



CALL TO ACTION

THE ENVIRONMENTAL PROTECTION DIALOGUE 2022

THEME: STRONG ACTIONS FOR ENVIRONMENTAL SUSTAINABILITY

By the Centre for Environment Justice (CEJ) jointly with the Ministry of Green Economy and Environment and with support from the Bread for the World, Biocarbon Partners, First Quantum Minerals, Southern Africa Trust, Advancing Land Based Investments Governance (ALIGN), Musika Ltd, Cuts International and South Africa Youth Forum.

The **Third Environmental Protection Dialogue (3RD EPD2022)** was held at the Mulungushi International Conference Center in Lusaka, Zambia, from the 13th to 14th October, 2022. The EPD was attended by more than 200 delegates both physically and virtually under the theme; **Strong actions for environmental sustainability**. The 3rd EPD was a follow up of the successfully hosted First and Second Environmental Protection Dialogues in Lusaka, Zambia in October 2020, and October 2021, respectively.

The dialogue was convened by the Centre for Environment Justice (CEJ), a local environmental justice organization working with local organizations, communities and community structures to promote environmental rights, environmental sustainability, climate change adaptation and a safe, clean and healthy environment under the umbrella of climate justice.

The 3rd EPD, 2022 attracted a host of multi-stakeholder delegates who participated in the dialogue as institutions and as individual experts; Government Heads of Department and agencies, Foreign Dignitaries and international development organizations, State Regulatory Agencies, Traditional Leaders and community groups, Civil Society Organizations, Youth and Women Groups, national and international Cooperating Partners, members of the diplomatic missions, Mining companies, Academia and the Media.

The Minister of Green Economy and Environment officially opened the 3rd EPD, 2022 and officiated at the event. Together with all the distinguished delegates and their Royal Highnesses, the 3rd EPD reaffirmed its deliberations with the ultimate outcomes principally agreeing as follows:

Gathered at the 3rd EPD from the **13th to 14th of October 2022** in Lusaka, Zambia, and convened by the CEJ working jointly with the Ministry of Green Economy and Environment and with support from Bread for the World, the Southern African Trust (SAT); Biocarbon partners, Musika Ltd, First Quantum Minerals, CUTS International, Southern Africa Youth Forum, and Advancing Land Based Investments Governance (ALIGN);

Guided by the Constitution of the Republic of Zambia, national frameworks such as the National Policy on the Environment, the Environmental Management Act, the 8NDP, applicable Sustainable Development Goals including No. 7, 13, 15 & 17; the United Nations Decade on Ecosystem Restoration Agenda 2030;

Recalling the resolutions and calls for consented and stronger policy actions and joint commitments of the 2020 and 2021 EPD proceedings respectively, and henceforth, the 2022 EPD proposed actions, reflective of the objectives and goals of the Paris Agreement and the UNFCCC which together, seek to strengthen the ability and capacity of countries to cope and deal with the impacts of climate change;

Committed to their unwavering support, relentless efforts and sustained involvement of stakeholders, Civil Society, government, cooperating partners, traditional leaders, communities among others in calling for their continued commitments to support and undertake stronger climate actions towards implementing policies on environmental sustainability; land-based investments governance, and climate financing following the 3rd and 2022 EPD;

Understanding that the EPD is an action-oriented national platform and annual calendar event in Zambia for; **(1)** creating an action-oriented platform for engagement of government, traditional leaders, communities, cooperating partners, civil society organisations, academia, youth and women to inform development of initiatives and promotion of stronger policies to protect nature and people; **(2)** The inclusive governance of all land-based investments and the management of related resources; **(3)** deliberate upon issues surrounding environmental policy, plans, mechanisms and frameworks, as well as capacity to attain set national objectives and implement actions on environmental protection in the extractives sector and mitigate its impact on communities living around and within their vicinity; and **(4)** focus on finding win-win solutions that can address both environmental degradation and wellbeing of our communities and sustained exchange of experiences and information on how we can safeguard the environment while enhancing people's livelihood and improving funding towards all critical climate actions;

Resolve as follows;

RESOLUTIONS BY TRADITIONAL LEADERS ON LAND BASED INVESTMENTS

Further, acknowledging the urgency and pace at which land based investments are taking place country wide, and the undue and increased pressure on ecosystems, associated to massive capital investments from both local and Foreign Direct Investments (FDI) which if not well managed communities and traditional leaders are likely to lose their traditional lands as well as their responsibilities and rights over these natural resources; their Royal Highnesses, representing the various chiefdoms in Zambia, and the people of Zambia under their traditional jurisdiction, and other Royal Highnesses not present; having met and deliberated, during the traditional leaders caucus, held at the Mulungushi International Conference Center (MICC) in Lusaka on 12th October, 2022 ahead of the EPD2022; under theme **“Strengthening Land Based Investments and Environmental Governance in Zambia,”** did resolve by paper presentation and Action Plan outlining the following among other resolutions;

Calling for:

- i. Decentralizing the Management of Natural Resources to local levels;** on the basis that traditional leaders were an intricate part of the land and key stakeholders providing oversight for the benefit of people in managing natural resources; and that would require all the necessary legal and policy safeguards put in place and implemented for them to exercise that oversight role.
- ii. Ensuring Available Land is utilized correctly in investments; observing that** the land administration systems has seemingly been fragmented and the dual tenure system of customary and statutory land gave the state certain capacities for planning; their Royal Highnesses felt there was need for integrating systems and mechanisms to allow for the enjoyment and security of both land ownership rights and security of investments among investors and communities.
- iii. Codify Customary Land Law into Written and enforceable Laws;** their royal highnesses feel that there was need to ensure that for a number of challenges customary land rights have remained elusive, especially that customs related to land were not reduced to writing or codified like statutory law; however, traditional systems that protected the environment, social harmony, and rights of people cannot be done away with. Hence those practices must be codified into a written and enforceable format to reduce cases of conflicts which have continued to affect our people living on customary land.
- iv. Furthermore;** their Royal Highnesses proposed **for the harmonization of the conversion of customary and state law; review discussions and formulation of the Land Policy, and the implementation of the resettlement policy provisions;** the foregoing observed because whereas the resettlement policy provided for a controlled movement of people during resettlements or economic displacements that has not been the case considering instances happening in their chiefdoms that hosted mines and other business; hence mechanisms be effected to give communities a choice to more or relocate based on their own informed consent.

Reaffirming, and taking into considerations the broader agenda proceedings, discussions, reactions, comments and recommendations by mult-stakeholders;

Recalling the enormous expertise demonstrated and lessons presented during the various proceedings and sessions of the EPD2022 notwithstanding the information shared by Government departments, stakeholders, and Civil Society;

Realizing the significance of the just ended 3RD EPD, 2022 theme namely, **Strong actions for environmental sustainability, and the Sub-Issues of Climate Financing, Environmental Protection Fund, and Climate Policy Actions.**

THE EPD2022 RESOLUTIONS ARE AS FOLLOWS:

CLIMATE FINANCING:

Realizing, that climate adaptation and mitigation have become very expensive endeavours; further realizing that the cost of adaptation is on a constant rise, climate finance has become the centre of all climate actions yet this finance is increasing difficult to access. As such, financial allocations and investments remain key in meeting Zambia's NDC targets, and scaling adaptation and mitigation actions;

Observing that in addition to barriers typical to climate finance, small scale farmers who comprise more than 70% of Zambia's population including women, and youths, directly depend on rain-fed crop farming and are often on the frontline of climate change impacts. As such, this class of people needs more access to climate finance including climate insurance for small-scale farmers in the spirit of climate justice;

Noting the November 2020 Report for the United Nations International Fund for Agriculture Development (IFAD) and Climate Policy Initiative (CPI), that only 1.7 percent of climate finance goes to small-scale farmers and households in developing countries despite their marked disproportionate vulnerability. Further noting that, despite half a trillion US dollars in 2017 and 2018, only \$10 billion of this reached small holder farmers;

We wish to appeal and call for:

- Strengthening the leveraging on public private partnerships, such as over \$22 million of private sector financing to complement external support of some \$20 million investment to support biodiversity conservation and community wellbeing in both the Greater Kafue and Luangwa landscapes by 2023.
- Climate change adaptation, should not be viewed as costs or expenses, but rather, as re-shaping the economy of the future and forging the global economy of the 21st century. Further that adaptation and mitigation should be seen in the ability of climate solutions to create jobs and drive economic growth while countering the climate crisis.

- Climate Financing taken as investments in people and nature-based solutions that support sustainable agriculture and tourism, access to safe water, and maternal and child health services, as well as wildlife and forest conservation.
- Cooperating partners and government to utilize small granting approaches such as to tackle waste management and establishing training Centers for Zero Waste and Development where community members would learn skills to reduce, reuse, repurpose, and recycle and to income generating schemes such as upcycled chitenge products and selling compost to farmers and backyard gardeners.
- Stronger partnerships to ensure Zambian communities benefited from green investments and the reduction of emissions as quickly as possible;
- Support access to climate finance for those most vulnerable, including young people and women and girls, to adapt to climate impacts.

CLIMATE POLICY ACTIONS:

Recalling that the devastating effects of climate change on the planet are no longer debatable;

Recalling that climate change impacts are dire more on the vulnerable sections of society;

Affirming that climate change is a global emergency that requires coordinated solutions at all levels to take urgent action;

Aware of the fact that climate change impacts have become so empirical, palpable and tangible that they directly affect local livelihoods in communities, and that with the increased intensity of droughts, flooding and high temperatures adversely affect the very foundation of peoples' lives and livelihoods particularly by weakening agricultural production of the already poor;

We wish to call for;

- Government and all Stakeholders to remain focused on making COP27 responsive to the priorities and needs of the African continent, where climate adaptation and clean energy finance were top priorities of the meeting in Sharm el-Sheikh.
- Multi-stakeholder approaches to consider adequately addressing the legitimate concerns of vulnerable countries around the world, and not only making that transition fast but done in a way that brings everyone along including traditional leaders, women, girls, and communities to face climate change and act.
- Realization at all levels that women and girls, people living with disabilities and other marginalized groups, are feeling the impacts of climate change and environmental degradation more than any other social group.
- Countries, and governments to do everything within their power to give life to the many commitments of the previous COP in Glasgow considering scientists around the world were compiling evidence that was alarming and required acts now to avoid the worst consequences of the climate crisis.

- Zambian government to learn from other nations that were implementing climate policy actions including those that had set goals of reducing our own emissions by half before 2030 and reaching net-zero by 2050.
- Zambian government to take note of the urgency of climate change considering the drought in 2021, and when 1.2 million Zambians faced food insecurity due to drought and 17 of the world's 20 most climate vulnerable countries can be found in Africa were rising temperatures and less predictable rainfall had already changed growing and planting seasons.
- The need for local actions and the involvement of Chiefs and Traditional Leaders at 3rd EPD2022 required delegates to act locally. This is despite governments playing the role of coordinating policies and negotiating internationally on behalf of the entire African continent.
- Leadership and guidance to the Zambian people was critical to ensure broad public action in support of our climate conservation, adaptation, and mitigation goals.
- How and when Zambia adapted to climate change was critical and this meant protecting people and their homes, the ecosystems they depend upon, and their livelihoods which would spur job creation and investments that would survive floods in future due climate change.
- The urgent need for effective mitigation and adaptation measures to the climate crisis makes climate change one of the most important existential issues not only for Zambia but also the world at large.

ENVIRONMENTAL PROTECTION:

Acknowledging that nearly all cases of environmental damage and degradation underwrite a violation of environmental rights, and that Judicial case laws from the Zambian courts of law since 2010 have attested to the fact that environmental degradation and any form of environmental damage, constitutes an act of rights violation;

Concerned that we cannot sustainably achieve goals of environmental protection outside of the ethos of human-environmental rights which is already provided for in section 4 of the Environmental Management Act, 2011, and subject to the Constitution Amendment Act No.2 of 2016, enforcement mechanisms to respect these rights in practice leave much to be desired;

We therefore call and appeal for:

- The provision of prosecutory powers to the Auditor General Office.
- The expansion of the Auditor General's mandate to work with environmental auditors and investigative agencies in order to address concerns surrounding remittances and enhance stakeholder accountability by a number of mining firms for the Environmental Protection Fund (EPF).
- Government to consider incorporating Environmental Rights as a justiciable part of the body of human rights in the Bill of Rights.
- The strengthening of ZEMA's capacity to undertake regular and thorough environmental audits.

- Incorporate environmental crimes in the Penal Code Act in order that all malicious and criminality in environmental matters can be treated as crimes and not as civil matters in the manner they are currently being treated.
- Government to take urgent policy responses towards curbing the widespread cases of Lead Poisoning in various mining legacies to protect livelihoods, and ecosystems and increased financing in order to achieve important milestones.
- Government to take advantage of the time when National Policy on Environment (NPE, 2007) is under review to strengthen the rights of communities who are mostly right holders and victims of environmental damage before placing those rights in the state as a duty bearer and custodian of human rights.
- Strengthening the prosecutory powers of ZEMA and its inspectors in the issuance of the different enforcement orders of the Environmental Management Act such as environmental restoration orders, with publicity such orders may require responsible persons or entities on whom they are served to take any measures that will assist in reducing or eliminating the risk of harm to the environment.
- Enforcement of section 22 of the Environmental Management Act requiring all government line ministries to develop and submit to ZEMA for approval, their environmental management strategies under the auspices of the National Environmental Action Plan (NEAP). This provision of the law has never been enforced and not implemented from 2011 when the Act was enacted.
- A rights-based implementation of the Eighth National Development Plan provisions recognizing the need for Government to embark on restoration and management of wetlands, headwaters and riverine, afforestation and reforestation as well as the establishment of commercial plantations and promote value addition to forest products in Zambia's ecologically sensitive areas and forests, to enhance integrated land use and environmental management.
- The significance of Green Economic recovery initiatives, and significance that communities, and influence of traditional leaders played being contextualized to ensure that the environmental protection and sustainable development.
- Support to cooperating partners that declared commitment to support the EPD and its Environmental Sustainability pillar as enshrined in the 8th NDP, the Paris agreement, and SDGs.
- Classifying the EPF as an important remedial measure or mechanism to help safeguard the future safety and stability of the environment and natural resources which requires restoration in the face of economic and mining activities.
- Where possible, the environmental protection fund being dedicated to their catchment areas so that the security and future welfare of local ecosystems and surrounding environment should be granted.
- Consider the lead situation in Kabwe an environmental hazard and it was still spreading as there are still illegal mining and the mines pack their trucks in the neighborhood. Hence, there is need for a proper conclusion when it comes to rehabilitation projects in Kabwe.

- Research and technology development programmes such as environmental compliance tracking, water catchment protection and conservation, pollution control and prevention must be realigned effectively to major policy shifts aimed at banning the unsustainable production and consumption of charcoal.
- Policy measures aimed at banning charcoal should be accompanied by measures to protect the livelihoods of those involved in the charcoal value chain through plans and financial support for alternative livelihoods.
- Intensify the Environmental Democracy and engagement of Parliamentarians and political parties in achieving environmental sustainability in Zambia.

Further Acknowledging the increasing demand, call and enthusiasm of children, youth and women, civil society organisations, traditional leaders, community members, environmental scholars and experts to actively participate in the Environmental Protection Dialogue and contribute to sustainable development at large;

- **We Call Upon** the Zambian government, Cooperating partners, UN Agencies, Embassies Accredited to Zambia; Local, Regional and International Institutions, Civil society organisations, Mining companies, Financial Institutions, Agriculture Corporations, Transport Institutions(Road & Air), Construction companies, Mobile network providers, Beverage companies and all nature caring individuals to take keen interest in supporting the Environmental Protection Dialogue as an important event calendar of the year hosted every October and further provide both technical and financial support towards the resolutions.



Done at Lusaka, Zambia, 15th October, 2022.
 Done at Lusaka, Zambia, 15th October, 2022.
 Date of Release, 10th November, 2022.

