

## Challenges in Implementing an Integrated Environmental Management Approach in Zimbabwe

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### Abstract

*This paper attempts to specifically identify the problems and challenges of environmental legislation in Zimbabwe and the need, for implementing an integrated approach to managing the environment. The researcher commissioned a survey in which 100 respondents comprising institutional heads, local leaders, farmers, communal and urban settlers were selected. These were served with questionnaires. Follow up interviews, direct observations and documentary reviews were also employed in collecting the data that is presented. After a thorough analysis of the data, major findings emerged from which conclusions were drawn in that the legislation before EMA was fragmented and outdated. Whilst EMA is punitive to some degree, it lacked adequate human and financial resources to enforce it. Furthermore there was partial integration of the various statutes which guided the management of natural resources in a holistic manner. The study recommends the need for a cohesive and appropriate environmental management delivery strategy that calls for an integrated approach with enough institutional support, funding and administration to ensure successful implementation. The effectiveness of environmental law in Zimbabwe is seen by the success and failure in providing environmental justice, fostering public participation and ensuring that legislation adequately protects the environment from pollution and degradation. In Zimbabwe, sustainable management is the law of the land; it is also the law of the water, the air, the wildlife, the heritage, buildings and culture.*

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### INTRODUCTION

The concept of Integrated Environmental Management (IEM) is neither well understood nor systematically practiced. In New Zealand, for example, the economic, political and social changes of the 1980s left a reform culture and a system of accountabilities that cares more about legal requirements than the quality of environmental outcomes. The concept of IEM in Zimbabwe is managed through the Environmental Management Act (EMA) of 2002. One of the major objectives of the Act is to promote the sustainable management of Zimbabwe's natural and physical resources. It is a public policy that is designed for efficiency, equity and transparency. It provides for the establishment of national policy direction, and standardized planning, permitting and enforcement, but extends to local agencies the flexibility and autonomy to identify the most suitable and least cost implementation methods. EMA was designed to give credence to the concept of "intergenerational equity," with reference to the 1987 Brundtland Commission's definition of sustainable development and imploring current generations to consider the impact of their actions on future

generations. The Act must be boldly implemented as it is envisioned to focus on outcomes and to employ a full range of policy instruments to respond to the issues, priorities and values of Zimbabwean communities.

The post-colonial era in Zimbabwe saw the inheritance of colonial laws in environmental legislation (Chinamora, 1995). According to Munowenyu (1999), the laws were discriminatory and inappropriate, especially in terms of the rights over the use of resources by communal people in comparison to white owned commercial farms. In addition to the above, the laws did not promote inter-sectoral and participatory environmental planning strategies (Chinamora, 1995). White owned commercial farms and state land were given high priority in terms of environmental protection because of the high economic returns that were associated with these areas. Moyo *et al.* (1991) note that the environmental laws were mutually exclusive and not universally enforceable and cite the Parks and Wildlife Act (1975) and Water Act (1976) which covered white owned land to the exclusion of

communal areas. Since 1997, the exclusionary provisions of the law became void, and relevant enactments were promulgated (e.g. Water Act Chapter 20:24 of 1998), which allowed communities in rural areas to access natural resources in an equitable manner.

Before the enactment of the Environmental Management Act (EMA) into law, environmental legislation was contained in more than eighteen (18) different statutes administered by at least eight (8) different ministries (Henley, 1990 and Chinamora, 1995) resulting in fragmentation of environmental laws, their duplication and overlap, making it expensive to implement. Implementation was also impeded by corporate greed, nominal penalties, budgetary constraints, ineffective compliance and enforcement. This was due to the fact that sectorial ministries co-ordinated specific environmental responsibilities, an aspect that made administration and implementation extremely difficult, if not impossible. A review of the status quo by the Ministry of Environment and Tourism (MET) showed that there were many policies and acts that made reference to fragmented environmental administration from different Government Ministries and Departments. Some of the Acts and Policies frequently cited include the Natural Resources Act, Environmental Impact Assessment Policy, Mines and Minerals Act, Forestry Act, Atmospheric Pollution and Prevention Act, Water Act, Parks and Wildlife Act.

The need to harmonize uncoordinated fragmented pieces of environmental legislation can be cited as a single major drive that led to the drafting of the first Environmental Management Bill in 1997 and its subsequent amendments until 2002 when it was passed into law. The impact of EMA is not yet known, although it attempts to consolidate, synergize and rationalize environmental legislation in Zimbabwe as a means of achieving integration management in environmental issues. However, some environmentalists believe that the main challenge is how to create an environmental ethic for law enforcement and implementation. In this context, the objectives of this initiative are to ensure that people understand and appreciate their rights and duties in relation to the environment. The underlying principles are to effectively communicate, educate and raise awareness or the new environmental, laws to people, in both Zimbabwe's urban and rural areas alike, to discuss with the communities how they can use the law to protect the environment, to advocate for a holistic approach to environmental management to learn about the environmental interest of people and what they think about law and to facilitate exchange of environmental information, public participation and to enhance decision making.

The process of environmental law reform in Zimbabwe culminated in the promulgation of a new Environmental Management Act (EMA) in 2002. Ironically, in spite of the fact that EMA was promulgated over seven years ago, it is yet to be fully operationalised due to problems and challenges that have been cited in this paper. The Environmental Management Agency was created to enforce the provisions of the Act, but lacks adequate funding for its implementation. The enactment of the Environmental Management Act repealed several pieces of legislation without putting in place interim measures to ensure a smooth and peaceful transition. While the EMA vested much power in the Environmental Management Agency, the Act took away the legal standing of various agencies that acted as environmental watchdogs (The EMA Chapter 20:27/2002). The Department of Natural Resources is an example of such a disempowered Agency. The result of disempowerment of existing environmental agencies was that environmental degradation was on the increase as both public and private sector enterprises and individuals exploited the void in the Law (Shoko 2003). Thus calls for the need for an integrated Environmental Management Approach were made. Rondinell (1999) sees an Integrated Environmental Management Approach (IEMA) as the selection design and implementation of mutually supporting activities contributing to solve a particular problem(s). Chiwandamira (2000) defines integrated Environmental Management Approach as a productive or preventive measure that maintains the environment in a good condition for a variety of long range sustainable uses.

The Integrated Environmental Management approach is a vital component of the development process. It calls for a holistic and goal oriented approach to environmental management that addresses interconnections through a strategic approach. Scholars have defined integrated environmental approach in various ways. Fuggle (1999) sees an integrated environmental approach as the selection, design and implementation of mutually supporting activities contributing to solve a particular problem (s). Chiwandambira (2000) defines Integrated Environmental Management Approach (IEM) as a productive or preventive measure that maintains the environment in a good condition for a variety of long-range sustainable uses.

These definitions seem to imply that IEMA is a coordinated control, or direction that influences all human activities in a defined environmental system to achieve and balance the broadest possible range of short and long term objectives.

Integrated development means many things. It can be a strategy of development that seeks to meet the needs of communities in such a way which sees

needs as being many and inter-related. Strategy is integrated because it calls upon those involved in rural development in any given country the government departments, NGOs, political parties or churches to work together and with the people they profess to serve. This is view shared by Dams (1982) who fuses the political framework and measures to be undertaken in order to reach integrated development goals ( Figure 1).

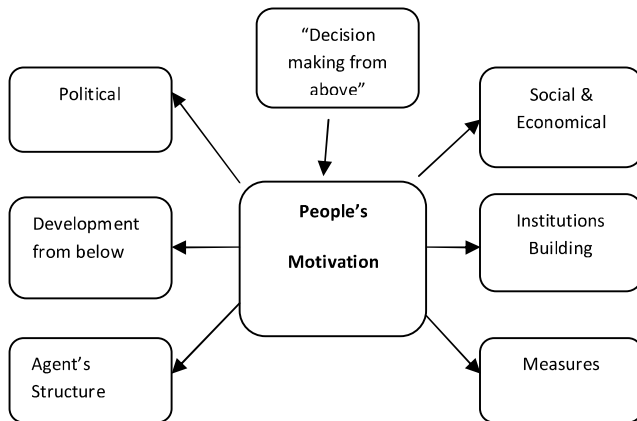


Figure 1: Interrelationships in Integrated Planning  
Source: Dams (1982).

The debate on integrated environmental planning stems from the externalities of development which include degradation/pollution of the environment. Sustainable development is quite vital to integrate several environmental and economic goals that meet the needs of tomorrow as well as those of today in planning. The World Conservation Strategy (WCS) and subsequently the report of the World Commission Environment and Development – the Brundtland Commission (WCED, 1987) prompted closer links between the environment and development. The World Conservation Strategy emphasized the integration of the environment and conservation values/concerns into the development process and the WCED emphasized issues of several and economic sustainability.

Sustainable development is defined by WCS (IUCN/WWF/UNEP as follows:

...for development to be sustainable, it must take account of social and ecological factors, as well as economic ones, of living and non living resource bases, and after long-term as well as short term advantages and disadvantages of alternative action.

This means that sustainable development plans are well integrated. Such integration is meant to bridge the gap between long term objectives and short term ones. Indeed poverty impacts on the environment and people are forced to use natural resources due to poverty. Indeed people view the environment as one

to provide goods and services – an anthropocentric view – to them there is no intrinsic value in the environment. The relationship between the environment, political and socio-economic systems is dynamic, hence a successful environmental plan needs to integrate/marry these dimensions. The resultant integrated environmental approach depends on political, ecological and economic systems. The broadcast short and long term objectives of a plan can thus be balanced. It is important to note that various countries operate in conformity to international standards due to the fact that they are signatories to those conventions. The international standards/conventions cascades to national and local levels where objectives are set towards the implementation of projects and programmes on environmental management. Horizontal and vertical integration in environmental planning is a response to much of traditional natural resources management which has been largely reactive, disjointed, and for narrow and limited purposes. Integrated environmental planning is a holistic approach, considering the entire system rather than certain elements of sub components. It recognizes interconnections in both physical and human systems. It is goal oriented and must be strategic, which includes focusing analysis early and biasing planning toward implementing.

In a study that was conducted by Axford in 1997 titled, “Approaching Sustainability: Integrated Environmental Management and New Zealand’s Resource Management Act”, the researcher found out that the major barriers to IEM were; inadequate information, lack of advocacy of an environment vision and leadership, resistance to change, political interference, lack of resources and the lack of clarity between regional and territorial boundaries. The study also revealed that IEM was neither well understood nor systematically practiced.

#### METHODOLOGY

A descriptive survey was used as the major research design and provided a blue print upon which the objectives of the study were fulfilled. This approach combined a qualitative research design with a quantitative approach. The qualitative nature of the study involved descriptions of situations and events leading to the amalgamation detailed perspective of environmental law evolution. The quantitative study allowed numeric analysis of data by analyzing percentage frequencies that were associated with the number of respondents expressing a common view. The rationale for adopting this approach was that methodologies do not exist in isolation, and hence could be mixed and matched to obtain a balance between the varying techniques. Convenient sampling was used in this study due to the fact that the method was easy to implement by conveniently drawing respondents from populations that were

likely to provide the required responsive data and also by virtue of their accessibility. A sample of 100 respondents was conveniently drawn from Environmental Implementing Agencies: the Environmental Management Agency, the Department of Lands, AREG, and local, Government Forestry Commission, ZINWA and the Department of Mines. Respondents were also drawn from the manufacturing industry (medium to heavy industries) the farming communal and urban settlers, and local leadership. Collection of data was achieved through a combination of interview schedules, and questionnaires as research instruments. Questionnaires were used to solicit factual information, opinions, attitudes and other constructs and conceptions of the target population. A combination of open ended and closed questions were used in the questionnaire design. The use of open ended questions allowed respondents to define and describe events and situations in a more revealing manner. The interviews were based on a set of questions that were completed through face to face contact with the respondents and the telephone. These were conducted with Heads of organizations (Government institutions, parastatals, industry, and local authorities).

## **RESULTS AND DISCUSSION**

The study focused on thirteen (13) major challenges in the implementation of EMA. The following factors were found to be the most significant barriers to integrated environmental management

### **Poor Definition of Roles**

Several impediments to integration are found within the Environmental Management Act. The Act does not clearly define the roles and responsibilities of sectorial ministries. The law makes many of the integrating mechanisms overly bureaucratic. For example, in the ownership of certain resources such as the issuance of water permits and the allocation of mining rights carried out under entirely separate laws. Indeed, there is a degree of inconclusive aspects with the law, but this paper avoids a thorough legal analysis of the EMA because the author believes that focusing on implementation is more important than providing a critique of legal reforms. Focusing on implementation means orienting the institutions, the people, the economic factors, and information systems towards sustainable natural resource management

### **Lack of Effective Stakeholder Participation**

While stakeholders and third parties were integrally involved in the resource management law review process, meaningful and effective stakeholder participation is not occurring in implementation, apart from a few exemplary cases. The capacity, the conditions and the willingness to explore new participatory approaches are all missing.

Furthermore, there are not principles for deciding who is a legitimately interested party nor is there assistance available to bring community groups equally into the debate. There is not an adequate flow of information to inform interested parties about the relevant issues

### **Lack of Information**

A major challenge to contend with was inadequate data. This in part due to a lack of data about and understanding of the ambient environment by both local officials and the private sector. Quality data is needed to implement the Act as it was envisioned: to control the effects of activities, to evaluate the effectiveness and efficiency of policy alternatives, to establish baselines, to monitor consent compliance and the state of the environment, to allow the development and use of market mechanisms, etc. But, even if good data were being collected and good monitoring systems were in place, there is no evidence that adequate feedback mechanisms exist to ensure continuous improvement to the overall practice. Many regional policy statements were based on an incomplete understanding of the state of the environment

### **Lack of Transparency of the Law**

Although the law is said to be punitive, the respondents indicated that enforcement was not so transparent, and hence large companies continued to pollute the environment and also infringed on other provisions of the Act.

### **Preservation of Traditional Norms versus Enforcement of the Act**

The farming and communal settlers indicated that environmental laws in the pre-colonial period were more of traditional methods of natural resource conservation, where the custodians of environmental laws were the chiefs. These laws were territorial in nature and were enforced in the designated areas over which the chief had control. These included mandatory restoration of sacred places such as ponds, wetlands, and protected tree species and animals. Traditional chiefs felt that their role as chiefs and custodians of the natural resources within their jurisdiction had been violated. They advocated for the full control and monitoring of natural resources within their jurisdiction with technical advice and support from relevant institutions

### **Lack of resources for Implementing Agencies**

The Ministry for the Environment does not have the resources it needs to effectively and appropriately administer implementation of the EMA. The Ministry cannot adequately monitor implementation of the Act or evaluate its effectiveness. Regional and local authorities do not have adequate resources or capacity to pursue integrated environmental management. As has been stated, they do not have the data or the tools

to look comprehensively at environmental impacts. They do not have the know-how to assess risks to human health or the ecology. Many local authorities do not have the capacity to manage air quality, hazardous waste and pollution prevention. Many do not have resources to conduct adequate state of environment monitoring and they do not have resources to become environmental educators. To compound to this problem, the law enforcement agencies are thin on the ground, with limited resources to carry out any enforcement or policing of the various statutes.

#### **Lack of Political Will**

The respondents drawn from the government departments, parastatals, industry, farming community and urban settlers cited the lack of political will by the local leadership (chiefs, councillors, members of parliament, and government ministers and senior government officials) as compounding to the above problems, especially in areas such as the enforcement of conservation works and pollution control. Some political representatives were reluctant to enforce unpopular regulations for fear of destroying their political base, for example, gold panning is an environmentally damaging activity and yet it was allowed to continue to operate. Furthermore, local authorities were empowered to control conservation of natural resources using their by laws, but these regulations were more than twenty years old and did not reflect the scope of environmental problems in urban and rural centers. The EMA Chapter 20: 27 states that local authorities should have environmental committees to monitor the state of the environment in their areas of jurisdiction

#### **Onerous and level of deterrent of fines**

The relevance of some legislation to environmental protection was queried, such as the polluter pays principle which did not have deterrent fines but a fixed rate irrespective of the damage that has been caused. Industrialists regarded environmental regulation as weak, too complex and not evenly enforced. Industrialists also argued that they should not take actions that result in non compliance, and that the threat of prosecution should not be the driving force of compliance.

The current law (EMA Chapter 20:27) was seen by government departments as punitive although drawing its fine structure from schedules that were set in 2002, and yet no longer deterrent to would be offenders., for example, industries with no appropriate waste management policies .

#### **Enforcement of EMA through single line ministry: Poor Integration of the Act**

The major reasons emanated from the degree to which integration of the various statutes had taken place, and also overlaps which still existed between

some enforcing agencies, such as the Environmental Management Agency , and the Forestry Commission, and the Environmental Management Agency and the Department of Parks and Wildlife. It was desirable that the enforcement of all Acts be under the jurisdiction of the Environmental Management Agency, and hence avoid independent bodies enforce the Acts within their line department. The level of integration of the various statutes was moderate. This was due to the fact that, whilst acts such as the Atmospheric and Pollution Act, the Hazardous Substances and Articles Act, the Noxious Weeds Act, and the Natural Resources Act were repealed by the EMA Chapter 20: 27 in order to consolidate, synergise and rationalise environmental legislation in Zimbabwe, government departments still experienced overlaps in the enforcement of environmental law. For example, Mines and Minerals Act, the Forestry Act, and the Parks and Wildlife Act were still being enforced by the line departments, and yet the Provisions of the EMA as enforced by the Environmental Management agency also covered issues as contained in three acts, thereby causing overlaps. In some cases overlaps still existed, for example, an offence pertaining to starting a veldt fire may be handled by the Environmental Management Agency and also by the Forestry commission, with different interpretations of the infringement being made by either enforcing agency, hence one could be charged using different fine structures for the same offence. This implied that the Forestry Commission and the Environmental Management Agency had a dual role in the control and enforcement of infringements associated with veldt fires. Whilst the EMA was an enforceable instrument, the structures that were required to support the provisions of the act were not fully operational.

#### **Ignorance of the Law**

The farming, communal and urban settlers expressed ignorance of the polluter pays principle. This was due to the lack of human capacity in terms of skills to qualify and quantify the levels of pollution and appropriately interpret them with the provisions of the EMA. Furthermore, the implementing institutions were thin on the ground and lacked resources in terms of transport to inspect and enforce the polluter pays principle as law. Only government departments, local authorities, parastatals, and industry expressed knowledge of the incorporation of International Conventions into the EMA and observance of these conventions thereto. The farming, communal and urban settlers had no knowledge of this inclusion, and thus were indifferent about this aspect

#### **CONCLUSION**

The obstacles which inhibit the activities that are essential to the goals of sustainable natural resource utilisation include interference in the enforcement of

environmental law, lack of effective stakeholder participation, lack of information, lack of transparency of the law, lack of resources, lack of political will, low fines, and poor integration of statutes among other issues. The role of EMA towards an integrated environmental management approach was measured through a taxonomy that was derived from the expected deliverables of EMA, which are; the level at which integration of the various statutes had been achieved, the extent to which the polluter pays principle had been incorporated into the Act and the success of its enforcement, provisions of EIA as a legal requirement and their enforcement, inclusion of management incentives, provision of a single line of responsibility both within the theoretical framework and on the ground, the levels at which environmental information was being disseminated, the level at which the public are participating in environmental management, and the incorporation and observance of international conventions into the law. The study showed that there was a disparity between these provisions and the actual implementation of the Act. It was noted that there was partial integration of the various statutes contrary to the expectations of the law. Furthermore, the local leadership, farming, communal and urban settlers did not understand what the intentions of the EMA were. In so far as they were concerned, there were no notable changes in the enforcement of the law. Government agencies noted that whilst the concerns of EMA were sound on paper, nothing much had been achieved due to the fact that staff were thin on the ground, and operated with very little or no resources to enforce the provisions of the law. For example, the polluter pays principle remained a major challenge due to the lack of transport to carry out inspections, and in cases where transport was available, there was a shortage of technical expertise to carry out inspections. The study also revealed that there was an increased level of awareness of the provisions of EMA particularly with government departments, local authorities, and parastatals, with low levels being recorded in samples drawn from the local leadership, farming, communal and well as the manufacturing sector

### RECOMMENDATIONS

The recommendations that follow are based on the major abstractions drawn from this study. These should serve as antecedents for adoption towards a successful integrated approach to managing Zimbabwe's Natural Resources:

- Funding- Budget Allocations to Environmental Management Budget allocations for various environmental programmes should be made a priority in the same way as budgets for education, health and defence. Under funding of environmental initiatives hampers the enforcement of environmental law.

Furthermore there should be a greater participation for firms in terms of financing environmental activities, with a full rebate being granted for tax purposes.

- **Political Maturity of Leadership**

Political leaders must realise that they belong to the community of stakeholders in environmental management. Their effective ability to inculcate environmental stewardship at grassroots level must begin with corresponding change in attitudes, awareness and commitment to resource management issues. The change in attitudes by politicians implies that they should take environmental issues seriously, and not promote infringements of environmental law in order to gain political mileage. An attitude change towards good environmentalism will lead to acceptance of the law, thus, politician will encourage their constituencies to take environmental concerns as socially and morally correct constructs.

- **Regulation/Compulsory Registration of Industries**

The most common published environmental management system standard is the BS EN ISO 14000: 1996 family of standard. This standard should be made compulsory for manufacturing firms depending on the level of industrial waste, which results from their process. The standard should be validated by means of third party confirmation auditor, whose mandate is drawn from the Ministry of Environment and Tourism. This will encourage firms to control environmental impacts and reduce such impacts continuously.

- **Continuing Environmental Education for Stakeholders**

This should foster the development of knowledge on education of the law, most particularly, explanations and justifications of provisions made in the EMA. The most affected groups were the local leadership, the farming, communal and urban settlers, hence efforts should centre more on these groups and cascade to other groups as and when need be. The education process should not be left to chance, but coordinated as a key result area through appointed environmental education officers operating at ward, district and provincial levels of the line ministry.

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