali Disaster Risk Reduction Forum in May 2009 that placed a framework for technical support from the UN and the World Bank to help the ASEAN formulate and implement strategies and action plans for disaster risk reduction and management (World Bank, 2009).

In Asian countries after the Tsunami, interviews with individuals within and outside of government bodies, the UN and international NGO community suggest that the capacity of the newly formed national entities to manage disaster response was inadequate due to untrained and inexperienced personnel being placed in important decision-making roles (Bennett *et al*., 2006). UNISDR (2008) notes that the updated policy by the World Bank in March 2007 concerns earlier policies' lack of awareness to prevention and mitigation. The policies in relief efforts were focused only on the areas of the benefit from unlisted activities (e.g. donations, distributions of resources and executive orders). Bennet *et al*. (2006) argued that a range of mitigation measures for example, should be incorporated in international policies and by the major contributor (i.e. the World Bank) during recovery to promote vulnerability reduction such as land-use; environmental issues and community planning; improving building codes; and construction regulations. Thus, UNISDR suggests that all agencies in emergency projects need to be flexible in giving full cooperation and other partners in supporting comprehensive recovery. The output of the policy revision by the UNISDR (2008) reflected the need of aid agencies to accelerate the entire emergency project circle, be more transparent on risks in emergency operations and address early recovery implementation and financing.

Meanwhile, Oxfam, its partners and other NGOs began to advise and assist governments (i.e. Sri Langka, India and Bangladesh) on how to provide shelter as people there felt the quality

of shelters provided to them did not match the standards specified in the SPHERE Guidelines (2001) (Telford *et al.*, 2006). The shelter design after Tsunami in 2005 suffered from neglect from authority due to lack of consultation with users especially in design (Morago, 2005). Therefore, Telford et al. (2006) suggests that a regulatory system (worldwide) is necessary to ensure predictably high quality in international disaster response. The international relief system should establish an accreditation and certification system to distinguish agencies that work to a professional standard in a particular sector. Disaster victims' satisfaction and guidance to the authority will be met appropriately with sufficient accreditation and a certification system for the international relief system. The World Bank launched the 'Global Facility for Disaster Reduction and Recovery' (GFDRR) in 2006 in order to sustain the Hyogo Framework of Action (HFA) and International Strategy for Disaster Reduction (ISDR). GFDRR will expand and implement risk-reduction strategies in disaster prone areas, promote long term commitments and partnerships in the participated low and moderate income countries (ADB, 2008). Subsequently, provisions also have been made to set up 'corporate emergency' in ADB in order to mobilise resources from the World Bank and funds from donators (ADB, 2008). This corporate emergency is a rapid response committee for strategic advice and deploys trained emergency task teams. Emergency operations will then go through a single decision review meeting so as to speed up the process and authorisation of negotiations with the affected country.

3. Learning and Adaptation Course of Action

3.1 Enforcement of Disaster Planning Framework

White (1996) has noted that a particular weakness of public policy formulation is the failure to learn from experience with existing policy. Essentially, public policy in disaster recovery planning must be concerned with planning to respond to disasters, rather than planning to mitigate or prevent them (Wisner *et al.*, 2002). This policy is needed at "national, provincial/district and local levels to ensure that common goals are set and common approaches are used. Without a shared (distributed) disaster management policy that applies to all relevant sectors and all levels, prevention, preparedness and response are likely to be fragmented, badly coordinated and ineffective" (WHO, 1999, p. 4).

Developing and monitoring policies for disaster management requires an active process of analysis, consultation and negotiation. This process should involve consultation among a wide

variety of institutions, groups and individuals. The outcome from the policy should reflect society's definition of the limits of acceptable risk and its commitment to protecting vulnerable populations. This policy should also result in a clear definition of the roles and responsibilities of all the partners in emergency management. Therefore, there is a need to examine a policy framework in crisis and disaster that allows a better understanding in decision making (Wisner *et al.*, 2002).

As argued by Wisner *et al.* (2002), in many countries other than the country with ad-hoc programme approach in disaster management, the policy in disaster management is purposely formulated in order to identify hazards and their possible effects on communities; activities or organisations and their prevention capability; and response to disasters. The range of issues in disaster management policy development should be addressed holistically from every parties involve. They are the issues of:

a) In emergency preparedness and development planning;

b) National emergency law and other relevant enabling legislation;

c) National emergency management organisation, responsibility and the major mission of National emergency management organisation;

d) Tasks of the emergency management organisation;

e) Community and provincial emergency preparedness;

f) Health sector emergency preparedness; involving other groups, management and citizens in emergency;

g) Managing resources, evaluating an emergency preparedness and response programme;

h) Priorities in implementing emergency preparedness (WHO, 1999).

The framework in disaster planning should be able to complement the concepts of these present 'disaster management' issues (Tierney *et al.*, 2001). Thus, the framework may facilitate the formulation of effective policy in disaster risk reduction crisis (Pennings *et al.*, 2008) because the framework expectedly resolves the main issues in disaster management by processing adequate information and correct decision-making (Quarantelli, 1997). The framework requires appropriate utilisation by community members in the scene of disaster through effective management process (i.e. social, psycho-social and cognitive decision making) (Tierney *et al.*, 2001).

Scholars had suggested that coordination and communication might be best to be

implemented in order to distribute adequate information in disaster management more effectively and realistically (Mileti *et al.*, 1992). Communication is important in disaster because it will end up establishing bodies of work in disaster management and generating unanimous decision making in emergency circumstances (Sims *et al.*, 1972). Decision maker has to consider two dimensions of decision making process (post-disaster) to respond to potential of risk based on existing disaster plan:

a) It refers to the content of risk (immediate impacts such as hygienic, injuries and resources supplies) and likelihood exposure of disaster community to it;

b) The secondary impact that would have greater impacts (impoverishment or psychosocial effects).

The second dimension reflects the likelihood of the risk content that actually becoming obvious in disaster scenes. This likelihood can either be known or unknown) and depends on how well the disaster community is prepared for it (Pennings *et al.*, 2004). Thus, authorities with access to the planning framework have to make sure the programme is benefiting the disaster community in order to reduce risk and overcome challenges in implementing it.

3.2 Policy Implementation and Challenges

Decisions as regard to any policies is known as the 'implementation' process (Pressman *et al.*, 1973). Pennings *et al.* (2004) introduced two perspectives as the sensible approach for an ideal administration and policy implementation. First, the manager and other superiors apply the 'top down perspective' that encourage them to implement policies rather than providing written plans. Simultaneously, the wave of enforcement should move backwards that involves the lowest level of organisation known as 'The bottom up perspective'. This 'street level bureaucrats' approach requires more understanding to the real situation and which policy needs to be put in place (Peters, 2001). As suggested by Pressman *et al.* (1973), the main aspect to measure the level of success in policy implementation must consider local control rather than hierarchy. Therefore, a number of policy involvements in political systems are apparently challenging.

The multiplicities of rules that govern a regulatory framework consist of civil and criminal laws, regulatory statutes and codes of conduct that administer the practicing bodies (Johnston, 2004). Foremost, regulators focus on the outcomes as a result of the accomplishment of regulatory aims. This is the type of governance concerning the culture of compliance with

prescriptive rules (May *et al*., 1998). However, Parker (2002) encouraged regulators to allow some flexibility in order to achieve greater outcomes.

Flexibility in regulatory practice creates a growing uncertainty regarding the state of designing or understanding policy implementation due to conflict in dealing with crime accusation, misconduct and dishonesty (Linder *et al*., 1987). The conflict is the subject of political issues and not an activity caused by technical measures. The issues are always in relation to responsibility and the risk to misconceptions of 'political contests' (preference adaptation). Even the political pressure is a nature of any industry (Haines *et al*., 2003) it still depends on how well the organisation encounters the issue of regulatory techniques in this political challenge.

Thus, scholars suggested that a successful administration with successful policy implementation must be steered by a focused leader that keeps away from using only rigid (prescriptive) regulations; encourage advance self-regulation; committed towards promoting compliance culture as a priority in organisation; launching regulatory aims and business goals simultaneously; and supported by other additional aspects like penalties and punishments for non-compliance (Ayres *et al*., 1992). However, a combination of these aspects may still lead to conflicts because of under or over reacting or expectation towards regulatory outcome.

Hood (1976) found out that there are three options in order to come across the failures in administration:

a) Failure in implementation due to disruption during the process of implementation. At this stage the failure occurs either intentionally or accidentally depending on the official's determination to comply with circulated instruction or law.

b) Failure at design stage that involves programme formulation. Some programmes are simply 'crippled at birth' because the policy itself was not competent.

c) Stage of failure to achieve organisational target in implementing policies because in some cases organisational and regulatory aims are different. For example, different institution carry different target in humanitarian works (e.g. political interest, gender discrimination and profit base) and deflect the main target in certain development projects.

Sieber (1981) notes that efforts in relief are more difficult compared to other normal planning (e.g. higher education, labours) because implementing disaster planning and recovery

must consider immediate action, interaction and co-ordination rather than planning a perfect design.

3.3 Learning from Imperfections of Disaster Planning

Quarantelli (1997) argued that communities give very low priority to disaster planning. Drabek (1986) points out that even developed countries like the United States of America also face issues of authority uncertainty (i.e. regional cooperation between the province and the municipalities especially to access tax fund), task domains (i.e. regional board faced the problem of land use within the municipalities) and support from the public (e.g. public unaware of disaster victims, what is the right treatment, who and when to refer and how to deal long term treatment issues). However, developed countries do encourage activities and training in disaster mitigation especially from federal governments through federal grants; utilisation and integration of crisis services (e.g. hospital and community base); utilisation of mental health professionals and support personal; form 'crisis teams' from outside the disaster area to support response team; use available local and outside network and financial support; and constitute educational forums amongst local experts (Newkirk, 2001) that should inspire other countries to do the same.

In the process of social learning, most of the successful disaster planning by local government is established from their experiences in handling previous disasters such as learning from disaster planning rectification, enhancing local government coordination and cooperation from disaster communities. The development of a two way relationship between community leaders and key officials elected in disaster management mechanism and maximising resources available are considered as key factors of success in disasters programs. However, it is not often that local governments try to educate the communities to the hazards that might threaten them. Hence, the community must take the initiative to understand a disaster perspective, and how they as an organisation attempt to cope and assist in the recovery process. Quarantelli (1980) suggested that the community must first keep the effort simple and not over organise, create a good relationship with authorities and unaffected neighbouring areas, learn the national emergency framework and learn from previous attempts in disaster and never start without any clue.

Planning for a disaster should be differentiated from managing a disaster (Quarantelli, 1997). Disaster planning involves pre and post-disaster phases. Managing a disaster is the outcome base approach when disaster strikes. Such planning is an ongoing process and not a

product. It is based on likely events, not worst possible cases. It aims for appropriate, not necessarily speedy responses. It is based upon accurate knowledge of disaster behaviour and on patterns of everyday routines. And it avoids 'command and control' structures. Wenger *et al*. (1980) acknowledged weaknesses that planning officials have faced in implementing programmes in disaster management. They include:

a) Assumptions that their behaviour not reflect to disasters and public response;

b) A firm mind-set that disaster planning is not their working culture;

c) Assumptions that disaster planning is not a process but a product;

d) Failure to overcome the barriers in understanding what comprises an emergency and rather wait for further top administration orders;

e) Failure to prepare and react to an effort of information distribution to surrounding communities;

f) Failure to act quickly in setting up command centers and communication;

g) Inability to compare between the real instruction from the administration and their own responsibilities;

h) Failure to responds as required due to lack of preparation.

In additional, Meidinger (1987) argued that people uses culture to adapt to new environments and environmental change that is influenced more by social than by biological variables (e.g. genders and races). They depend much on human interaction with surroundings (natural environment). In the natural environment (i.e. biological and economic foundations), human ecology provides a broader and cross-disciplinary perspective that is influenced by physical environmental, political, legal, psychological, cultural and societal forces that should be explained as key influences in implementing disaster planning strategies.

4. Conclusion

With regard to issues concerning environmental protection and natural hazard mitigation, a majority of the affected population and regulators usually seek minimal government involvement in order to avoid steep taxes and more importantly avoid bureaucracy that would complicate the situation (e.g. legal actions and mass media attentions). However, those subject to regulation expect the local authorities to draw an appropriate relief plan along with expectations of a safe and secure environment. The local government is then held responsible for finding appropriate resources in order to make the exact interpretation of differences between responsibility and resources (internal and external) dilemma. The local government

will work through their legislative structures to discuss these responsibilities with agencies involved and achieve the desired outcome within the capacity of resources available, such as professional and financial support and accessible equipment.

The problems within local governments have a deep impact in implementing federal government programmes in disaster planning. The problem in local management can be interpreted as an example of unpredictability and inconsistency in providing adequate resources to the stakeholders in disaster relief works based on existing legitimacy and organisation objectives. It is also considered a weak local government if they fail to place right officials with or without professional qualifications within their organisation to get public support. Weak leadership and planning also contribute to the failure of local governments in action. Thus, the issue is much more complex than it seems in the scene of disasters.

As a result, the disaster victims and other members of the general public are more concerned about the availability of resources to support life recovery, ignoring any weaknesses of the local government. Almost certainly, this is the main reason why local governments are keener on delivering material resources rather than working along with internal organisational affairs. At the scene of a disaster, officials are often caught in the middle between working with ethics and programmes' implementation whilst they have failed to fulfill requests from the disaster victims and public. This internal structural dilemma must be understood by the local government as a learning process towards a better strategies for formulating a comprehensive disaster planning to suit the demands from organisations in local government, officials and other members of the general public. The current state of implementation will inspire the government and related agencies to design a holistic organisation that perhaps will diminish negative disaster likelihoods as the nations' progress. It is important to ensure that policy makers have to be responsive especially in enhancing the coordination of responsibility between and within the government bodies in the National Disaster Management Mechanism with an active participation from other disaster communities.

5. Acknowledgements

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