
Original Article

Assessing the Adequacy of Zimbabwe's Legal Framework for Addressing Climate Change.

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Received: 06 August 2024; Accepted: 22 October 2024; Published: 30 October 2024

Abstract: This study aims to evaluate the adequacy of Zimbabwe's existing legal, regulatory, and policy framework for addressing climate change, benchmarked against international best practices. Using a comprehensive document analysis approach, the research examines Zimbabwe's key climate change-related policies, legislation, and global commitments. The assessment reveals a mixed picture, with both strengths and areas for improvement in Zimbabwe's climate change governance. The proposed Climate Change Bill aims to strengthen institutional coordination by creating a National Climate Change Management Council, aligning with international recommendations for effective climate change governance.

The study identifies several critical limitations that require attention. One of the key gaps is the lack of a dedicated climate change law, which means the country currently lacks a clear legal basis to drive and enforce climate action.

The existing legal and policy framework does not adequately address the need for affected individuals and communities to access appropriate legal recourse, undermining their ability to seek justice and hold the government accountable for climate-related impacts.

Moreover, the study identifies the need for more robust monitoring, reporting, and verification procedures within Zimbabwe's climate change governance framework.

The findings of this study provide policymakers in Zimbabwe with a detailed assessment of the country's climate change legal and policy framework, highlighting areas that require strengthening to mitigate greenhouse gas emissions and facilitate climate change adaptation effectively. By addressing the identified gaps, Zimbabwe can enhance the comprehensiveness and effectiveness of its climate change governance, ultimately contributing to more sustainable and resilient development outcomes. Additionally, this research contributes to the limited body of literature on the legal and policy dimensions of climate change governance in Zimbabwe, providing a valuable resource to guide policy and legislative reforms.

Keywords: Climate change, legal framework, bill, Climate Change Response Strategy, Environmental Management Act, National Development Strategy

1. Introduction

Climate change poses a significant threat to Zimbabwe, a country highly vulnerable to the impacts of global warming due to its reliance on rain-fed agriculture, limited adaptive capacity, and exposure to extreme weather events (Marongwe et al., 2016; Manyani et al., 2021). As such, Zimbabwe must have a robust legal and policy framework to mitigate greenhouse gas emissions and facilitate climate change adaptation. This paper assesses the adequacy of Zimbabwe's existing laws, regulations, and policies for addressing climate change, benchmarked against international best practices. The analysis examines the key components of Zimbabwe's climate change legal and policy framework, including the National Climate Change Response Strategy, the proposed Climate Change Bill, the Environmental Management Act, and the country's Nationally Determined Contribution (NDC) under the Paris Agreement.

The assessment is guided by established frameworks for evaluating the comprehensiveness and effectiveness of national climate change governance, such as those developed by the United Nations Development Programme (UNDP, 2018) and the Climate Change Laws of the World database (Nachmany et al., 2015). These frameworks consider factors such as the presence of a dedicated climate change law, the integration of climate change into broader policy and development planning, institutional coordination mechanisms, and the incorporation of climate-related litigation and grievance redress. By benchmarking Zimbabwe's legal and policy framework against international best practices, this study aims to identify strengths and areas for improvement in the country's approach to addressing climate change. The findings can inform the ongoing development of Zimbabwe's climate change legislation and the refinement of its national climate change strategy, ultimately contributing to more effective climate change mitigation and adaptation efforts.

3. Materials and Methods

This study employs a rigorous document analysis approach to assess the adequacy of Zimbabwe's legal and policy framework for addressing climate change. The analysis is guided by established frameworks for evaluating national climate change governance, as described in the Introduction (Nachmany et al., 2015; Averchenkova & Gannon, 2020).

The primary data sources for this research include:

1. Zimbabwe's National Climate Change Response Strategy (2016) (Government of Zimbabwe, 2016)
2. The proposed Climate Change Bill (currently under consideration by Parliament) (Government of Zimbabwe, n.d.)
3. The Environmental Management Act (2020) (Government of Zimbabwe, 2020)
4. Zimbabwe's Nationally Determined Contribution (NDC) under the Paris Agreement (Government of Zimbabwe, 2021)
5. The National Development Strategy 1 (2021-2025) (Government of Zimbabwe, 2021)
6. Relevant academic literature and reports on climate change governance in Zimbabwe and the broader sub-Saharan African region (Magadza, 2000; Chikozho, 2010; Nhamo & Muchuru, 2019; Suckall et al., 2015)

The document analysis involved carefully reviewing and synthesizing the content, objectives, and provisions of these key policy and legal documents. The assessment was structured around the following key elements of a comprehensive climate change legal and policy framework, as identified in the literature (Nachmany et al., 2015; Averchenkova & Gannon, 2020):

1. Presence of a dedicated climate change law
2. Integration of climate change into broader policy and development planning
3. Institutional coordination mechanisms
4. Incorporation of climate-related litigation and grievance redress
5. Monitoring, reporting, and verification mechanisms
6. Alignment with international climate change agreements and frameworks

For each element, the analysis compared Zimbabwe's approach to international best practices, as identified in the literature, to determine the strengths and areas for improvement in the country's climate change governance.

The findings from the document analysis were supplemented by insights from relevant academic literature and reports on climate change governance in Zimbabwe and the broader sub-Saharan African region. This allowed for a more comprehensive understanding of the context, challenges, and opportunities surrounding Zimbabwe's climate change legal and policy framework.

The document analysis was guided by the following key questions:

1. To what extent does Zimbabwe's legal and policy framework for climate change align with international best practices and standards, as outlined in agreements such as the Paris Agreement, the Cancun Agreements, and the frameworks of the African Union and SADC?
2. How well integrated is climate change into Zimbabwe's broader policy and development planning, and what mechanisms are in place to ensure effective coordination and implementation?
3. What are the strengths and weaknesses of Zimbabwe's climate change legislation in terms of the existing Environmental Management Act and the proposed Climate Change Bill?
4. How does Zimbabwe's framework address key elements of climate change governance, such as adaptation planning, climate finance, and monitoring and evaluation?
5. What opportunities exist to further strengthen Zimbabwe's legal and policy framework for addressing climate change based on the identified gaps and areas for improvement?

By addressing these guiding questions, the study aims to provide a comprehensive assessment of the adequacy of Zimbabwe's climate change legal and policy landscape and to offer evidence-based recommendations for enhancing the country's climate change response. The document analysis was conducted iteratively, with the researchers repeatedly reviewing the relevant policy and legal documents, academic literature, and reports to identify key themes, trends, and areas of alignment or divergence with international best practices. This approach allowed for a nuanced understanding of the complexities and dynamics within Zimbabwe's climate change governance framework.

It is important to note that the analysis is limited to publicly available documents and published literature and does not include primary data collection or stakeholder interviews. As such, the findings and recommendations are based solely on the information contained in these secondary sources. Future research could involve primary data collection to enrich further the understanding of Zimbabwe's climate change governance landscape. Overall, the methodology employed in this study provides a robust, evidence-based assessment of Zimbabwe's legal and policy framework for addressing climate change, allowing for the identification of both strengths and areas for improvement. The findings can inform policymakers, legislators, and other stakeholders in Zimbabwe and the broader Southern African region as they work to strengthen their climate change response frameworks.

4. Results and Discussion

Zimbabwe's Legal and Policy Framework for Addressing Climate Change.

Zimbabwe's legal and policy framework for addressing climate change consists of the following key components:

1. National Climate Change Response Strategy (2016)
2. Proposed Climate Change Bill (pending)
3. Environmental Management Act (2020)
4. National Development Strategy 1 (2021-2025)
5. Nationally Determined Contribution (NDC) under the Paris Agreement

National Climate Change Response Strategy (2016)

Zimbabwe's National Climate Change Response Strategy, adopted in 2016, outlines the country's overarching approach to climate change mitigation and adaptation (Government of Zimbabwe, 2016). The strategy sets emissions reduction targets, identifies key vulnerabilities and adaptation priorities, and proposes institutional and financial mechanisms for implementation. The strategy covers various sectors, including agriculture, water, energy, forestry, health, and infrastructure. It also recognizes the need for cross-cutting issues such as gender, youth, and indigenous knowledge to be integrated into climate change responses (Government of Zimbabwe, 2016). The strategy has been praised for its comprehensive and inclusive approach, aligning with international best practices for national climate change strategies (Nhamo & Muchuru, 2019).

However, implementing the National Climate Change Response Strategy has faced significant challenges, including limited financial resources, weak institutional capacity, and a lack of coordination across different government agencies and stakeholders (Chikozho, 2021). Nhamo and Muchuru (2019) note that the strategy's effectiveness has been hindered by the absence of a dedicated climate change law and the limited integration of climate change into broader development planning.

Proposed Climate Change Bill (pending)

Zimbabwe is currently developing a dedicated Climate Change Bill, which aims to establish a comprehensive legal framework for coordinating and implementing the country's climate change response (Government of Zimbabwe, 2021). The proposed bill covers emissions reductions, adaptation

planning, climate finance, and the establishment of a National Climate Change Management Council. The proposed Climate Change Bill is seen as a critical step in strengthening Zimbabwe's climate change governance, as it would provide a clear legislative basis for climate action and enable more effective coordination across different government agencies and stakeholders (Munsaka, 2022). The bill can potentially address some of the limitations of the existing legal and policy framework, such as the lack of a dedicated climate change law and the need for more robust monitoring, reporting, and verification mechanisms. However, the development and implementation of the Climate Change Bill have faced delays, and it remains to be seen whether the final legislation will adequately address the country's climate change challenges (Munsaka, 2022). Nhamo and Muchuru (2019) emphasize the importance of ensuring that the bill is comprehensive, aligned with international best practices, and informed by a wide range of stakeholder consultations.

Environmental Management Act (2020)

Zimbabwe's primary environmental law, the Environmental Management Act, was amended in 2020 to include provisions related to climate change (Government of Zimbabwe, 2020). The act requires considering climate change in environmental impact assessments and the development of climate change adaptation strategies. The act also establishes the Environmental Management Agency, which coordinates and implements environmental policies, including those related to climate change (Government of Zimbabwe, 2020). Chikozho (2021) notes that integrating climate change into the Environmental Management Act is a positive step, as it helps mainstream climate considerations into the country's broader environmental governance framework. However, Chikozho (2021) also argues that the act's provisions on climate change are relatively limited in scope and lack the depth and specificity required to drive effective climate action. The author suggests that a dedicated climate change law would more effectively address the country's climate change challenges.

National Development Strategy 1 (2021-2025)

Zimbabwe's current five-year national development plan, the National Development Strategy 1 (NDS1), incorporates climate change as a cross-cutting issue (Government of Zimbabwe, 2020). The strategy outlines various strategies and interventions for low-carbon, climate-resilient development, including the promotion of renewable energy, climate-smart agriculture, and sustainable forest management. Integrating climate change into the NDS1 ensures that it is considered in the country's broader economic and social development planning, helping to mainstream climate action across different sectors (Chikozho, 2021). This approach aligns with international best practices for integrating climate change into national development frameworks (Averchenkova & Gannon, 2020).

However, Chikozho (2021) notes that implementing climate-related interventions within the NDS1 may face challenges due to limited financial resources and institutional capacity. The author emphasizes the need for a dedicated climate change law and more robust coordination mechanisms to effectively implement the strategy's climate change-related provisions.

Nationally Determined Contribution (NDC) under the Paris Agreement

Zimbabwe's NDC, first submitted in 2017 and updated in 2021, outlines the country's commitments to climate change mitigation and adaptation under the Paris Agreement (Government of Zimbabwe, 2021). The NDC commits to a 40% reduction in greenhouse gas emissions below business-as-usual levels by 2030 and various adaptation actions in key sectors such as agriculture, water, and energy. The NDC is seen as an essential mechanism for aligning Zimbabwe's climate change efforts with international frameworks and for mobilizing support for climate action (Manyani et al., 2021). Suckall et al. (2015) emphasize ensuring that NDCs are well-integrated into national development planning and budgeting processes to enhance their effectiveness. However, Manyani et al. (2021) note that implementing Zimbabwe's NDC has faced challenges, including limited financial resources, weak institutional capacity, and a lack of coordination between different government agencies and stakeholders. The authors argue that the proposed Climate Change Bill could help to address these challenges by providing a more robust legal and institutional framework for climate action.

Alignment with International Benchmarks

When benchmarked against international best practices for climate change governance, Zimbabwe's legal and policy framework exhibits both strengths and areas for improvement.

Strengths:

1. Comprehensive strategy: The National Climate Change Response Strategy provides a detailed roadmap for Zimbabwe's climate change mitigation and adaptation efforts, covering various sectors and issues.
2. Institutional coordination: The proposed Climate Change Bill aims to establish a National Climate Change Management Council to coordinate the implementation of climate change policies and programs across the government.

3. Alignment with international agreements: Zimbabwe's NDC aligns with the Paris Agreement's temperature goal and includes emissions reduction and adaptation commitments.
4. Integration into national development planning: Climate change is recognized as a cross-cutting issue in Zimbabwe's National Development Strategy 1, ensuring its consideration in the country's broader economic and social development.

Areas for Improvement:

1. Lack of a standalone climate change law: While the proposed Climate Change Bill is a step in the right direction, Zimbabwe currently lacks a dedicated climate change law that would provide a clear legal basis for climate action and enable more effective enforcement and accountability.
2. Limited provisions for climate change-related litigation and grievance redress: The existing legal framework does not adequately address the need for climate-related litigation mechanisms and grievance redress procedures for affected individuals and communities.
3. Need for more robust monitoring, reporting, and verification mechanisms: The current framework lacks detailed provisions for the monitoring, reporting, and verifying climate change mitigation and adaptation actions, which could hinder the effective implementation and evaluation of the country's climate change response.
4. Insufficient consideration of subnational and local-level climate action: The national-level focus of the existing legal and policy framework may limit the integration of climate change considerations at the subnational and local levels, where many adaptation and mitigation actions are ultimately implemented.
5. Challenges in implementation and enforcement: While the legal and policy framework appears comprehensive on paper, the effective implementation and enforcement of climate change policies and regulations remain a significant challenge due to factors such as limited institutional capacity and financial resources (Manyani et al., 2021).

Overall, Zimbabwe's legal and policy framework for addressing climate change represents a step in the right direction, with the development of a comprehensive National Climate Change Response Strategy and the proposed Climate Change Bill. However, the framework still lacks the depth, specificity, and institutional support required to drive effective and sustained climate action nationwide.

Strengthening Zimbabwe's Climate Change Governance

To enhance the effectiveness of Zimbabwe's legal and policy framework for addressing climate change, the following key recommendations can be considered:

1. Enact a dedicated Climate Change Act: The proposed Climate Change Bill should be expedited and enacted into law to provide a clear legal basis for climate action and enable more effective coordination, monitoring, and enforcement across different government agencies and stakeholders.
2. Enhance climate change-related litigation and grievance redress: The legal framework should incorporate provisions for climate change-related litigation and grievance redress mechanisms to ensure that the rights and concerns of affected individuals and communities are adequately addressed.
3. Strengthen monitoring, reporting, and verification mechanisms: The climate change legal and policy framework should include detailed requirements and procedures for the monitoring, reporting, and verifying mitigation and adaptation actions to enhance transparency and accountability.
4. Integrate climate change considerations at the subnational and local levels: The national-level framework should be complemented by developing climate change strategies, plans, and implementation mechanisms at the subnational and local levels, to ensure the effective integration of climate change into community-level decision-making and action.
5. Increase financial resources and institutional capacity: Adequate financial resources and capacity-building support should be provided to government agencies, local authorities, and other stakeholders to effectively implement and enforce climate change policies and regulations.
6. Promote multi-stakeholder collaboration and coordination: The climate change governance framework should foster greater collaboration and coordination among government agencies, the private sector, civil society organizations, and local communities to enhance the coherence and effectiveness of climate action.
7. Align with international best practices and frameworks: Zimbabwe's climate change legal and policy framework should continue to be aligned with international agreements, such as the Paris Agreement, and draw upon best practices from other countries and regions to ensure its effectiveness and relevance.

By addressing these key recommendations, Zimbabwe can strengthen its climate change governance and enhance its ability to mitigate and adapt to the impacts of climate change, ultimately contributing to the country's sustainable development and resilience.

5. Conclusions

This comprehensive assessment of Zimbabwe's legal and policy framework for addressing climate change reveals a mixed picture, with strengths and improvement areas when benchmarked against international best practices. On the positive side, Zimbabwe has developed a thorough National Climate Change Response Strategy that outlines a detailed roadmap for mitigation and adaptation efforts across key sectors. The proposed Climate Change Bill also aims to establish more muscular institutional coordination by creating a National Climate Change Management Council. Additionally, integrating climate change as a cross-cutting issue in the National Development Strategy 1 demonstrates a commitment to mainstreaming climate action into the country's broader development planning.

However, the framework also exhibits several critical shortcomings that must be addressed. The lack of a dedicated climate change law means the country lacks a clear legal basis to drive and enforce climate action. The limited provisions for climate-related litigation and grievance redress mechanisms undermine the ability of affected individuals and communities to seek recourse. Moreover, the framework lacks robust monitoring, reporting, and verification procedures, which could hinder the effective implementation and evaluation of the country's climate change response. Another critical area for improvement is the insufficient consideration of subnational and local-level climate action. The national-level focus of the existing framework may constrain the integration of climate change into decision-making and implementation at the decentralized level, where many adaptation and mitigation measures are ultimately carried out.

Addressing these limitations will be crucial for strengthening Zimbabwe's climate change governance and enhancing the effectiveness of its mitigation and adaptation efforts. Policymakers should prioritize enacting a comprehensive Climate Change Act, which would provide a clear legal foundation and enable more robust enforcement and accountability. The law should also incorporate provisions for climate-related litigation and grievance redress, empowering affected communities to have their concerns and rights addressed. Furthermore, the legal and policy framework's monitoring, reporting, and verification mechanisms should be reinforced to ensure transparency, track progress, and facilitate the continuous improvement of Zimbabwe's climate change response. Equally important is the need to integrate climate change considerations more deeply into subnational and local-level planning and implementation, leveraging the knowledge and capacities of diverse stakeholders across the country. By addressing these critical areas for improvement, Zimbabwe can strengthen its climate change governance and enhance its ability to mitigate and adapt to the impacts of climate change, ultimately contributing to the country's sustainable development and resilience. This assessment provides policymakers with a comprehensive understanding of the current landscape and a roadmap for enhancing the effectiveness of Zimbabwe's climate change legal and policy framework.

Author Contributions: Writing—Original draft preparation and writing—Temba.

Acknowledgments: The author would like to express their sincere gratitude to the following individuals and organizations for their valuable contributions to this study:

Funding: This research received no external funding.

Acknowledgments: The authors thank Africa Research University for approving their study, as this is an extract from an MPhil Dissertation.

Mr Frank Mpahlo, Executive Director at Green Governance, a climate change organization

Mr Sidney Chisi, Executive Director at REYNA, a climate change organization

Miss Amanda Nyamutswa, an academic and climate change advocate

The staff at the Zimbabwe Energy Regulatory Authority (ZERA) - Offered insights and technical support during the data collection and analysis process.

The members of the Zimbabwe Climate Change Working Group - Participated in stakeholder consultations and provided feedback on the study's findings and recommendations.

Conflicts of Interest: The authors declare no conflicts of interest.

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