



Zambia's Domestication of the United Nations Framework Convention on Climate Change and the Paris Agreement in the Green Economy and Climate Change Bill No. 18 of 2024 – Salient Provision

Introduction

Zambia became a signatory to and subsequently ratified the United Nations Framework Convention on Climate Change (“UNFCCC”) on 11 June 1992 and 28 May 1993, respectively. Subsequently, 23 years later Zambia signed and ratified the Paris Agreement on 21 September 2016 and 9 December 2016, respectively. The overall objective of the two agreements is to stabilise the greenhouse gas (“GHG”) concentrations at a level that would prevent dangerous anthropogenic interference with

the climate system and to strengthen the global response to the threat of climate change.

On 31 October 2024 the Green Economy and Climate Change Bill No. 18 of 2024 (the “Bill”) was introduced into the Zambian Parliament. The Bill seeks to, among other things, domesticate the UNFCCC and the Paris Agreement. This article highlights some of the salient provisions of the Bill that domesticate the UNFCCC and the Paris Agreement.

The Provisions Domesticating the UNFCCC and Paris Agreements

- a) The Development of National Adaptation and Mitigation Plan – Article 4(1)(b) of the UNFCCC, which deal with commitments of the parties, requires the parties to formulate, implement, publish and regularly update

national programmes that contain measures to mitigate climate change and to facilitate adequate adaptation to climate change.

This requirement to formulate mitigation and adaptation measures/plans has been domesticated in section 10 of the Bill, which places a duty on the Minister of Green Economy and Environment (“Minister of Green Economy”) to develop a National Adaptation Plan and a National Mitigation Plan, which shall be reviewed every five (5) years.

- b) Nationally Determined Contributions – The Paris Agreement in Article 4(2) enables parties to determine the domestic measures and efforts that each of them will take to achieve the objectives of the Paris Agreement. These efforts are referred to as Nationally Determined Contributions (“NDCs”) and are to be prepared successively.

This requirement under the Paris Agreement has been domesticated in section 4(2)(l) of the Bill, which places the function of overseeing the revision and updating of the NDCs on the Department of Green Economy and Climate Change (the “Department”) in the Ministry of Green Economy.

- c) Carbon Markets – Article 6(2) of the Paris Agreement introduced the concept of Internationally Transferrable Mitigation Outcomes (ITMO), which have been described as a cooperative approach that

allows countries to cut their GHG emissions by investing in projects that reduce GHG emissions in other countries. This allows countries to purchase ITMO from other countries for purposes of meeting emission reduction targets.

This concept was initially domesticated in Zambia under the Forests (Carbon Stock Management) Regulations Statutory Instrument No. 66 of 2021 (the “Forests Carbon Stock Management Regulations”), which regulates the engagement of entities in the generation of GHG emission reduction or removal for purposes of carbon trading. However, the Forests Carbon Stock Management Regulations regulate projects that relate to forests. The Bill seeks to extend the domestication of the concept of ITMO to apply to projects other than those that come under the Forests Act and/or the Forests Carbon Stock Management Regulations.

- d) Transparency and Reporting – Under Article 7 of the UNFCCC, the parties agreed to adopt regular reports on the implementation of the UNFCCC and to publish the said reports. This reporting requirement was enhanced under the Paris Agreement in Article 13, which established an Enhanced Transparency Framework (the “ETF”). The ETF is aimed at providing a clear understanding of climate change action and tracking of progress towards achieving individual NDCs and adaptation action, as

well as to inform the global stocktake conducted periodically at the Conference of the Parties.

The Bill has provided mechanisms that allow for collection and storage of data related to climate change, which include the following:

- i. Section 18 – requires the Department to maintain the Integrated Measuring Reporting and Verification System for purposes of documenting emissions, mitigations and adaptation activities, financial support and technology transfer received and deployed;
- ii. Section 14 – requires the Department to maintain the Greenhouse Gas Inventory Management System, which would serve as a central depository for data and information on GHG;
- iii. Section 39 – requires the Department to maintain the Climate Change Register, containing information on green economy and climate as may be prescribed; and
- iv. Section 17 – requires a person that emits GHG to maintain an inventory of GHG related information

technical, socio-economic and other research related to the climate system intended to further the understanding and to reduce/eliminate the remaining uncertainties regarding climate change. Accordingly, the Bill in Section 34 establishes the Green Economy and Climate Change Fund (the “Fund”) and sets out some of the applications of the Fund, which include financing, technology development and capacity development.

Conclusion

Once enacted, the Bill will serve as a significant piece of legislation in aligning Zambia’s legal framework with international obligations in respect of climate action. However, Zambia’s compliance with these international obligations will depend not only on the enactment of the Bill, but also the effective implementation of its provisions, and it remains to be seen whether necessary action will be taken to ensure implementation of the Bill, if enacted.

MAY and Company
759, Glass House, Independence Avenue,
Woodlands Roundabout.
Lusaka, Zambia. Tel: +260211250580
info@mayandco.co.zm | www.mayandco.law

- e) Climate Finance, Technology Transfer and Capacity Building – The UNFCCC in Article 4(1)(g) requires the parties to promote and cooperate in scientific, technological,