

**CLIMATE CHANGE LEGISLATION IN**  
**ZIMBABWE**  
*AN EXCERPT FROM*  
**The 2015 Global Climate Legislation Study**  
**A Review of Climate Change Legislation in 99 Countries**



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# Zimbabwe

## Legislative Process

Zimbabwe is a presidential republic, where the President is both the Head of State and the Government. It gained independence from Britain in 1979. The Constitution states that the legal system is a combination of the Roman Dutch Law and African Customary Law as modified by legislation.

The bicameral parliament consists of Senate and House of Assembly. Among the 80 seats of the Senate, 60 members are elected by popular vote for a five-year term, 18 traditional chiefs are elected by the Council of Chiefs and 2 seats are reserved for people with disabilities. The House of Assembly has 270 seats, where members are elected by popular vote for five-year terms and 60 seats are reserved for women identified by their parties or nominated by proportional representation. The last parliamentary and presidential elections were held in 2013, and the next elections are expected to be held in 2018. The President is elected for a five-year term with no term limits.

Cabinet Ministers are appointed by the President, who is selected from the Members of Parliament. Laws can be proposed either as public, private or hybrid laws. Public bills relate to matters of public interest introduced by the Members of Parliament (Private Members Bills), which can be originated from either of the two houses. Private laws are introduced for the interest or benefit of the person or bodies of persons who prompt the bill; private laws affect only particular individuals or a group of people, e.g. the Zimbabwe Institution of Engineers Act that only affects engineers.

Hybrid bills are public or private bills that are associated with both public and private interests. Bills go through preliminary stages before they are brought to the Parliament; public bills introduced by members of the Executive require proposals from the responsible Minister, approval by the Cabinet and publishing in the Government Gazette. The Portfolio Committee that administers the bills under the relevant ministries consults the public through public hearings or oral evidence interviews, by which the output is presented in the reading stage of parliamentary discussion. Bills are passed at first in the originating House by a simple majority of the MPs present at the time of voting. Bills are then transmitted to the other House for the second reading and voting. The President is required to assent to the bill within 21 days, otherwise the bill is returned to the Parliament. The Constitution provides that in case of disagreements between the two houses not resolved within 90 days, the bill may be presented to the President to assent in the form it was passed in the House of Assembly. Once the President assents, the bill becomes an Act. Private bills are brought in by motion, which in case of approval by the house the bills are introduced in the Parliament for reading and voting.

## Approach to Climate Change

Zimbabwe signed and ratified the UNFCCC in 1992. It has since submitted two national communications, in 1998 and 2013 with financial support from the Global Environmental Facility (GEF). Prepared by the Ministry of Environment and Natural Resources Management (MENRM), the Second National Communication (2013) assessed vulnerability and adaptation capacity to climate change for key sectors in economy: agriculture, biodiversity, rangelands, water resources, health and human settlements and tourism. The last 30 years have seen the warmest surface temperature, reduced rainfall and more frequent droughts. Such changes have been impacting the primarily agro-based economy, where over 70% of the population depends on climate-sensitive occupations

(such as arable farming and livestock) in rural areas. Therefore, climate change has been regarded as one of the threats to the people's livelihood and development.

MENRM has overall responsibility for environment related matters and control of air pollution, including GHGs. The National Climate Change Office within the MENRM is responsible for climate change co-ordination, supported by a multi-sectoral National Climate Change Committee. The Climate Change Office has initiated the formulation of a comprehensive National Climate Change Response Strategy (NCCRS): the draft strategy of 2013 includes a national action plan for adaptation and mitigation, analysis of strategy enablers (e.g. capacity building, climate change education, communication and awareness), climate change governance and implementation framework. The Environmental Management Act established environment related agencies and provisions aiming to "provide for the sustainable management of natural resources and protection of the environment; [and] the prevention of pollution and environmental degradation". Established agencies include the Natural Environmental Council that advises on national environmental policies, plans and strategies.

The NCCRS draft provides that a National Task Team on Climate Change (NTT) be empowered through a legal mandate. The NTT, which consists of experts and representatives from the Institute of Environmental Studies at the University of Zimbabwe, the Office of the Parliament and Cabinet and civil society, is not legally constituted by an Act of Parliament, though it reports to and is chaired by a Permanent Secretary in the Office of the President and Cabinet. Therefore, it does not have legal mandate to address climate change issues or co-ordinate institutions and stakeholders, nor is it embedded in a governance framework. Nevertheless, the NTT is responsible for designing details of the NCCRS including vision, pillars and specific strategies to achieve them. The goal of the NCCRS drafted in 2013 for discussion was to "mainstream climate change adaptation and mitigation strategies in economic and social development at national and sectoral levels through multi-stakeholder engagement." The risks and impacts of climate change are analysed in the draft NCCRS, followed by sectoral strategies. The seven pillars of climate change responses are: 1) adaptation and disaster risk management; 2) mitigation and low carbon development strategies; 3) capacity; 4) governance framework; 5) finance and investment; 6) technology development and transfer, including infrastructure; and 7) communication and advocacy.

Climate change considerations have also been incorporated into some aspects of development and growth planning. The Medium Term plan (MTP) of 2011-2015, published in 2011 by the Ministry of Economic Planning and Investment Promotion (MEPP) recognises climate change challenges to social and economic development, and prompts development of a national climate change strategy, a climate change policy and a national action plan for adaptation and mitigation. It also aims to increase integration of adaptation and mitigation strategies in economic and development policies at national and sectoral levels.

### **Energy supply**

Energy as of 2012 is primarily supplied by biofuels and waste (66.1%), followed by coal (21.6%), oil (7.4%) and hydropower (4.9%). Electricity is produced by hydro power (59%) and coal (41%). Most rural areas face wood fuel shortages due to land use change to agricultural use and unsustainable firewood harvesting. Zimbabwe has 12bn metric tonnes of coal resources and approximately 40 terra cu ft. of potential coal bed methane (CBM), and 37% of total households have access to the grid electricity from power lines. There is a significant gap between urban and rural households, with 83% of urban homes having access to the grid and just 13% in rural areas.

The National Energy Policy (2012) published by the Ministry of Energy and Power Development (MOEPD), encourages Independent Power Producers (IPPs) to develop renewable sources of energy (biomass, hydropower, liquid biofuel, animal draught power, solar and potentially geothermal). The National Energy Policy also provides that the MOEPD will initiate the process of developing a Rural and Renewable Energy Act to establish Rural Energy Fund, which would promote energy services in rural areas using renewable energy. The policy also recommends establishing an Energy Research

Council to promote research on the use of renewable resources. The Ministry of Energy and Power Development is establishing a regulatory board to regulate the energy sector. This change will take place once the draft Energy Regulatory Bill goes through reading and adoption. This will amend the Petroleum Act and the Electricity Act so that a single board regulates petroleum industry, electricity sector and any other energy resources.

### **Energy demand**

Just 6% of total electricity is consumed by rural households, compared to 73% by urban households, and firewood is a very important source of energy in rural areas. The National Energy Plan provides that the Government will develop a comprehensive household energy plan to adequately inefficient use of energy, as well as addressing shortages and the affordability of energy. The Government has proposed supplying 4.5m compact fluorescent light bulbs and introducing a prepaid metering system as ways to improve energy efficiency and reduce peak demand. The National Energy Policy notes the importance of improving energy efficiency in the household, transport and agriculture sectors, though this is primarily motivated by cost and supply rather than climate change concerns. The Policy calls for the promotion of energy efficiency across all sectors, for investment in energy efficiency and conservation programmes, for energy efficiency standards and best practices, to promote demand-side management technology production and transfer, and for encouraging farmer-training programmes to include energy efficiency and planning training.

### **REDD+**

Zimbabwe's forestry management legislation dates back to 1949. The Forest Act (1949) details provisions for forest management including burning of vegetation, trade regulations on forest produce and timber conservation. The Forestry Commission, a state agency under the MENRM regulates and manages forest resources.

The NCCRS draft of 2013 outlines six strategies to implement legal frameworks and policies for REDD+ and carbon financing. Strategies include identification of lands subject for carbon management, developing government capacity to handle carbon financing mechanisms and measurement, reporting and verification (MRV) of carbon stocks, promote livelihood enhancement activities to reduce rural population's dependency on forests and forest products, and build capacity of local financial institutions to support carbon finance transactions.

The Kariba REDD+ Project, the first of its kind in Zimbabwe, started in 2011 by a company called Carbon Green Africa (CGA) in co-operation with the four Rural District Councils of Zimbabwe. The project aims to reduce deforestation and forest degradation through actions suggested and taken by local communities, including establishment of nutritional gardens, honey production, forest fire prevention and wildlife conservation. It is expected to generate 52m tonnes of carbon credits over 30 years. In 2013, 388,555 Verified Carbon Units (VCUs) were issued. The project has achieved Verified Carbon Standard (VCS) validation and verification, which reflects a robust quality assurance standard used in the project to quantify emissions and reductions. The Kariba REDD+ Project has also achieved Gold Level validation from the Community, Climate and Biodiversity Standard (CCBS), which is awarded to projects that mitigate climate change, contribute to the sustainable development of local communities and biodiversity conservation. The success of this project is expected to be lead to similar projects in other parts of the country.

### **Transportation**

The 2013 draft NCCRS notes that the transport sector's share of GHG emissions is currently 12%, and is expected to grow in the future in line with the projected growth of transport sector. The NCCTS draft calls for transport policies to be amended to encourage low-carbon transport, for the redefinition of emissions standards for vehicles, for strengthening capacity to monitor and measure vehicle emissions and to enforce emissions standards, for promotion of vehicle maintenance and for the promotion of 'cleaner' fuels such as ethanol and natural gas.

## Adaptation

Many adaptation projects are internationally funded. The Coping with Drought and Climate Change project, funded by the GEF and Special Climate Change Fund (SCCF) under the leadership of UNDP, develops adaptation mechanisms to reduce vulnerability of small-holder farmers and pastoralists to future climate change in rural Zimbabwe. Internal implementing partners include the Environmental Management Agency, government ministries, gender and female development NGOs and community-based organisations (CBOs). The Scaling up Adaptation in Zimbabwe project focuses on improving rural livelihoods by strengthening integrated planning systems. Strengthening National Capacity for Climate Change (SNCCC) was launched in 2012 through co-financing from UNDP and the Ministry of Environment, Water and Climate to handle various climate change related issues.

Adaptation and disaster risk management is also one of the seven pillars under the draft NCCRS, which includes adaptation within other sectoral plans for natural systems, economic sectors and physical and social infrastructure. The 2011-2015 MTP development plan also recognises the challenges climate change poses to economic and social development, and proposes the integration of climate change adaptation strategies into growth strategies and plans across all sectors of the economy.

## Zimbabwe: Legislative portfolio

<b>Name of law</b>	<b>Energy Regulatory Authority Act, Act No.3 of 2011 (Chapter 13:23)</b>
<b>Date</b>	22 September 2011
<b>Summary</b>	This Act establishes the Zimbabwe Energy Regulatory Authority (ZERA). The ZERA regulates the procurement, production, transportation, transmission, distribution, importation and exportation of energy derived from any energy source. ZERA is responsible for promotion of renewable energy. The Energy Regulatory Authority Board is also established under this Act, which controls and manages the ZERA. The Act provides requirements, processes and rules related to energy resource licensing. The Energy Regulatory Act amends the Electricity Act of 2002 and the Petroleum Act of 2006.

<b>Name of law</b>	<b>Environmental Management Act (EMA), Act No.13 of 2002 (Chapter 20:27), revisions under Act No.5 of 2004 (s.23) and Act No. 6 of 2005 (s.28)</b>
<b>Date</b>	7 April 2006 (original: 17 March 2003)
<b>Summary</b>	This Act outlines provisions for sustainable management of natural resources and protection of the environment. It establishes various environment-related agencies including National Environmental Council, Environmental Management Agency, Environment Management Board, Environment Fund, Environmental Quality Standards and Standards and Enforcement Committee. It specifically refers to greenhouse gas reduction in maintaining the environmental quality standards  The National Environmental Council consists of the Permanent Secretaries in the Ministries responsible for the matters of areas specified in the Second Schedule, two representatives of universities (appointed by the Minister), two representatives of specialised research institutions (appointed by the Minister), three representatives of the business community (appointed by the Minister), two representatives of local non-governmental organisations active in the environmental field (appointed by the Minister), the Director-General as the secretary to the Council, and other who may be co-opted by the Council with the approval of the Minister.  The functions of the Council are: to advise on policy formulation and give directions on the implementation of this Act; to advise on national goals and objectives and determine policies and priorities for the protection of the environment; to promote co-operation among public departments, local authorities, private sector, non-governmental organisations and such other organisations engaged in environmental protection programmes; to make recommendations to all appropriate persons and authorities

regarding the harmonisation of functions related to the environment; to review and recommend to Minister guidelines for environmental management plans and environmental action plans; to review and recommend incentives for the protection of the environment; and to perform other functions as assigned by the Minister under this Act.

The Environmental Management Agency formulates quality standards on air including GHGs. The Agency assists the management of environment by developing a national plan, regulating and monitoring discharge or emission of greenhouse gases and carrying out many other environment-related duties and functions as directed by the Minister. Environmental Management Board consists of nine to 15 members appointed by the Minister after consultation with the President. There should be at least one expert in each of the following areas: environmental planning and management; environmental economics; ecology; pollution; waste management; soil science; hazardous substances; water; and sanitation. One shall be a legal practitioner registered in terms of the Legal Practitioners Act, and another shall be the secretary for the Ministry responsible for the environment.

One of the responsibilities of the Standards and Enforcement Committee is to recommend to the Board guidelines to minimise GHG emissions and identify suitable technologies to minimise them. GHG emissions are seen as a part of air pollution under this Act.

The EMA was introduced in 2002, and it is most commonly referred to as the EMA of 2002 as per 2005 amendment. The original version commenced in 2003, and the third version after second revision commenced in 2006. This Act amended a range of environment and resource related legislation, including the Forest Act of 1949.

<b>Name of law</b>	<b>Electricity Act, Act No.4 of 2002 (Chapter 13:19), revision under Act No.3 of 2003</b>
<b>Date</b>	01 August 2003
<b>Summary</b>	<p>This Act repeals the former Electricity Act. It establishes the Zimbabwe Electricity Regulatory Commission and details its functions and management rules. The Commission has the objectives to create and promote efficient industry and market structures, maximise access to electricity services, ensure adequate electricity supply, ensure safety, security and reliability of electricity deliveries and provide fair and balanced regulations in the sector. The Commission is expected to coordinate with the Rural Electrification Fund Board, the Zambezi River Authority, consumers of electricity, potential investors in the electricity services and other interested parties whenever appropriate. The Commission consists of not less than five and no more than seven Commissioners, with three being full-timer. They are appointed by the President after consultation with the Minister of Mines and Energy.</p> <p>The Zimbabwe Electricity Regulatory Commission provides incentives for the continued improvement of the technical and economic efficiency with which the electricity services are provided. Though it does not detail the process, the Commission is in charge of formulating and implementing the measures.</p>

## Zimbabwe: Executive portfolio

<b>Name of Policy</b>	<b>National Energy Policy</b>
<b>Date</b>	2012
<b>Summary</b>	<p>This Policy is prepared by the Ministry of Energy and Power Development (MOEPD) to provide a framework for the exploitation, distribution and utilization of energy resources to fulfil the five broad policy principles (also known as five A's):</p> <ul style="list-style-type: none"> <li>• to increase the access of all sectors of the economy to affordable energy through the optimal use of available energy resources and diversification supply option (applicability, availability, acceptability and affordability);</li> <li>• to stimulate sustainable economic growth by promoting competition, efficiency and investment in the sector (applicability and accountability);</li> <li>• to improve the institutional framework and governance in the energy sector (accountability);</li> <li>• to promote research and development in the energy sector (applicability);</li> <li>• to develop the use of other renewable energy sources of energy to complement conventional sources of energy (applicability and acceptability).</li> </ul>

The policy objective is to create and promote a conducive environment for energy sector players to be able to identify and develop opportunities for energy supply that promote sustainable development.

The demand side section of the policy highlights the issues in the context of the five demand sectors: agriculture, industry and mining, commerce and services, transport and households (both urban and rural). Focuses include the efficient use of energy in carrying out economic activities and promoting of fuel-wood substitution. The supply side refers to the use of coal, petroleum products, electricity, gas and renewable energy. It calls for the sustainable use of biomass resources (e.g. wood fuel, industrial waste such as bagasse and pulp), hydropower, solar power and wind power. Hydropower is currently contributing to the national grid, and the document identifies its potential contribution to rural power needs. It also promises that the underutilized solar power will be developed, both for solar electricity and solar heat.

Policy measures specific to renewable energy includes: to adopt a long-term government-driven, renewable energy technologies (RETs) programme, which encourages IPPS and public-private partnerships to harness sustainable RETs; to institute innovative funding mechanisms and finance opportunities such as Clean Development Mechanisms, feed-in-tariffs and micro-credit institutions for RETs; to institute RETs-sustainable capacity building programmes; to raise awareness about the benefits and opportunities of renewable energy; to encourage local production and the commercialisation of technologies; to strengthen the institutional framework for research and development and the promotion of renewable energy technologies; to promote investment into standalone solar energy systems to cater for rural communities; to promote efficient use of biomass for cooking; to encourage the use of waste biomass for energy purposes; and to develop incentives for investment in renewable energy (such as subsidies and tax concessions).

Name of Policy	Medium Term Plan
Date	2011
Summary	<p>The Medium Term plan (MTP) is a strategic development plan encompassing social and economic policy, published by the Ministry of Economic Planning and Investment Promotion (MEPP). This document sets out the national priorities and investment programmes for five years between 2011 and 2015. It reflects the integration of climate change issues into the country's development policy.</p> <p>The document provides that tackling climate change is one of the policy priorities for the country's development. It recognises climate change challenges to social and economic development and states that "the Medium Term Plan places climate change concerns at the centre of development strategies, plans and programmes in all sectors of the economy, particularly agriculture, energy, water, forestry, mining and tourism." The main policy objective is to promote climate change mitigation and adaptation strategies in social and economic development at national and sectoral level. To achieve this, the MTP promises the development of a national climate change strategy and a national climate change policy by the end of 2013; development of a national action plan for adaptation and mitigation by the end of 2012; and to increase the integration of climate change adaptation and mitigation strategies in economic and development activities and policies at national and sectoral level by the end of 2012. Additional policy measures include the promotion of the use of evidence-based approaches to policy planning and programming related to climate change and development; the promotion of broad-based participation in the formulation and implementation of a national climate change strategy and policy; and raising awareness of national climate change strategy and policy.</p> <p>The document identifies following challenges and constraints to achieve low carbon growth: existence of an uncoordinated policy and institutional framework governing climate change issues; existence of multiple and diverse organizations working on climate change; fragmented policy responses to the country's development challenges without much coordination between the Government and other stakeholders, and across sectors; and lack of sufficient funds and technical capacity to undertake policy relevant research and conduct any long term planning, undermine the development of a national climate change strategy and policy.</p>

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