



ZCCN SUMISSION OF

THE MEMORANDUM ON THE RAMIFICATIONS OF THE CLIMATE CHANGE BILL N.A.B NO. 18 OF 2024

SUBMITTED TO

THE PARLIAMENTARY COMMITTEE ON LANDS, AGRICULTURE AND NATURAL RESOURCES

1.0 INTRODUCTION

Honorable Chairperson, Zambia Climate Change Network (ZCCN) is a registered Non-Governmental organisation that is membership based and is recognized as an umbrella organisation for civil society organisations (CSOs) championing the cause to address climate change in Zambia. The organisation is affiliated to the Pan-African Climate Justice Alliance (PACJA), the Alliance for Food Sovereignty in Africa (AFSA) as well as the Global Network on Disaster Risk-Reduction (GNDR). The organisation is also a member of the Nation Technical Committee on Climate Change.

ZCCN has been coordinating CSOs participation in the development, implementation, review and monitoring of national policy process through organizing consultations that are undertaken in collaboration with relevant government departments. Key among these policy processes was the development of NAMAs, NAPAs, REDD+, INDCs/NDCs, National Policy on Climate Change, the National Climate Change Communication and Learning Strategy and the NAP.

2.0 BACKGROUND

CSOs have for a long time advocated for the development and enactment of a legal framework to guide climate change adaptation and mitigation measures. We wish to inform you Hon Chairperson that from the time the Government of the Republic of Zambia embarked on the development of the draft Climate Change Bill, ZCCN together with its members and partners

has made several submissions to the Department of Green Economy and Climate Change. Hon. Chairperson, these submissions have highlighted key concerns and recommendations from civil society, faith based organisations and the private sector.

In light of the above, ZCCN developed this submission through a consultative process with its members and partners among them, FIAN International Zambia, Family Development Initiatives (FDI), Action Aid Zambia (AAZ), and the Global Youth Platform.

3.0 OUR SUBMISSION

Hon. Chairperson, the following are the key issues of concern and recommendations;

PART/ SECTION	KEY ISSUES/ CONCERNS	RECOMMENDATION
Part II: Administration		
<i>Department of Climate Change and Green Economy</i> Section 4. (3) Despite the generality of subsection (3), the functions of the Department are to	(i) facilitate the implementation of international obligations on climate change; Domestication is missing	This should include domestication as a function
	Functions are not explicit on the role of the Department on adaptation and mitigation	Functions must include coordination and monitoring of adaptation and mitigation action
<i>Establishment of Council</i> Section 6. (1) There is established a Climate Change and Green Economy Council consisting of the following part-time members appointed by the President:	(c) The Ministers responsible for – Some key Ministries are not included	To include ministers responsible for infrastructure, health, education, Local government and rural development, Transport and Communication, health, tourism, commerce and industry, gender and community development social welfare
<i>Technical Committee</i> Section 8. (1) There is established the Climate Change and Green Economy Technical Committee consisting of the following part-time members appointed by the Minister:	(a) a representative in the ministries responsible for - Other Key Ministries not included	To include the above ministries and to include academia, ministry of science and technology

(6) The Technical Committee shall be the Designated National Authority.	<p>(6) The Technical Committee shall be the Designated National Authority.</p> <p>This may give too much work to the Committee as it usually does not meet regularly On the other hand this is vague as it does not state specifically if it's to the GCF</p>	The Department of Climate Change and Green Economy should be the Designated Authority through a unit and not the Technical Committee whose responsibility would be to evaluate and give technical support for projects
<p>Functions of Technical Committee</p> <p>Section 9 (2) Despite the generality of subsection (1), the Technical Committee shall -</p>	<p>(b) supervise the development, revision and implementation of appropriate policies, programmes, projects, plans and strategies;</p> <p>This should be for the PS</p> <p>(c) supervise the monitoring and evaluation of the implementation of programmes</p> <p>This should be for the PS</p>	These are the functions of the PS and the Technical Committee should read; Provide Technical support
Part III: Mitigation and Adaptation		
<p>National Mitigation and National Adaptation Plan Section 10</p>	<p>(1) The Minister shall, within three years of the commencement of this Act, develop a National Mitigation Plan and a National Adaptation Plan.</p> <p>Adaptation not explicitly highlighted as a subsection in line with the objects of this bill</p>	<p>The time frame of three years is not necessary but indicate that the Minister shall be responsible for development of these plans</p> <p>Add a subsection on adaptation which highlights adaptation as a national priority. 11/1 (C) and 2 must be taken to adaptation</p>
<p>Sector emission reduction plan Section 12</p>	<p>(1) An appropriate authority shall, within</p>	The Three year period should be removed

	<p>three years of the commencement of this Act, develop a sector emission reduction plan as specified in the Guidelines under section 43</p> <p>The continued timeline of three years is of great concern why not now</p>	
Part IV: GreenHouse Gas Emissions		
<p><i>Establishment of Greenhouse Gas Inventory Management System</i> Section 13</p>	<p>(1) There is established the Greenhouse Gas Inventory Management System which shall be administered by the Department.</p> <p>(2) Despite subsection (1), the Minister may, by notice in the Gazette, designate the Zambia Environmental Management Agency to manage the Greenhouse Gas Inventory Management System.</p> <p>The above are contradictory to each other and may undermine ZEMA's role</p>	<p>We recommend that this is explicitly left to ZEMA only</p>
Part V: Carbon Stock Management		
<p><i>Application of Part 18.</i> Act No. 4 of 2015</p>	<p>This Part shall not apply to carbon generated under the Forest Act, 2015.</p> <p>Our concern is why should this be the case</p>	<p>It will be imperative to simply state that carbon refers to carbon and that a schedule shall be established to reduce conflicts of the Forest Act</p> <p>This will be better in that it takes care of project developers that embarked on carbon generation using the Forest Act of 2015. Basically, lessens on confusion.</p>

Part VI: Carbon Markets		
<i>Application for authorisation to trade in carbon credits</i> Section 23	<p>23. (1) A person who intends to trade in carbon credits shall apply to the Director for a certificate of authorisation, in a prescribed manner and form on payment of a prescribed fee.</p> <p>The developer under this is not compelled to provide evidence of support from beneficiaries</p>	<p>This clause should include a requirement for the project developer to also provide evidence of support from beneficiaries (communities and local traditional leaders) and should read:</p> <p>A person who intends to trade in carbon credits shall, in consultation with beneficiaries through a process of Free Prior and Informed Consent (FPIC) apply to the Director for a certificate of authorisation, in a prescribed manner and form on payment of a prescribed fee.</p>
Part VII: Registration of Verifiers		
<i>Registration of Verifiers</i> Section 29	<p>Under this section no key issues of concern have been found.</p>	<p>The addition of this part is great as it will contribute towards transparency, expansion of local tax base and employment creation.</p>
Part VIII: Enforcement		
<i>Compliance order</i> Section 33	<p>(1) The Director may, where the Director has reasonable grounds to believe that any condition of a certificate issued under this Act has been breached, serve a compliance order on the person requiring the person to remedy the breach within the period stipulated in the order."</p> <p>The specified period to remedy the breach is not explicitly stated</p>	<p>Inclusion of the period to remedy the breach needs to be defined e.g. within 30 days, 6 months, etc.</p>

Part IX: The Climate Change Fund		
<i>Establishment of Climate Change Fund</i> Section 34 (2) Despite the generality of subsection (1), the Fund may be applied for purposes of –	(a) supporting the activities of the Department, Technical Committee and Council under this Act; The monies in the fund should not be used to support administrative cost of the committees except for the purpose of conducting Audits and undertaking monitoring and evaluation	Resources to support committee activities must come from the National Budget.
Section (3): The Fund consists of monies that may –	(e) providing grants and loans to individuals, private entities and local government for Under this CSOs have been left out. There is also no category of the type of funding for those intending to apply for grants	CSOs must also be included to access money for research The types of grants must be clearly defined.
	There is no mention of the Carbon Tax revenue as a source of the fund There is no inclusion of the revenue collected by the councils from environmental violations as a source of funding	Addition of the revenue collected from the carbon tax. Penalties collected by the councils from environmental violations must be channeled towards the fund
<i>Management of Fund: Section 35</i> Act No. 1 of 2018- “The Ministry responsible for climate change shall ensure that prudent controls are established for the Fund relating to–”	(2) Management of Fund Act No. 1 of 2018: Fund Management Committee There is no mention of the creation of the annual work plan that will stipulate how the allocation of the funds will be utilized	Inclusion of the work plan/expenditure of the monies.

	There is a mention/proposal to set up a committee to manage the fund inclusive of proposals on application of the grants	The Committee must be set up to be led by the Permanent Secretary. This will contribute towards the efficient functionality of the fund
Part X: General Provisions		
<i>Integration of climate change in learning-</i> Section 41 “The Ministry responsible for education shall, in consultation with the Director, integrate climate change education and research in the national curriculum”	The Ministry responsible for education shall, in consultation with the Director, integrate climate change Education and research in the national curriculum. This is highly commendable Climate Change Education is cardinal to the education system.	The Ministry of Green Economy must take the lead to consult the Ministry of Education to spearhead the integration of CCE.
General Comments		
<ol style="list-style-type: none"> 1. The use of the term “shall” should be used rather than “may” and only remain in exception as that is more definite 2. The definition for “Climate Change Register” must be part of the definitions 3. The Bill does not provide for citizens to seek legal redress for failure of the state to meet its national and international obligations. 		

4.0 Conclusion

We are grateful to the Chairperson and members of the Committee on Agriculture, Lands and Natural Resources for having accorded us an opportunity to make this submission and we look forward to continue to further engagement on this process and other policy processes. It is our sincere hope that recommendations from this submission shall be taken into consideration.