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# ZIMBABWE

# CHAPTER 28: ZIMBABWE

## Table of Contents

<b>28.1</b>	<b>Constitutional requirements for environmental protection in Zimbabwe .....</b>	<b>1</b>
<b>28.2</b>	<b>Institutional and administrative structure for EIA in Zimbabwe .....</b>	<b>2</b>
28.2.1	Ministry of Environment, Tourism and Hospitality Industry .....	2
28.2.2	National Environmental Council .....	3
28.2.3	Environmental Management Agency .....	3
28.2.4	Environment Management Board .....	4
<b>28.3</b>	<b>Policy and legal framework for EIA .....</b>	<b>5</b>
28.3.1	National Environmental Policy and Strategies .....	5
28.3.2	Zimbabwe Climate Policy .....	6
28.3.3	Environmental Management Act (Chapter 20:27) .....	7
28.3.4	Regulations .....	8
28.3.5	Environmental Impact Assessment Guidelines (1997) .....	8
28.3.6	Permits and licences .....	9
28.3.7	Fees .....	10
28.3.8	Environmental standards .....	10
28.3.9	Certification of environmental assessment practitioners .....	11
<b>28.4</b>	<b>EIA procedural framework in Zimbabwe .....</b>	<b>12</b>
28.4.1	Prospectus (screening) .....	12
28.4.2	Contents of an EIA report .....	12
28.4.3	Appeals .....	16
28.4.4	Environmental monitoring and audits .....	16
28.4.5	Public consultation process .....	16
28.4.6	Strategic Environmental Assessment .....	17
28.4.7	Trans-boundary impacts .....	17
<b>28.5</b>	<b>Other relevant environmental legislation in Zimbabwe .....</b>	<b>17</b>
	<b>Appendix 28-1: Projects that require an EIA .....</b>	<b>22</b>
	<b>Acronyms .....</b>	<b>24</b>
	<b>Useful contacts .....</b>	<b>24</b>

## List of Tables

Table 27.1:	Key policies and laws relating to environmental management .....	17
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## List of Figures

Figure 27.1:	Organisational structure of the agents within METHI involved with EIA .....	4
Figure 27.2:	EIA process in Zimbabwe .....	14

## 28 ZIMBABWE

### 28.1 Constitutional requirements for environmental protection in Zimbabwe

Article 73 of the current Constitution of Zimbabwe (2013) makes provision for an environmental right:<sup>1</sup>

*“Every person has the right:*

- *To an environment that is not harmful to their health or well-being; and*
- *To have the environment protected for the benefit of present and future generations, through reasonable legislative and other measures that:*
  - *prevent pollution and ecological degradation;*
  - *promote conservation; and*
  - *secure ecologically sustainable development and use of natural resources while promoting economic and social development.”*

Furthermore, article 73 commits the State to *“take reasonable legislative and other measures, within the limits of the resources available to it, to achieve the progressive realisation of the rights set out in this section”*.

Article 282 includes *“the protection of the environment”* as one of the functions of traditional leaders.

One of the principles identified to guide policies regarding agricultural land is the protection and conservation of the environment for future generations (Article 289).

Taken together these clauses provide a strong and robust constitutional mandate for sustainable environmental management.

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<sup>1</sup> Republic of Zimbabwe, 2013. *Constitution of the Republic of Zimbabwe (as at the 20th Amendment)*. Harare: Government of Zimbabwe.

## **28.2 Institutional and administrative structure for EIA in Zimbabwe**

### **28.2.1 Ministry of Environment, Tourism and Hospitality Industry**

The ministry with overall responsibility for the environment is the Ministry of Environment, Tourism and Hospitality Industry (METHI)<sup>2</sup>. The general functions of the Minister of the METHI are to:

- Regulate the management of the environment and promote, coordinate and monitor the protection of the environment and the control of pollution;
- Regulate the activities of all government agencies and other agencies in terms of their impact on the environment;
- Present to Parliament a report on the state of the environment at the end of every five years;
- Monitor the environment, trends in the utilisation of natural resources, and the impact of such utilisation on the environment;
- Coordinate the promotion of public awareness and education on environmental management;
- Impose penalties in terms of the Environmental Management Act, Cap 20:27 (the Act) on any persons who cause harm to the environment;
- Ensure that persons and institutions responsible for causing environmental harm meet the cost of remedying that harm;
- Formulate policies for environmental management and cause these to be implemented;
- Recommend to the government which international and regional conventions and treaties on the environment Zimbabwe should become a party to, and secure their incorporation into domestic law.<sup>3</sup>

Environmental management is regulated by three related structures in the Ministry of Environment, Tourism and Hospitality Industry: the National Environmental Council, the Environmental Management Agency and the Environment Management Board (Figure 28.1). The Environment Management Board is established to control and manage the Environmental Management Agency (refer to Part 111 of the Act).

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<sup>2</sup> Ministry names as listed on the official parliamentary website: [www.parlzim.gov.zw](http://www.parlzim.gov.zw)

<sup>3</sup> Section 5 of Environmental Management Act (EMA) (Chapter 20:27), No. 13 of 2002.

### **28.2.2 National Environmental Council**

The functions of the National Environmental Council are as follows:

- Give advice on policy formulation and provide directions on the implementation of the Environmental Management Act, 2002 (EMA);
- Give advice on national goals and objectives for the protection of the environment;
- Promote cooperation among public departments, local authorities, the private sector, non-governmental organisations and other organisations that deal with environmental issues;
- Review and recommend to the Minister guidelines for environmental management plans and environmental action plans;
- Review national environmental policies, plans and strategies.<sup>4</sup>

### **28.2.3 Environmental Management Agency**

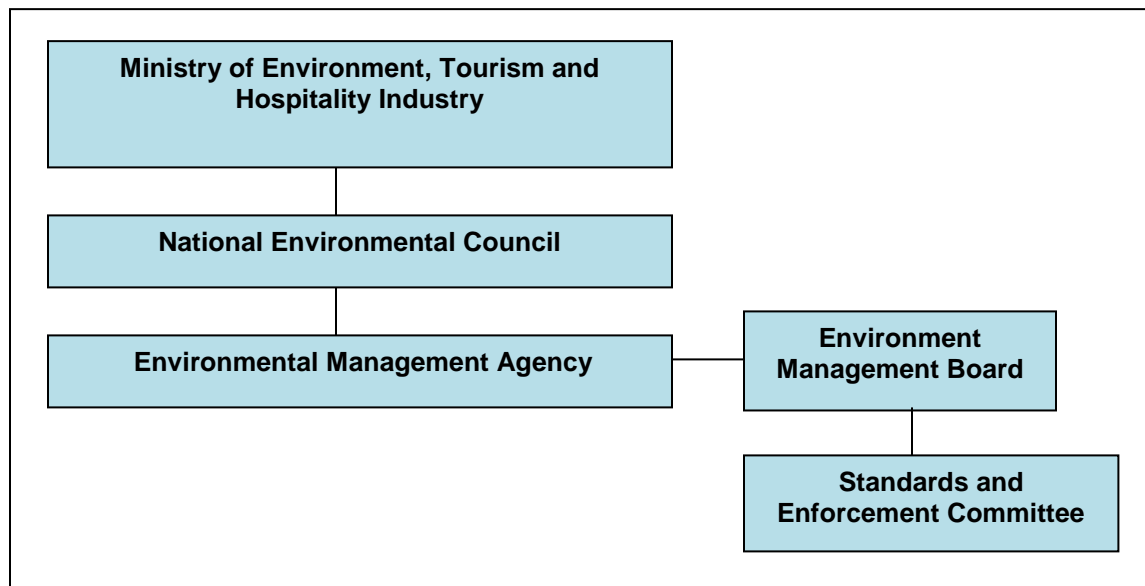
The 2002 EMA (Chapter 20:27) provides for the establishment of the Environmental Management Agency. The Agency is responsible for:

- Formulating quality standards on air, water, soil, noise, vibration, radiation and waste management;
- Assisting and participating in any matters pertaining to the management of the environment, such as:
  - Developing guidelines for National Plans, environmental management plans and local environmental action plans;
  - Regulating and monitoring the collection, disposal, treatment and recycling of waste;
  - Monitoring and regulating the discharge or emission of pollutants or hazardous substances into the environment;
  - Keeping records in the form of registers of all licences and permits issued under the law;
  - Monitoring and regulating the control of invasive alien species;
  - Regulating, monitoring, reviewing and approving EIAs;
  - Regulating and monitoring the management and utilisation of ecologically fragile ecosystems;
  - Making bylaws within the jurisdiction of local authorities;
  - Developing and implementing incentives for the protection of the environment;

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<sup>4</sup> Section 8 of the EMA.

- Advising government on conventions and treaties that should be incorporated into national law;
- Coordinating the production of a five-year environmental report;
- To serve written orders on any persons requiring them to undertake or adopt such measures as are specified in the orders to protect the environment;
- Carrying out periodic environmental audits of any projects, including projects whose implementation started before a fixed date, to ensure that their implementation complies with the requirements of the Act;
- Regulating and monitoring access by any person to biological and genetic resources; and
- Making recommendations to the Minister on the formulation of any regulations.



**Figure 28.1: Organisational structure of the institutions in METHI involved with EIA**

#### **28.2.4 Environment Management Board**

The Agency is controlled and managed by the Environment Management Board, which is composed of experts from the areas of environmental planning and management, environmental economics, ecology, pollution, waste management, soil science, hazardous substances, water and sanitation. In addition, there is a legal representative and a secretary to the ministry responsible for the environment.

## 28.3 Policy and legal framework for EIA

The National Conservation Strategy of 1987 was the first policy document to incorporate the concept of sustainability into development and environmental management in Zimbabwe. This policy formed the foundation for a law reform process, which culminated in the 2002 EMA (Chapter 20:27), as amended in March 2006. Although a second National Environmental Policy (2003) was drafted after the promulgation of the original Act, it was only adopted by Parliament in 2005.

### 28.3.1 National Environmental Policy and Strategies

The National Environmental Policy and Strategies, adopted in 2005, was finally gazetted in June 2009. Its vision closely follows the National Development Objective of the government, which is “to alleviate poverty and improve the quality of life of the people of Zimbabwe”. In line with the vision, the goal of the National Environmental Policy is:

*“to avoid irreversible environmental damage, maintain essential environmental processes, and preserve the broad spectrum of biological diversity so as to sustain the long-term ability of natural resources to meet the basic needs of people, enhance food security, reduce poverty, and improve the standard of living of Zimbabweans through long-term economic growth and the creation of employment.”*

This goal places environment at the centre of efforts to create economic opportunities.<sup>5</sup> In order to achieve this policy goal, a number of specific environmental policy objectives need to be met. These are as follows:

- Conserve biodiversity and maintain the natural resource base and basic environmental processes to enhance environmental sustainability;
- Promote equitable access to, and sustainable use of, natural and cultural resources, with an emphasis on satisfying basic needs, improving people’s standard of living, enhancing food security and reducing poverty;
- Encourage sustainable development by optimising the use of resources and energy and minimising irreversible environmental damage, waste production and pollution through incorporating provisions for environmental assessment and management in all economic and development activities;

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<sup>5</sup> Government of Zimbabwe, 2009. *National Environmental Policy and Strategies*. Harare: Ministry of Environment and Natural Resources Management.

- Promote public participation and a sense of responsibility for the environment through environmental education and awareness, and by promoting environmentally sustainable lifestyles;
- Establish and support an effective institutional framework, committed to sustainable development and able to collate and manage environmental information;
- Promote national interests by cooperating in drawing up and implementing international environmental agreements, and collaborating with neighbouring countries on trans-boundary environmental issues.

Sustainable development concepts which are not explicitly addressed in this policy are gender, climate change and resettlement.

### **28.3.2 Zimbabwe Climate Policy**

The ministry responsible for the environment published the Zimbabwe Climate Policy in 2016.<sup>6</sup> The Policy is the product of wide and inclusive stakeholder consultation, intended to guide the implementation of the National Climate Change Response Strategy, published in 2014 by the environmental ministry.

The purpose of the Policy is “*to guide climate change management in the country, enhance the national adaptive capacity, scale up mitigation actions, facilitate domestication of global policies and ensure compliance to global mechanisms.*”<sup>7</sup>. The Policy is underpinned by eight principles:

- Base climate-related decisions or actions on sound data bases, modelling, robust scientific findings including the Indigenous Knowledge System and rigorous analysis but also on an integrated, participatory approach;
- Ensure Zimbabwe’s resilience to climate-related challenges by cross-sectional engagement inclusive of public-private sector involvement in the implementation;
- Adoption of a low carbon development pathway that incorporates national developmental aspirations, the Vision and national programmes;
- Build resilience to climate challenges through adaptation programmes which are pursued concurrently with climate change mitigation programmes;
- Ensure that the climate policy be wholly owned by all Zimbabweans and be gender sensitive;
- Address implications of the past, current and future climate;

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<sup>6</sup> The then-named Ministry of Environment, Water and Climate

<sup>7 7</sup> Republic of Zimbabwe, 2016. *Zimbabwe Climate Policy*. Harare: Ministry of Environment, Water and Climate.



- Guide climate adaptation and climate change mitigation investment programmes in Zimbabwe’s priority areas; and
- Inform the National Climate Change Response Strategies and Action Plans.

The responsibility for climate change now falls under the Ministry of Lands, Agriculture, Water, Climate and Rural Settlement, who published the National Adaptation Plan Roadmap for Zimbabwe in 2019. This roadmap is in the process of being implemented.

### **28.3.3 Environmental Management Act (Chapter 20:27)**

The Environmental Management Act (EMA) (Chapter 20:27), No. 13 of 2002, was enacted in 2002 and amended on 25 March 2006. It aims to “*provide for the sustainable management of natural resources and protection of the environment; [and] the prevention of pollution and environmental degradation*”. The Act also provides for the establishment of an Environmental Management Agency and an Environmental Fund. The EMA repeals the following former Acts:

- Natural Resources Act (Chapter 20:13)
- Atmospheric Pollution Prevention Act (Chapter 20:03)
- Hazardous Substances and Articles Act (Chapter 15:05)
- Noxious Weeds Act (Chapter 19:07).

The EMA is a general framework law and does not cover every environmental aspect; in time it will be complemented by other laws and policies that are not in conflict with it. However, where there are conflicts, this Act will take precedence. The law will be supported by the setting up of the proposed institutions and the promulgation of Regulations by the Minister. Nevertheless, the Act provides the general environmental principles that should be followed in environmental management.<sup>8</sup>

The provisions of the EMA that relate to EIAs in particular are set out in section 97 of the Act and summarised below.

- A person who proposes to embark on any of the projects listed in the First Schedule (Appendix 28-1) is expected to submit an EIA report to the Director-General.
- The developer can only embark on the project if s/he has obtained a certificate from the Director-General.

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<sup>8</sup> Zimbabwe Environmental Law Association, 2003.

- The developer is expected to submit a prospectus to the Director-General with information on the assessment and the project (see section 28.4.1).
- It is an offence for any person to knowingly implement a project without a certificate showing that an EIA has been carried out.

Appendix 28-1 provides the sectors and projects for which an EIA should be carried out.

#### **28.3.4 Regulations**

In 2007, several Statutory Instruments (SIs) were passed in terms of section 140 of the EMA (Chapter 20:27). These regulations are significant in that they operationalise the Act in the different sectors (see Table 28.1 for an overview of each). They provide for the specific procedures to be followed in complying with the provisions of the Act.

##### **Environmental Management (Environmental Impact Assessment and Ecosystems Protection) Regulations, SI No. 7 of 2007**

The Environmental Management (Environmental Impact Assessment and Ecosystems Protection) Regulations deal with the regulation of the EIA process and the protection of ecosystems. Part 11 of the Act stipulates that no industrial project shall be implemented without an EIA having been done. These Regulations provide the method of doing the EIA. The developer has to submit a prospectus to the Agency (see section 28.4.1), which has to contain details of the environmental impacts of the project and the measures to be taken to contain or mitigate such impacts. In preparing an EIA, a developer is obliged to consult widely with all stakeholders. The Agency will not issue a licence if it is not satisfied that the developer consulted with all stakeholders in the preparation of the EIA. It should also be noted that projects that began before the Act was promulgated are subject to periodic environmental audits by the Agency.

#### **28.3.5 Environmental Impact Assessment Guidelines (1997)**

To support the 1994 Environmental Impact Assessment Policy, the METHI (then known as the Ministry of Environment and Tourism) published EIA guidelines to facilitate the implementation of EIAs within specific sectors.<sup>9</sup> These guidelines cover:

- Mining and quarrying
- Forestry
- Agriculture
- Transport

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<sup>9</sup> Spong et al., 2003.

- Energy
- Water
- Urban infrastructure
- Tourism.

For each of these sectors, the guidelines provide examples of major activities that are likely to be undertaken for projects in that sector, the type of environmental impacts, possible measures for managing such impacts, sample Terms of Reference, and sources of information for use in an EIA study. Government authorities, developers and EIA practitioners use the guidelines, which provide valuable assistance in implementing EIAs and improving the quality of sector-specific EIAs. Due to the comprehensive nature of these guidelines, they have not been included in this chapter.

### **28.3.6 Permits and licences**

Under the EIA Regulations (SI No. 7 of 2007), local authorities can only issue licences to developers after first seeing the Certificate from the Agency confirming that an EIA has been approved.

In terms of the Regional, Town and Country Planning Act, the METHI is regarded as the local authority for parks, wildlife and forest lands. The developer must undertake an EIA for any developments in these specific land use areas.

The Mines and Minerals Act regulates mining projects and requires an EIA to be undertaken for these projects.

Permits relating to water abstraction and water storage are granted in accordance with the Water Act.

The Waste Disposal Licence is issued by the Agency and is renewable on an annual basis. The licence holder is obliged to pay annual monitoring fees and quarterly environmental fees to the Agency. A licence is not required for household or domestic waste disposal or for the application of inorganic fertilisers for agricultural production.

### **28.3.7 Fees**

Project developers are responsible appointing registered consultants to prepare EIA reports and for meeting the costs associated with the preparation of the reports, including the studies, research and compilation of the reports.

EIA fees are calculated as a percentage of total project cost and are 0.8% 1% and 1.2% of the total project cost depending on the project type. Less impactful projects such as solar power projects pay the 0.8% fee, while medium impact projects pay 1% of the total project cost and high impact projects, such mining, thermal power stations, etc. pay 1.2% of the total project cost.

A three-stage payment system is also available for payment of EIA fees as follows: upon EIA submission, upon EIA implementation and lastly during project implementation.

### **28.3.8 Environmental standards**

The functions of the Standards and Enforcement Committee (see Figure 28.1) are as follows:<sup>10</sup>

- Advise the Environment Management Board on criteria and procedures to be followed for measuring water quality;
- Recommend the minimum quality standards for water for different uses, such as drinking water and water for industrial use, agricultural use, recreational purposes, fisheries, wildlife and any prescribed use of water;
- Analyse and submit to the Board conditions for the discharge of effluent into the environment;
- Prepare and recommend to the Board guidelines or regulations for the preservation of fishing areas, aquatic areas, water sources and reservoirs;
- Identify and recommend to the Board areas of research on the effect of water pollution on the environment, human beings, flora and fauna;
- Advise the Board to carry out investigations of actual or suspected water pollution;
- Document the analytical methods by which water quality and pollution controls standards can be determined and appoint laboratories for the analytical services required or request the Board to establish such laboratories;
- Collect, maintain and interpret data from industries and local authorities on the pre-treatment, nature and levels of effluents; and

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<sup>10</sup>Section 56 of the EMA

- Recommend to the Board, measures for the treatment of effluent before being discharged into water or the sewerage system.

Sections 55–86 of the EMA deal with environmental quality standards for:

- Water pollution (sections 57–59);
- Air quality (sections 63–68);
- Waste management (sections 69–76);
- Noise (sections 80–81);
- Noxious smells (section 82); and
- Littering (section 83).

These sections empower the Minister (on the recommendations of the Standards and Enforcement Committee) to prescribe emission limits and quality standards for the various pollutants and emissions listed, but none have been gazetted yet. The relevant sections also require owners or operators of polluting facilities or activities to obtain a licence from the Environmental Management Agency. Penalties, fines and measures of recourse for non-compliance are outlined.

The Statutory Instruments (SIs) on waste and solid waste (SI 6 of 2007) and hazardous substances (SI 268 of 2018) provide regulations to give effect to the legal prescriptions on pollution and waste. SI 72 of 2009 provides for air pollution emission standards. In the absence of prescribed national standards, developers are advised to apply the emission standards specified by the World Health Organisation and the World Bank/International Finance Corporation.

### **28.3.9 Certification of environmental assessment practitioners**

EIA practitioners do not require accreditation, but they do need to register with the Agency, which maintains a database of all consultants who have undertaken EIA studies in Zimbabwe. The lack of accreditation is a problem and the need for a formal accreditation process has been recognised.<sup>11</sup> The majority of practitioners are locally based. There is no legal requirement for EIA practitioners to be independent of the proponent.

A voluntary association, known as the Environmental Practitioners Council of Zimbabwe (EPCOZ), was established in 2015<sup>12</sup>. Despite the absence of a legal mandate for the

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<sup>11</sup> Spong et al., 2003.

<sup>12</sup> <http://www.epcoz.org>

accreditation of EIA practitioners, EPCOZ claims to “*regulate environmental professionals and ensure environmental standards within the profession*”<sup>13</sup>.

## **28.4 EIA procedural framework in Zimbabwe**

The EIA decision-making process is illustrated in Figure 28.2. The types of projects that require an EIA are listed in the First Schedule of the Act and set out in Appendix 28-1.

### **28.4.1 Prospectus (screening)**

Before carrying out an EIA for a prescribed activity listed in the First Schedule (see Appendix 28-1), the developer must submit a prospectus to the Director-General of the Agency, containing information on the EIA and the project. However, as there are no thresholds specified for any of the prescribed activities, the EIA Policy requires all developers to submit a prospectus so that the Director-General can determine whether an EIA is required. The developer should be able to prepare the prospectus without help from EIA consultants or other specialists. Therefore, the prospectus may not contain as much information as an initial EIA or scoping report; it should, however, contain the following information:

- A description of the proposed project;
- The current status of the project, whether it is at the feasibility, planning, design or implementation stage; and
- A description of the known or predicted environmental impacts.<sup>14</sup>

The Director-General will then, within **20 days** of receipt, review the prospectus and, on completion, may ask the developer to submit any further information that may be required. The Director-General may then either approve the prospectus, if s/he is satisfied that the proposed EIA is capable of evaluating the project’s impact on the environment, and ask the developer to proceed with the proposed EIA, or, reject the prospectus and request a new one, if s/he is not satisfied that the proposed EIA will not adequately addresses the environmental impacts of the project.

### **28.4.2 Contents of an EIA report**

Prior to commencing the EIA, developers must submit terms of reference (ToR) to the Agency for review and approval. If the Director-General approves the prospectus, s/he may also set out

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<sup>13</sup> Ibid

<sup>14</sup> Government of Zimbabwe, 2002. *Environmental Management Act (Chapter 20:27)*. Harare: Government Printers.

certain conditions relating to the scope of the assessment, including the appointment of an independent expert in environmental assessment to prepare the EIA report. The developer is required to comply with these conditions. EIA reports must contain the following information:

- A detailed description of the proposed project and the activities that will be undertaken during its implementation;
- Reasons for the selection of the proposed site of the project;
- A detailed description of the direct, indirect, cumulative, short and long-term impacts the project will have on the various sections of the environment;
- Specification of the measures proposed for eliminating, reducing or mitigating the anticipated adverse effects of the project;
- Identification and description of methods for monitoring and managing the adverse environmental effects;
- An indication of whether the environment of any other country is likely to be affected by the project and the measures that will be taken to minimise any damage to that environment;
- How the developer plans to integrate biological diversity into the project (where applicable); and
- A concise description of the methodology used by the developer when compiling the EIA report.<sup>15</sup>

There are certain projects that may be deemed exempt from an EIA after the Agency has reviewed the prospectus according to its screening guidelines. A project will be considered to be exempt from an EIA if it is not listed on the First Schedule of the Act and if the predicted impacts are considered to be very minor.

Every developer must take all reasonable measures to prevent or mitigate any adverse or undesirable impacts on the environment that may arise from the implementation of the project. The measures taken have to be reported to the Director-General, unless they are already contained within the EIA report.

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<sup>15</sup> Government of Zimbabwe, 2002.

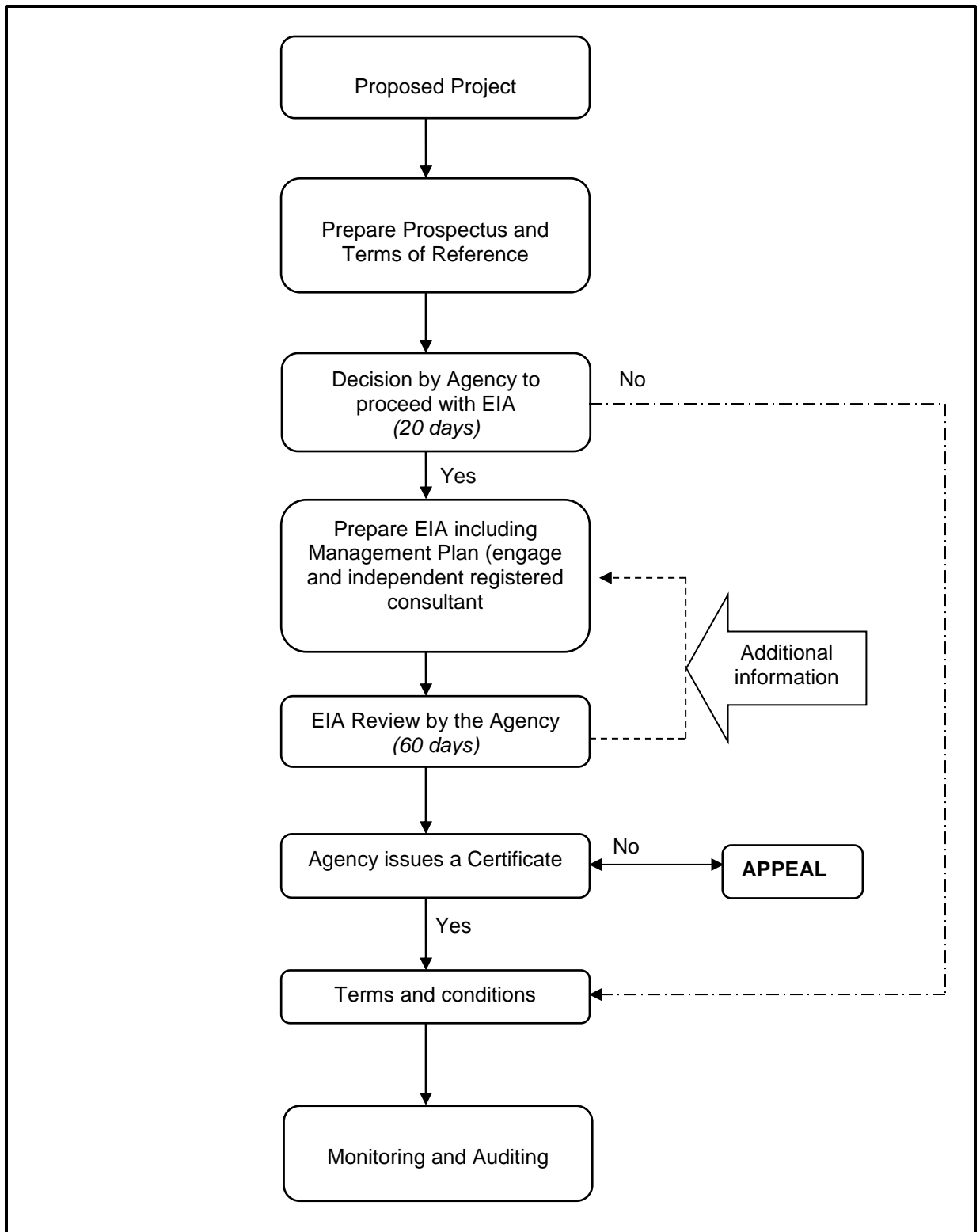


Figure 28.2: EIA process



- Approve the project to which the EIA report relates;
- Require the developer to conduct a further EIA for part or the whole of the project;
- Request the developer to supply additional information or complete such other tasks as the Director-General considers necessary.

The Director-General will consider the following when deciding whether to approve the EIA:

- The likely impacts of the proposed project, as well as the actual impacts on the environment of any existing projects that are similar;
- The extent to which the project complies with the National Plan, as well as any local environmental action plans; and
- Any consultations with any authority, organisation, community, agency or person who, in his opinion, has an interest in the project.

If the project is approved, the Director-General will issue a **certificate**, which:

- Identifies the project;
- Contains the name and address of the developer, or if the developer is a company, the registered office of the company;
- States the date of issue and the date of expiry of the certificate;
- Sets out any conditions imposed by the Director-General; and
- Sets out any other matters deemed necessary by the Agency or the Director-General.

Once a certificate has been issued, the developer may approach the relevant authorities for a **permit** to implement a new project (see section 28.3.6). The certificate is valid for **two years** from the date of issue. It may be extended by not more than a year for a project that has commenced but is not completed within the stipulated period. However, if the project has not started within the two-year period, the certificate expires and the developer needs to apply for a new one. The Director-General keeps a register of certificates and associated EIA reports, which are open to inspection by the public. The transfer of certificates between people is prohibited without prior approval of the Director-General.<sup>16</sup>

The Director-General is also able to amend, suspend or cancel a certificate if new information is provided that indicates that the project is a potential source of pollution or any other threat to the environment that requires a new EIA to be conducted. The Director-General may also amend the

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<sup>16</sup> Government of Zimbabwe, 2002.

certificate or any of the conditions under which the certificate was issued, including directions on minimising or preventing threats to the environment in the planning, execution and monitoring of the project. The developer must also inform the Director-General if the project is not implemented or if it is altered within the period of the certificate's validity.

Section 100 of the EMA, and Regulation 10 of the EIA Regulations state that the review of the EIA report should be completed within **60 days**. If this deadline is not met, it can be assumed that the EIA Certificate has been granted. However, developers of larger projects try to obtain official EIA acceptance in the form of a certificate in order to safeguard against possible future repercussions.

### **28.4.3 Appeals**

Any person who is aggrieved by a decision or action of any authority in terms of the EMA may within **28 days**, appeal against that decision or action in writing to the Minister, who, in turn, will refer it to the Administrative Court. The Court will decide whether to confirm, vary or set aside the decision or action appealed against (section 130 of the EMA).

Any person who is aggrieved by the decision or action of an inspector is allowed to appeal against that decision or action to the Director-General of the Agency (section 129 of the EMA).

### **28.4.4 Environmental monitoring and audits**

Section 106 of the EMA allows the Director-General to carry out periodic environmental audits of any project, including those that commenced before a fixed date, to ensure that the project complies with the Act and any conditions set out by the Agency on its certificate. The developer is also required to keep such records and reports for submission to the Agency as the Director-General may specify.

### **28.4.5 Public consultation process**

Public participation is one of the general principles of environmental management listed under section 4 of the EMA and is required by Reg. 10 of the EIA Regulations as part of the preparation and review of EIA reports. However, in practice, public participation has often been limited to consultation with the affected communities only. These consultations typically focus on determining the probable impacts and the mitigation measures that will be acceptable to the community involved. However, the public is generally unaware of the importance of the role they can play in the EIA process. Centralisation of the EIA review process has also not promoted public participation.

Following public consultation, the concerns and comments from stakeholders are analysed and captured in the full EIA. These comments are used to develop proposed mitigation measures to address the issues raised by stakeholders (pers. comm. P Mangisi)

#### 28.4.6 Strategic Environmental Assessment

There are no provisions for SEA in Zimbabwean legislation.

#### 28.4.7 Trans-boundary impacts

Zimbabwe is a land-locked country in southern Africa. It shares a border with Mozambique to the east, South Africa to the south, Botswana to the west and Zambia to the north. The north-west tip of the country meets Namibia at a point in the Zambezi River (together with Zambia and Botswana).

One of the objectives of the National Environmental Policy and Strategies, 2005 document is to collaborate with neighbouring countries on trans-boundary environmental issues, but there are no further references in the EMA or the EIA Regulations setting out the methods and notification procedures to be followed in a situation where neighbouring countries may be affected by a project being developed in Zimbabwe.

## 28.5 Other relevant environmental legislation in Zimbabwe

Environmental issues cut across a range of sectors, and numerous pieces of legislation in Zimbabwe. Those which have a bearing on environmental management and sustainable development should be considered during the EIA decision-making process. The relevant pieces of legislation and the responsible administrative agencies are listed in Table 28.1.

**Table 28.1: Key policies and laws relating to environmental management<sup>17</sup>**

Sector	Primary agency <sup>18</sup>	Title and date of document	Purpose
General environmental management	Ministry of Environment, Tourism and Hospitality Industry (METHI)	Environmental Management Act, 2002	The Act creates a framework for environmental management, makes provision for the formulation of environmental quality standards (e.g. air, water, noise, effluents, waste and hazardous substances), and promotes the development of national environmental policies, plans and strategies.

<sup>17</sup> Zimbabwe Environmental Law Association, 2003.

<sup>18</sup> Ministry names from official parliamentary website: [www.parlzim.gov.zw](http://www.parlzim.gov.zw)

Sector	Primary agency <sup>18</sup>	Title and date of document	Purpose
			The Act requires EIAs to be undertaken for prescribed activities, and specifies procedures for the administration of the EIA process.
		EIA Policy, August 1997	<p>This Policy requires the responsible authorities not to grant permits to projects that are required to have an EIA before such an EIA has been undertaken, reviewed and accepted by the Department of Natural Resources (now the Environmental Management Agency). EIA is regarded as part of project planning.</p> <p>This Policy is supported by Environmental Guidelines for various sectors, and led to the promulgation of the Environmental Management Act (Chapter 20:27).</p>
		National Environmental Policy and Strategies, 2009	<p>The aim of the Policy is to “avoid irreversible environmental damage, maintain essential environmental processes, and preserve the broad spectrum of biological diversity so as to sustain the long term ability of natural resources to meet the basic needs of people, enhance food security, reduce poverty and improve the general standard of living of Zimbabweans.”</p> <p>The policy thus creates appropriate conditions for long term programmes that integrate sustainable resource utilisation with the country’s social and economic development.</p>
Waste	METHI	Waste and Solid Waste Disposal Regulations, SI No. 6 of 2007	Provides for the control and disposal of effluent and solid waste. Prohibits any person from disposing waste into a public stream or groundwater without a licence. Furthermore, every generator of waste (except households) is required to develop a waste management plan by 31 December each year. The plan should deal with the quantity of waste, components of the waste, goals for the reduction of the quantity and pollutant discharges of the waste, transportation and disposal of the waste, and adoption of environmentally sound management of the wastes. It is an offence for any waste generator to fail to produce a waste management plan.
		Plastic Bottles and Plastic Packaging Regulations, SI No. 98 of 2010	Encourage a reduction in the use of certain types of plastics. According to regulations 3(1), it is prohibited to produce, import or distribute plastic packaging with a thickness of less than 30 microns.
		Environmental Management (Importation and Transit of Hazardous Substances and Waste) Regulations, SI No. 77 of 2009)	Provides rules for the importation of hazardous waste. Designates ports of entry where inspection for the conveyance of hazardous substances for the purposes of the EMA shall be carried out. The Port Health Authority is specified as the person authorised to inspect and levy all vehicles conveying hazardous substances and hazardous waste.

Sector	Primary agency <sup>18</sup>	Title and date of document	Purpose
		Environment Management Act (Hazardous Waste Management) Regulations, 2007 (Chapter 20:27)	Provides rules for the management of hazardous waste. Provides for the protection of water source areas and other sensitive areas and the prevention of pollution of water by hazardous waste. No hazardous waste shall be disposed of at any other place except in a licensed hazardous waste disposal site or landfill.
Hazardous substances	METHI	Hazardous Substances, Pesticides and Toxic Substances Regulations, SI 268 of 2018	Provides for the labelling, packaging, repackaging and sale of hazardous substances or articles containing hazardous substances in Zimbabwe. Prescribes conditions that employers have to observe in the handling of hazardous substances at the workplace, conditions for transporting hazardous substances, and procedures for accidental spillage of hazardous substances. The Agency is empowered to issue spot fines to any person who violates the law. Any person whose substances affect the environment is liable to pay for the cost of restoring the environment and/or pay compensation for any damage that the offence caused to any person.
Air quality	METHI	Environment Management Act (Atmospheric Pollution Control) Regulations, SI 72 of 2009 (Chapter 20:27)	Provides rules for the control of activities that may cause air pollution. Subject to subsection (4), for the purpose of section 63 of the EMA, no person who engages in any of the following activities: (a) the burning of waste at a landfill; or (b) the burning of vehicle tyres; or (c) the burning of bitumen; or (d) the burning of metallic wire coated with any material; or (e) the burning of oil in the open air; or (f) the operation of an incinerator; or (g) any activity that causes the emission of a pollutant into the atmosphere, shall, in the course of that activity, emit any substance into the atmosphere in excess of the amount prescribed in the Third Schedule for the activity concerned.
Water	Ministry of Lands, Agriculture, Water, Climate and Rural Resettlement	Water Act, 2003 (Chapter 20:24)	It stipulates that the National Water Authority and Catchment Councils shall prepare an Outline Water Development Plan for each river system. The Act makes provision for the formation of Catchment Councils, which shall issue water use permits in terms of the Act. Such permits are valid for a period of 20 years unless otherwise stated by the relevant Catchment Council.
		Zimbabwe National Water Authority Act, No. 11 of 1998 (Chapter 20:25) as amended	Establishes the Zimbabwe National Water Authority and provides for its functions; provides for the appointment and functions of a board of the Authority; provides for the raising of charges for the provision of water and other services by the Authority; provides for the funds of the Authority; provides for the imposition and collection of a water levy; repeals the Regional Water Authority Act [Chapter 20:16];

Sector	Primary agency <sup>18</sup>	Title and date of document	Purpose
		Zambezi River Authority Act, No. 19 of 1987 [Chapter 20:23] as amended	Enables effect to be given to certain provisions of an inter-State agreement relating to the utilization of the Zambezi River concluded between the governments of the Republics of Zimbabwe and Zambia.
Forests	METHI  Forestry Commission	Forest Act, 1949 (Chapter 19:05)	The Act provides for demarcating forests and nature reserves, conserving timber resources, regulating trade in forest produce, and regulating the burning of vegetation.
		Communal Land and Forest Produce Act, 1988 (Chapter 19:04)	The Act controls the use of wood resources within communal lands. Such resources are only for the domestic use of the residents.
Wildlife and conservation	METHI	Parks and Wildlife Conservation Act, No. 14 of 1975 (Chapter 20:14)	The Act establishes national parks, botanical reserves and gardens, sanctuaries, safari areas and recreational parks; provides for the conservation and control of wildlife, fish and plants; and designates specially protected animals and indigenous plants.
		Trapping of Animals (Control) Act, 1974 (Chapter 20:21)	The Act prohibits making, possessing or using certain types of traps, and specifies the purposes for which animal trapping is permitted.
Planning	Ministry of Local Government, Urban and Rural Development	Rural District Councils Act, 1989 (Chapter 29:13)	The Act allows for the establishment of Rural District Councils responsible for initiating and regulating development in rural areas.
Agriculture	Ministry of Lands, Agriculture, Water, Climate and Rural Resettlement	Fertiliser, Farm Feeds and Remedies Act, 1953 (Chapter 18:12)	The Act provides for the registration of fertilisers, farm feeds and sterilising plants. It also regulates the importation and sale of fertilisers and seed.
		Plant Pests and Diseases Act, 1959 (Chapter 19:08)	The Act provides for the eradication and prevention of the spread of plant pests and diseases.
		Locust Control Act, 1971 (Chapter 19:06)	The Act regulates the control of locusts.
		Prevention of Cruelty to Animals Act, 1960 (Chapter 19:09)	The Act prohibits activities considered cruel to animals.
Mining	Ministry of Mines and Mining Development	Mines and Minerals Act 1961 (Chapter 21:05)	The Act regulates the acquisition of mining rights, prospecting for and extraction of minerals, and decommissioning of mining works.
		Environmental Management (Control of Alluvial Mining)	Provides for environmental protection in mining activities and prospecting along streams or rivers. The Regulations set out standards for mining operations and require the preparation of an EIA Report and obtaining of an EIA certificate.
	Environmental Management Agency	Regulations, SI No. 92 of 2014 (as amended by SI 258 of 2018)	The Regulations set out rules for the preparation and approval of the EIA report and Certificate.
Archaeological, Historical and	Ministry of Home Affairs	National Museums and Monuments	Establishes a board of trustees to administer museums and monuments in Zimbabwe; provides

Sector	Primary agency <sup>18</sup>	Title and date of document	Purpose
Cultural	National Museums and Monuments of Zimbabwe	Act, No. 17 of 1972 [Chapter 25:11] as amended	for the establishment and administration of museums; provides for the preservation of ancient, historical and natural monuments, relics and other objects of historical or scientific value or interest.

## **Appendix 28-1: Projects that require an EIA**

As per the First Schedule of the Environmental Management Act (Chapter 20:27)

- 1. Dams and manmade lakes**
- 2. Drainage and irrigation**
  - a. Drainage of wetland or wildlife habitat; and
  - b. Irrigation schemes.
- 3. Forestry**
  - a. Conversion of forest land to other land use; and
  - b. Conversion of natural woodland to other use within the catchment area of reservoirs used for water supply, irrigation or hydropower generation or in areas adjacent to parks and wildlife estates.
- 4. Housing developments**
- 5. Industry**
  - a. Chemical plants;
  - b. Iron and steel smelters and plants;
  - c. Smelters other than iron and steel;
  - d. Petrochemical plants;
  - e. Cement plants;
  - f. Lime plants;
  - g. Agro-industries;
  - h. Pulp and paper mills;
  - i. Tanneries;
  - j. Breweries; and
  - k. Industries involving the use, manufacture, handling, storage, transport or disposal of hazardous or toxic materials.
- 6. Infrastructure**
  - a. Highways;
  - b. Airports and airport facilities;
  - c. New railway routes and branch lines;
  - d. New towns or townships; and
  - e. Industrial sites for medium and heavy industries.
- 7. Mining and quarrying**
  - a. Mineral prospecting;
  - b. Mineral mining;
  - c. Ore processing and concentrating; and
  - d. Quarrying.
- 8. Petroleum production storage and distribution**
  - a. Oil and gas exploration and development;
  - b. Pipelines;
  - c. Oil and gas separation, processing, handling and storage facilities; and
  - d. Oil refineries.
- 9. Power generation and transmission**
  - a. Thermal power stations;
  - b. Hydropower schemes; and



- c. High-voltage transmission lines.

**10. Tourist resorts and recreational developments**

- a. Resort facilities and hotels;
- b. Marinas; and
- c. Safari operations.

**11. Waste treatment and disposal**

- a. Toxic and hazardous waste: incineration plants, recovery plants (off-site), wastewater treatment plants (off-site), landfill facilities, storage facilities (off-site);
- b. Municipal solid waste: incineration, composting and recycling or recovery plants, landfill facilities; and
- c. Municipal sewage: waste treatment plants, outfalls into aquatic systems, effluent water irrigation schemes.

**12. Water supply**

- a. Groundwater development for industrial, agricultural or urban water supply;
- b. Major canals;
- c. Cross-drainage water transfers;
- d. Major pipelines; and
- e. Water withdrawals from rivers or reservoirs.

## Acronyms

<b>EIA</b>	environmental impact assessment
<b>EMA</b>	Environmental Management Act
<b>EPCOZ</b>	Environmental Practitioners Council of Zimbabwe
<b>METHI</b>	Ministry of Environment, Tourism and Hospitality Industry
<b>SI</b>	Statutory Instrument
<b>ToR</b>	terms of reference

## Useful contacts

Organ of State	Address	Telephone	Email
Ministry of Environment, Tourism and Hospitality Industry	Kagubi Building, 11th Floor Central Avenue (between 4th and 5th Street) Harare Website: <a href="http://www.tourism.gov.zw/">http://www.tourism.gov.zw/</a>	+247 016813	
Environmental Management Agency	685/6 Lorraine/Faber Drive, Bluffhill, Harare. Website: <a href="http://www.ema.co.zw">www.ema.co.zw</a>	08677006244 (Support) 08080028 (Toll Free) 0779565707 (WhatsApp)	eep@ema.co.zw