



## **PRINCIPLES OF THE CLIMATE CHANGE BILL**

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**MINISTRY OF ENVIRONMENT, CLIMATE AND WILDLIFE**

**27 MAY 2024**

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# 1 INTRODUCTION

1.1 The Climate Change Bill seeks to provide for the national climate change response. It will provide for the mainstreaming of climate change across all sectors of the economy towards meeting our national climate change mitigation and adaptation priorities. This will be achieved through integration of climate change mitigation and adaptation actions in development planning and budgeting processes.

1.2 The proposed Bill will provide for the regulation of greenhouse gas emissions, facilitate low carbon development technologies and carbon trading, as well as put in place measures to reduce the use of ozone-depleting substances.

1.3 It will create obligations for the public and private sector stakeholders to collect, archive and share activity data that is utilised in the compilation of national greenhouse gas inventories, climate risk and vulnerability impacts. This data will also be utilised for climate finance reporting under the United Nations Framework Convention on Climate Change (UNFCCC) and its Paris Agreement, and the Vienna Convention for the Protection of the Ozone Layer and its Montreal Protocol on Substances that Deplete the Ozone Layer.

1.4 The Bill will also provide for the establishment of the Designated National Authority (DNA) and the National Climate Fund to support the implementation of climate change adaptation and mitigation actions as provided for in the National Climate Policy.

## **2 BACKGROUND**

2.1 Zimbabwe is ranked 10<sup>th</sup> out of 200 countries on the climate change vulnerability index. It is vulnerable to the impacts of climate change as evidenced by the increased frequency, intensity and magnitude of extreme weather events such as droughts, floods, and tropical cyclones, mid-season dry spells, violent storms, hailstorms and temperature extremes. The impacts are resulting in reduced water availability, reduced electricity generation capacity, declining agricultural productivity, damage to infrastructure, loss of lives and livelihoods, and changes in disease profiles. These impacts are expected to worsen in the future according to expert predictions.

2.2 In addition, Zimbabwe is a party to global climate change and ozone layer protection conventions and has an obligation to make contributions towards reducing greenhouse gas emissions and the phase-down and eventual phase-out of ozone depleting substance use once alternatives are available.

2.3 Zimbabwe has made progress in domesticating climate change and ozone layer global agreements through the National Climate Policy, National Climate Change Response Strategy, Renewable Energy Policy, among others. There are benefits associated with embarking on a low carbon and sustainable development trajectory, including funding, access to the carbon market, creation of green jobs, resilience building, among others. This is in line with the country's vision 2030 and Africa Agenda 2063.

2.4 Existing climate change related legislation has limitations in addressing climate change issues as was revealed through a gap analysis that was carried out by the Ministry, with guidance from the Attorney General's

Office. The existing legislation includes the Environmental Management Act [*Chapter 20:14*], Water Act [*Chapter 20:24*], Forest Act [*Chapter 19:05*], Zimbabwe National Water Authority (ZINWA) Act [*Chapter 20:25*], Urban Councils Act [*Chapter 29:15*], Meteorological Services Act [*Chapter 13:21*] and the Civil Protection Act [*Chapter 10:06*], among others. Most of these pieces of legislation were promulgated before the impact and global discourse of climate change became prominent and before the Paris Agreement on Climate Change came into being with its obligations on emission reduction and reporting.

### **3 CONSTITUTIONAL PROVISIONS ON CLIMATE CHANGE IN ZIMBABWE**

3.1 The Bill seeks to align with Section 73 of the Constitution, which provides for environmental rights, and emphasises on the need to have the environment protected for present and future generations, through legislative and other measures.

3.2 There is also need to adhere to the principles of public administration and leadership laid out in section 194 of the Constitution as well as the Public Entities Corporate Governance Act [*Chapter 10:31*], in respect of the institutional framework established in terms of the Bill.

## **4 PRINCIPLES OF THE BILL**

### **4.1 Principle 1**

#### **Guiding Principles**

The proposed Bill will have guiding principles, which relate to climate change mitigation, adaptation, means of implementation – finance and technology and the promotion of principles of sustainable development inclusive of the precautionary principle, equity and justice.

- **Precautionary principle**
- **Climate justice and just transition**
- **Guiding principles in the EMA Act such as polluter pays**

## **4.2 Principle 2**

### **Mainstreaming of Climate Change in Development Planning and Budgeting Processes**

The proposed Bill seeks to facilitate the mainstreaming of climate change into development planning and budgeting by all government ministries, departments and agencies, and local authorities at the national, provincial and district levels. It seeks to mainstream climate change considerations in the Environmental and Social Impact Assessments (ESIA), feasibility studies and town and regional planning specifications.

- **All MDAs and private sector organisations whose functions affect or are affected by climate change are required to harmonise their plans and policies taking into consideration the risks of climate change impacts as well as give effect to the national adaptation and mitigation objectives in the Bill.**
- **These considerations shall also be taken into account during the carrying out of Environmental Impact Assessments, which are provided for in the EMA Act.**

## **4.3 Principle 3**

### **Measurement, Reporting and Verification (MRV), and Data Sharing Obligations for National Greenhouse Gas and Ozone Inventories**

4.3.1 Consistent with the Paris Agreement and Montreal Protocol obligations on emissions reporting, the Bill will establish and

operationalise a domestic mechanism for MRV to enable the country to report to the Conference of Parties (COP) on the level of emissions, by which compliance to those agreements will be measured.

4.3.2 To further fulfil the reporting obligations, the proposed Bill seeks to create obligations for public and private institutions to avail data for the purpose of the preparation of the national greenhouse gas inventories.

4.3.3 In addition, the Bill seeks to impose penalties for non-compliance by persons or entities who fail to provide the required data timeously.

- **MRV refers to a program of activities and a checklist of requirements to enable the authenticity of carbon reductions on the part of a project proponent to be verified by a specified designated operational entity, which in this case is the CCMD**
- **MRV to be coordinated by the Climate Change Management Department's Climate Transparency and Compliance Unit**
- **Measurement- For purposes of compiling the national inventory the targeted GHG emissions, the reductions of those emissions and their removal from the atmosphere shall be measured or calculated in tonnes of carbon dioxide equivalent**
- **Reporting- The CCMD shall be responsible for national reporting and complying with international reporting**

**obligations on climate change and ozone layer protection and the reports shall be reviewed and signed by the Minister**

- **Verification- All information submitted to the CCMD through the Climate Transparency and Compliance Unit shall be verified by reference to Intergovernmental Panel on Climate Change (IPCC) standards**

#### **4.4 Principle 4**

##### **Establishment of the Designated National Authority**

It is also proposed, in the Bill to set up an institutional framework through the creation Designated National Authority, a body mandated with the registration, compliance enforcement, monitoring and tracking of trade in carbon credits.

- **The DNA shall be a unit established under the CCMD**

#### **4.5 Principle 5**

##### **Participation in Carbon Credits Trading**

The proposed Bill seeks to establish procedures and guidelines for carbon credits trading nationally, regionally and internationally, including community participation and benefit-sharing arrangements from projects implemented within Zimbabwe.

- **Currently, there is an SI for Carbon Credits Trading, SI 150, 152 and 158 of 2023. The provisions thereof are being migrated to form part of the provisions of the Bill**

## **4.6 Principle 6**

### **National Climate Fund**

4.6.1 The proposed Bill will establish the National Climate Fund as set out in the National Climate Policy. This shall be a financing mechanism with set procedures and fiduciary standards ready to access national, international, public and private climate finances for climate change response actions.

4.6.2 The Fund will be financed by a percentage of the proceeds from carbon credits trading, parliamentary appropriation and multilateral climate finance mechanisms such as the Green Climate Fund, and the Adaptation Fund, among others.

- **To be administered by the CCMD**
- **To consist of funds from climate change levies; proceeds of carbon credits trading; 25% of fees collected by the CCMD and its Units; funds from treasury, etc**

## **4.7 Principle 7**

### **Greenhouse Gas Emission Standards**

The proposed Bill also seeks to align with the Environmental Management Act [*Chapter 20:27*] on allowable thresholds for greenhouse gas emission standards. The Bill will provide for a mechanism where entities found to be emitting in excess of the emission standards will be obliged to purchase locally generated carbon credits.

- **There are provisions on emission standards in the EMA Act. To ensure that there is no duplication of functions, the CCMD shall**



**promulgate a Statutory Instrument on emission thresholds that if exceeded, the defaulter shall be governed by the provisions of the Bill**

- **Defaulters shall either purchase carbon credits to offset the excess emissions or pay a greenhouse gas emission levy**

#### **4.8 Principle 8**

##### **Gender Mainstreaming in Climate Change**

It is also proposed that the Bill integrates gender perspectives in climate change planning and policy formulation, including the different experiences of men and women into the design, implementation, monitoring and evaluation of policies and programmes.

## **5 CONCLUSION**

The Bill seeks to enable Zimbabwe to effectively respond to the impacts of climate change, build climate resilience, promote low carbon development, establish a climate change fund and comply with international obligations on climate change management and ozone layer protection.