



**REPUBLIC OF ZAMBIA**

**REPORT**

OF THE

**COMMITTEE ON LANDS, ENVIRONMENT AND TOURISM**

ON THE

**NATIONAL ASSEMBLY APPROVAL OF THE PROPOSAL TO RATIFY THE  
PARIS AGREEMENT ON CLIMATE CHANGE**

FOR THE

**FIRST SESSION OF THE TWELFTH NATIONAL ASSEMBLY  
APPOINTED ON 6<sup>TH</sup> OCTOBER, 2016**

*PRINTED BY THE NATIONAL ASSEMBLY OF ZAMBIA*

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**REPORT OF THE COMMITTEE ON LANDS ENVIRONMENT AND TOURISM ON THE NATIONAL ASSEMBLY APPROVAL OF THE PROPOSAL TO RATIFY THE PARIS AGREEMENT ON CLIMATE CHANGE FOR THE FIRST SESSION OF THE TWELFTH NATIONAL ASSEMBLY APPOINTED ON 6<sup>TH</sup> OCTOBER, 2016**

Consisting of:

Mr E K Belemu, MP (Chairperson); Mrs M C Chonya, MP; Mr D Mung'andu, MP; Mr F S Kufakwandi, MP; Mr C M Zulu, MP; Mr M Jamba, MP; Mr S Mulusa, MP; and Mr J Malanji, MP.

The Honourable Mr Speaker  
National Assembly  
Parliament Buildings  
**LUSAKA**

Sir,

Your Committee has the honour to present its Report on the National Assembly Approval of the Proposal to Ratify the Paris Agreement on Climate Change for the First Session of the Twelfth National Assembly.

**Functions of the Committee**

2.0 Pursuant to Article 63 of the *Constitution of Zambia (Amendment) Act, No. 2 of 2016* and section 5 of the *Ratification of International Agreements Act, No. 34 of 2016*, the National Assembly is reposed with the power to oversee the performance of Executive functions by, among other things, approving international agreements and treaties before they are acceded to or ratified. Your Committee was mandated to receive submissions and make recommendations to the House on the approval of the Paris Agreement on Climate Change.

**Meetings of the Committee**

3.0 Your Committee held three meetings to consider the Paris Agreement on Climate Change.

**Procedure adopted by the Committee**

4.0 In order to acquaint itself with the provisions and ramifications of the Paris Agreement, your Committee sought both written and oral submissions from stakeholders. The stakeholders who appeared before your Committee are listed at Appendix II.

## **Background**

5.0 In 1992, countries agreed on the United Nations Framework Convention on Climate Change (UNFCCC), to decide on the actions that would be required at a global level to limit average global temperature increases and the resulting climate change and to cope with its impacts. The UNFCCC defines climate change as “a change of climate which is attributed directly or indirectly to human activity that alters the composition of the global atmosphere and which is in addition to natural climate variability, observed over comparable time periods”<sup>1</sup>.

With 197 Parties, the UNFCCC has near universal membership and is the parent treaty of the 2015 Paris Agreement (hereinafter referred to as “the Agreement”). The ultimate objective of all agreements under the UNFCCC is to stabilise greenhouse gas (GHG) concentrations in the atmosphere at a level that will prevent dangerous human interference with the climate system, in a timeframe which allows ecosystems to adapt naturally and enables sustainable development.

The Agreement was adopted on 12<sup>th</sup> December, 2015 at the 21<sup>st</sup> Session of the Conference of the Parties held in Paris, France, following successful negotiations by 195 Parties to the UNFCCC. The Agreement commits Parties to implement ambitious efforts to combat climate change and adapt to its effects while promoting sustainable development. It builds upon the UNFCCC and brings all nations into a common cause to undertake ambitious efforts to combat climate change and adapt to its effects, with enhanced support to assist developing countries. As such, it charts a new course in the global climate effort.

His Excellency, the President Edgar C Lungu, signed the Agreement on behalf of Zambia on 20<sup>th</sup> September, 2016 during the 71<sup>st</sup> Session of the United Nations General Assembly.

## **Scope of the Agreement**

6.0 The Agreement’s central aim is to strengthen the global response to the threat of climate change by keeping a global temperature rise this century well below 2 degrees Celsius above pre-industrial levels and to pursue efforts to limit the temperature increase even further to 1.5 degrees Celsius. Additionally, the Agreement aims to strengthen the ability of countries to deal with the impacts of climate change. To reach these ambitious goals, appropriate financial flows, a new technology framework and an enhanced capacity building framework has been introduced by the Agreement, thus supporting action by developing countries and the most vulnerable countries, in line with their own national objectives. The

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<sup>1</sup>Article 1 (2) of the United Nations Framework Convention on Climate Change, 1992.

Agreement also provides for enhanced transparency of action and support through a more robust transparency framework.

The Agreement is applicable to all Parties based on their Nationally Determined Contributions (NDCs), which each country formulates through a country driven process outlining their contribution and requirements. It will be implemented to reflect equity and the principle of common but differentiated responsibilities and respective capabilities, meaning countries will contribute based on their responsibilities as well as capabilities.

Developed countries will take the lead, while developing countries like Zambia will make their contributions, based on the support they will receive from developed countries.

### **Salient Provisions of the Agreement**

7.0 The Agreement is a culmination of four years of climate change negotiations and consists of 29 articles. It acknowledges and recognises the development imperatives of developing countries and supports their right to develop and their efforts to harmonise development with the environment. One important feature of the Agreement is that it refers to the differentiation between the actions of developed and developing countries.

#### **Article 1**

This Article deals with definitions used in the Agreement. The Article provides that definitions in the UNFCCC shall apply to the Agreement.

#### **Article 2**

This Article deals with the need to enhance the implementation of the UNFCCC, by strengthening the global response to the threat of climate change, in the context of sustainable development and efforts to eradicate poverty.

It intends to achieve this objective by:

- i. maintaining the increase in global average temperature to well below 2 degrees Celsius above pre-industrial levels;
- ii. pursuing efforts to limit the temperature increase to 1.5 degrees Celsius above the pre-industrial levels;
- iii. increasing the ability to adapt to the adverse impacts of climate change without threatening food production; and
- iv. making financial flows consistent with a pathway towards low gas emissions and climate-resilient development.

Article 2.2 provides the principles to be taken into account in implementing the Agreement. These include equity and common but differentiated responsibilities and respective capabilities, in light of different national circumstances.

### **Article 3**

This Article provides for all Parties to undertake and communicate progressive yet ambitious efforts in response to global climate change. The Article also recognises the need to support developing country Parties if the Agreement is to be implemented effectively.

This provision obliges Parties to undertake and communicate efforts that they would have undertaken in mitigating and reducing GHG emissions. In so doing, progress made can be easily monitored. Further, developing country Parties will receive support in implementing the Agreement thereby reducing the cost associated with the implementation of the Agreement.

### **Article 4**

This Article outlines the measures Parties should take to achieve the long term goal to limit the temperature increase to 1.5 degrees Celsius above pre-industrial levels. It recognises that it will take longer for developing countries to reduce their emissions.

Article 4.2 nonetheless compels Parties to prepare and maintain successive Nationally Determined Contributions (NDCs) that they intend to achieve. To ensure progress is monitored, Article 4.9 requires Parties to communicate their NDCs every five (5) years. This is a positive provision as it will ensure that each Party has a national programme for the reduction of emissions.

Article 4.5 provides for support to be given to developing countries because it is recognised that enhanced support for developing country Parties will enable them set higher targets for themselves.

Article 4.15 compels Parties to take into consideration the concerns of Parties whose economies are most affected by the impact of response measures, particularly developing country Parties. This is a progressive provision which will ensure that the implementation of the Agreement will not have a negative impact on the economies of developing country Parties.

### **Article 7**

This Article deals with adaptation as a key component of the global response to climate change.

Article 7.7 provides for strengthened cooperation in enhancing action on adaptation. This includes sharing information, good practices, experiences and

strengthening scientific knowledge on climate, including research, systematic observation of climate system and early warning systems.

Further, the Article provides that developing country Parties should be assisted in identifying effective adaptation practices and needs. It encourages Parties to share information, experiences and good practices.

### ***Article 8***

This Article provides for preventing, minimising and dealing with damage arising from climate change. It encourages Parties to co-operate in doing this by putting in place measures such as early warning systems and emergency preparedness. This provision helps to ensure that Parties are warned of impending adverse climatic conditions, and where an emergency occurs, receive assistance from other Parties.

### ***Article 9***

This Article obliges developed country Parties to take the lead in mobilising financial resources to assist developing country Parties adapt to and mitigate against the effects of climate change. This Article helps provide developing country Parties with the much-needed financial resources to initiate and implement strategies to adapt to and mitigate against climate change.

### ***Article 11***

This Article provides for capacity building. It emphasises the need to enhance the capacity and ability of the least developed countries. The capacity building has to be country-driven and responsive to the needs of the concerned country. It further has to be an interactive and inclusive process that takes into account local needs as well as cross-cutting issues such as gender. The Article also compels developed country Parties to co-operate to enhance the capacity of developing country parties.

### ***Article 15***

This Article establishes a mechanism to facilitate the implementation of the Agreement and promote compliance with its provisions. To this end, Article 15.2 establishes a committee for this purpose.

### ***Article 27***

This Article does not allow Parties to make any reservations to the agreement. This means that, once ratified, all the provisions of the Agreement will apply.

### ***Article 28***

This Article allows a Party to withdraw from the Agreement after three (3) years. This is a positive provision because if a Party ratifies the agreement and later feels it is not serving its purpose, the Party can withdraw after 3 years.

## **Submissions from Stakeholders**

8.0 All the stakeholders who appeared before your Committee recommended that the National Assembly should approve the proposal to ratify the Agreement. Stakeholders submitted that as a member of the UNFCCC and an active actor in the formulation of the Agreement, it was imperative that Zambia ratifies it.

Your Committee was informed that climate change is one of the serious problems that Zambia and the world are facing today. The Zambian economy is predominantly based on exploitation of the country's natural resources and as a result, the adverse effects of climate change are a threat to the economy and wellbeing of the country. Your Committee learnt that the latest assessments endorsed by governments around the world, including Zambia showed that from 1880 to 2012, the average global temperature increased by 0.85 degrees. If climate change is not effectively addressed, its impacts will continue to diminish the resilience of the people's livelihoods as well as the global environmental integrity.

Your Committee was further informed that the Agreement includes comparatively strong procedural obligations with regards to NDCs. Article 4.2 of the Agreement provides that each party shall prepare, communicate and maintain successive NDCs that it intends to achieve. The Article further provides that parties shall pursue domestic mitigation measures, with the aim of achieving the objectives of such contributions.

### ***Zambia's Nationally Determined Contribution to the Paris Agreement***

8.1 Your Committee was informed that Zambia prepared and submitted her NDC in 2015. The country's NDC had both adaptation and mitigation components. There were a total of sixteen priority programmes for implementation; three on mitigation and thirteen on adaptation, reflecting the country's focus on adaptation.

Your Committee was further informed that Zambia's GHGs emissions which stood at 55 metric tonnes of carbon dioxide equivalent, largely from land use change and the forestry sector, were low relative to other countries. The country had pledged to reduce GHGs emissions by 25% based on domestic efforts and was willing to reach 47% emission reduction with substantial external support by the year 2030.

With regard to the reduction mitigation, Zambia's NDC indicated through three major programmes, namely sustainable forest management, sustainable agriculture and renewable energy and energy efficiency. The programmes on mitigation in agriculture, energy and forestry were strategically targeted as they had strong potential to help the country transition to low carbon development path while pursuing sustainable development.

Zambia's NDC placed priority on adaptation and proposed adaptation measures in the critical sectors already identified as vulnerable to climate change which included agriculture, water, forestry, energy, wildlife, infrastructure and health. These sectors were identified as vulnerable through the National Adaptation Programme of Action (NAPA) which was developed in 2007.

Your Committee learnt that for the country to implement these programmes on both adaptation and mitigation by the year 2030, about US\$ 50 billion would be required. Out of this amount, US\$ 35 billion was expected to come from external sources while US\$ 15 billion would come from domestic resources.

### ***Benefits of Ratifying the Agreement***

8.2 Your Committee was informed that the benefits of ratifying the Agreement included the ones outlined below.

- i. Zambia would receive financial, technical and other forms of support to enable the country implement its contribution to address climate change under the Agreement. From this support, the country would be able to implement programmes that would benefit the most vulnerable groups in sectors such as agriculture, food security, water, energy and health.
- ii. Zambia would gain a good international image as an important member of the international community, which could leverage other diplomatic opportunities and alliances.
- iii. Addressing climate change also had collateral local benefits including improvement in the local environment. This could arise from addressing such issues as deforestation to ensure the country maintained carbon sinks (that is, a forest, ocean, or other natural environment viewed in terms of its ability to absorb carbon dioxide from the atmosphere). In the process, well maintained forests would result in fertile soils and protection of water catchments.
- iv. Other local benefits could arise from the use of clean energy sources in industry, domestic households and vehicles. While this reduced the dangerous GHGs which caused global warming, the action also resulted in clean local air, thereby reducing respiratory diseases and subsequently lowering health costs to the country.
- v. Mitigation projects would be undertaken, including the use of clean renewable energy, such as solar, planting of trees or sustainable management of forests, as well as good agricultural practices. All these activities reduced or prevented the production of gases which led to global warming. On the other hand, adaptation projects would also be undertaken to help the country respond to effects of climate change.

### **Committee's Observations and Recommendations**

9.0 Your Committee observes that climate change is one of the biggest environmental challenges that our generation is facing. It affects all sectors of life and concerted action is required to address the challenges that the country and the

world is facing as a result of the effects of climate change. By signing the Paris Agreement on Climate Change, His Excellency, President Edgar C Lungu showed Zambia's commitment and resolve to take action in order to safeguard the planet.

Your Committee notes that the fact that the average global temperature is on the rise and GHGs emissions have not yet peaked, underlines the urgency of ratifying the Agreement and implementing its provisions. Ratifying the Paris Agreement will enhance Zambia's role in shaping the world's response to the adverse effects of climate change. Ratifying the Agreement will also provide an opportunity for the country to access finances from the global community.

Your Committee welcomes the fact that the Agreement under Article 2 recognises the common obligation, yet different responsibilities and capabilities of nations to implement the Agreement. This is progressive because in effect, it means that countries that produce more GHGs emissions will have a greater responsibility to ensure that they are reduced.

Your Committee, therefore, recommends that the House do approve the proposal to ratify the Paris Agreement.

In making this recommendation, your Committee wishes to point out that once the Agreement is ratified, the country should bear in mind that there are many responsibilities that come with the ratification. It is worth noting that the enforcement mechanism established under Article 15 of the Agreement does not provide any measures to be taken against country Parties that breach the provisions of the Agreement. The success of the Agreement is, therefore, entirely dependent on the good will of the Parties. Your Committee, therefore, makes further recommendations as outlined below.

- 1) The Government should show its commitment to meeting her NDC by ensuring that provision is made annually in the National Budget for adaptation and mitigation projects.
- 2) The Government should ensure that, as a matter of urgency, necessary steps are taken to domesticate the Agreement.
- 3) The Government should ensure that the institutional framework for managing climate change related activities should be well structured, holistic and multi-sectoral. This should include ensuring appropriate capacity building in relevant institutions.
- 4) There should be widespread sensitisation on the Agreement and what its benefits are.
- 5) The benefits that will accrue should have the desired effect on the communities that are most affected by the effects of climate change. In addition, any projects that are undertaken should be owned by the

communities themselves so that they are part of the process of combating the effects of climate change.

## **Conclusion**

10.0 Your Committee wishes to express its gratitude to all stakeholders who appeared before it and tendered both oral and written submissions. Your Committee also wishes to thank you, Mr Speaker, for affording it an opportunity to scrutinise the Agreement. Your Committee further appreciates the services rendered by the Office of the Clerk of the National Assembly.

We have the Honour to be, Sir, your Committee on Lands, Environment and Tourism mandated to consider the proposal to ratify the Paris Agreement on Climate Change for the First Session of the Twelfth National Assembly.

Mr E K Belemu, MP  
(Chairperson)

Mrs M C Chonya, MP  
(Member)

Mr D Mung'andu, MP  
(Member)

Mr F S Kufakwandi, MP  
(Member)

Mr C M Zulu, MP  
(Member)

Mr M Jamba, MP  
(Member)

Mr S Mulusa, MP  
(Member)

Mr J Malanji, MP  
(Member)

November 2016  
**LUSAKA**

## **APPENDIX I**

### **LIST OF NATIONAL ASSEMBLY OFFICERS**

Mr S C Kawimbe, Principal Clerk of Committees  
Ms C Sikatele, Principal Clerk of Journals and Legal Services  
Ms M K Sampa, Deputy Principal Clerk of Committees  
Mr F Nabulyato, Senior Committee Clerk (SC)  
Ms C Musonda, Senior Committee Clerk (FC)  
Mrs D Mukwanka, Committee Clerk  
Mrs C K Mumba, Committee Clerk  
Mr D Mwinamo, Legal Officer  
Ms S E Mwale, Stenographer  
Mr C Bulaya, Committee Assistant  
Mr M Chikome, Committee Assistant  
Mr D Lupiya, Parliamentary Messenger

## **APPENDIX II**

### **WITNESSES**

#### **MINISTRY OF WATER, SANITATION AND ENVIRONMENTAL PROTECTION**

Dr Bishop E D Chomba, Permanent Secretary  
Dr P Kapotwe, Director General, Water Resources Management Authority  
Mr G F Gondwe, Director, Department of Environment and Natural Resources  
Dr N H Mpamba, Acting Director, Water Resources Management Authority  
Mr F N Ngoma, Assistant Director, Water Resources Management Authority  
Mrs E P Zimba, Authority Secretary, Water Resources Management Authority

#### **MINISTRY OF JUSTICE**

Mr A Nkunika, Chief Parliamentary Counsel

#### **ZAMBIA ENVIRONMENT MANAGEMENT AGENCY (ZEMA)**

Mr J Msimuko, Director General  
Mr H Mwale, Legal Counsel  
Mr D Kapindula, Principal Inspector  
Mr M Phiri, Monitoring and Evaluation Specialist  
Ms C Mundia, Senior Inspector

#### **ZAMBIA INSTITUTE OF ENVIRONMENTAL MANAGEMENT**

Mr M Katati, Chief Executive Officer  
Ms A Mutau, Programme Coordinator  
Mr B Mwashibelka, Assistant Accountant  
Mr B Munali, Project Officer

#### **CENTRE FOR ENVIRONMENTAL JUSTICE**

Mr V Ziba, Board Chairperson  
Mr M Chaloba, Vice Chairperson  
Mr E Mutamba, Team Leader  
Mr C Suede, Independent Consultant  
Ms M M Mwape, Head of Programmes