



Know the Environmental Management Act

Background of the Environmental Management Act

In 1992 the Ministry of Environment and Tourism initiated a process of environmental law reforms. The reforms were also necessary in light of the Rio Earth Summit, which Zimbabwe participated in 1992. This long process involved extensive consultations by the Ministry of Environment and culminated in the passage of the Environmental Management Act (Chapter 20:27), through Statutory Instrument No. 13 of 2002.

The law forms a broad legal statement on environmental management in Zimbabwe and became the first consolidated piece of legislation on environmental matters in the country.

What is the Environmental Management Act all about?

It is an Act to provide for the sustainable management of natural resources and protection of the environment; the prevention of pollution and environmental degradation; the preparation of a National Environmental Plan and other plans for the management and protection of the environment; the establishment of an Environmental Management Agency and an Environment Fund; to amend references to intensive conservation areas and committees and associated matters in various Acts; to repeal the Natural Resources Act [Chapter 20:13]; the Atmospheric Pollution Prevention Act [Chapter 20:03], the Hazardous Substances and Articles Act [Chapter 15:05] and the Noxious Weeds Act [Chapter 19:07], and to provide for matters connected with or incidental to the foregoing.

This Act provides for the establishment of the National Environmental Council, the Environmental Management Agency, Environment Management Board, the Standards and Enforcement Committee and the Environment Fund. It also provides for the formulation of environmental quality standards and environmental plans, environmental impact assessments audit and monitoring of projects and for other matters relative to management

and conservation of the environment

The Act consists of 143 sections divided into 16 Parts:

- Ñ1 Preliminary (I)
- Ñ1 General Principles of Environmental Management and Functions of Minister (II)
- Ñ1 National Environmental Council (III)
- Ñ1 Environmental Management Agency (IV)
- Ñ1 Environment Management Board (V)
- Ñ1 Staff of Agency (VI)
- Ñ1 Financial Provisions Relating to Agency (VII)
- Ñ1 Environment Fund (VIII)
- Ñ1 Environmental Quality Standards (IX)
- Ñ1 Environmental Plans (X)
- Ñ1 Environmental Impact Assessments Audit and Monitoring of Projects (XI)
- Ñ1 Conservation and Improvement of Environment (XII)
- Ñ1 Conservation and Improvement of Environment (XIII)
- Ñ1 Appeals (XIV); Internal Obligations and Commitments (XV)
- Ñ1 General (XVI).

Sections in Brief.

- Ñ1 Section 4 outlines environmental rights and principles of environmental management.
- Ñ1 Section 5 defines the general functions of the Minister of Environment and Tourism. The Minister may delegate to the Environmental Management Agency, established under section 9, or the National Environment Council, established under section 7, such of his functions under this Act as he thinks fit.
- Ñ1 The Council shall advise on policy formulation and give directions on the implementation of this Act and carry out other functions outlined in section 8
- Ñ1 The Agency shall be a body corporate and be responsible for the formulation of

- quality standards on air, water, soil, noise, vibration, radiation and waste management, for the regulation and monitoring of the collection, disposal, treatment and recycling of waste and the discharge or emission of any pollutant or hazardous substance into the environment, and shall carry out other functions listed in section 10.
- Ñ1 The Environment Management Board, established under section 11, shall manage and control the operations of the Agency. The management and control of the Environment Fund, established under section 48, shall be vested, subject to this Act, in the Minister as trustee of the Fund. The Minister, in consultation with the Board and with the approval of the Minister responsible for finance, may by notice in a statutory instrument, impose an environment levy on any person or class of persons whose activities impact on the environment (sect. 50). Objects of Fund are set out in section 52.
- Ñ1 A Standards and Enforcement Committee is established as a committee of the Board (sect. 55). The Standards and Enforcement Committee shall, in consultation with the Agency, advise the Board on water quality standards in accordance with section 56. Section 57 introduces a general prohibition to pollute water. The Board shall maintain a register of all effluent discharge licences issued under this Act (sect. 62). The Committee shall also prescribe standards for air quality, waste, hazardous waste, pesticides and toxic substances, noise, and noxious smells. Every pesticides or toxic substance shall be registered under section 76.
- Ñ1 The Minister shall prepare a National Environmental Plan (sect. 87). Contents of the Plan are outlined in section 88. Every local authority shall prepare an environmental action plan for the area under its jurisdiction in accordance with such directions as the Minister may give (sect. 95).
- Ñ1 Projects listed in the First Schedule are activities for which environmental impact assessment required (sect. 97). Contents of environmental impact assessment report are outlined in section 99.
- Ñ1 The President may set aside State land or acquire other land for environmental purposes pursuant to section 109.
- Ñ1 The Minister may declare any wetland to be an ecologically sensitive area and may impose limitations on development in or around such area (sect. 113) and may make order for protection of environment pursuant to section 114 and an Inspector pursuant to section 115. The Minister shall take such measures as may be necessary for the conservation of biological diversity and the implementation of Zimbabwe's obligations under the Convention on Biological Diversity of 1992 (sect. 116) and, on the recommendations of the Agency, may, by regulations, control or restrict access by any person to the biological and genetic resources of Zimbabwe (sect. 117).

