



ECRP and DISCOVER Consortia

Draft Position Paper: Towards Development of Climate Change Policy in Malawi

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Executive Summary

This paper seeks to identify the gaps in the existing policy and legal Framework related to climate change as a basis for a set of recommendations on the priorities for the climate change policy. The paper begins by providing an overview of the impacts of climate change in Malawi focusing on the most affected sectors. Drawing from the recent analytical report on the Policy Framework for Climate Change Adaptation and Disaster Risk Reduction in Malawi and the extensive consultations with various stakeholders in the ECRP and DISCOVER Consortia, public, and civil society organizations, climate change policy priorities are identified.

Climate change issues are increasingly becoming more visible and national concern about climate change is rising rapidly, but national action lags behind. While most of our policy and decision makers are still preoccupied with debates about how climate change is affecting Malawians and planning the course of action to take, local communities are already experiencing the effects of climate change. The effects of climate change are being accelerated by the unsustainable exploitation of natural resources, notably deforestation. The major challenge to environment and natural resources management include limited institutional, legal and administrative capacity to implement environmental policies and to ensure that there is enforcement of environmental laws and regulations. In addition, some of the actions aimed at dealing with impacts of climate change like expanding agricultural production into fragile lands such as river banks in the quest of boosting food production are exacerbating effects of climate change related events such as flooding. As climate change impacts are becoming more apparent, mitigation, coping and adaptation are now increasingly becoming important areas of work which require policy direction. Overall, climate change brings with it a whole range of new governance and management challenges; economic and financial mechanisms, and community action needs.

As Malawi is in the process of developing a National Climate Change policy, it is imperative to review the existing climate change related policy, legal and institutional framework. It is for this reason that the Centre for Environmental Policy and Advocacy (CEPA) conducted a review and made consultations with ECRP and DISCOVER Consortia and other relevant civil society organizations to identify the policy priorities that Malawi Climate Change policy could address. These include:

Policy Priority Area 1: Governance and coordination of Climate Change

The Climate Change policy should set up clear guidelines, clarify and strengthen institutional arrangements for coordination, including leadership for climate change issues in the country. These guidelines should provide clarity on the roles, responsibilities and mandates of the various government agencies responsible for climate change. Clarity will inspire effective coordination, institutional harmonization and implementation of climate change management. Similarly, the policy should clearly define the roles of various levels of government in addressing climate change issues. Climate change is multi-sectoral as such it should be considered as a cross cutting issue and

mainstreamed in all development planning and initiatives in order to improve climate change management. Enact climate change legislation by utilizing ongoing revision of the Environment Management Act to ensure that legislation provides for climate change issues.

Policy Priority Area 2: Awareness and Education

Climate change is a relatively new concern in Malawi. While many stakeholders are making efforts to address the concept of climate change, there is still limited understanding of adaptation and the various strategies amongst government agencies, civil society and local communities. This policy must therefore incorporate concrete strategies to raise the necessary public awareness and undertake capacity building efforts to improve understanding build skills and develop transfer or exchange knowledge, expertise and technologies to effectively address climate change.

Policy Priority Area 3: Finance

Climate change imposes additional costs on development budgets. For example, climate change adaptation measures have not found their way into national budgetary framework; they rely heavily on external assistance mostly implemented by civil society. It is critical to mainstream climate change adaptation and mitigation costs into the national budget and ensure that funding from development partners provides new and additional resources. The policy should establish a Climate Change fund at a national level for better coordination and implementation of Climate Change commitments, policies, programmes and projects.

Policy Priority Area 4: Human Resources and Management

Capacity building to improve and strengthen skills in climate change mitigation and adaptation should be prioritized in the policy. Most sectors have to designate staff from other functions to address climate change issues. It is important that the policy provides for deliberate actions to undertake capacity building programmes, knowledge sharing and technical support for climate change.

Policy Priority Area 5: Adaptation and Mitigation

The policy should enhance adaptation and mitigation in agriculture, energy, industrial processes, waste management, forestry, water resources and wildlife sectors. It should clarify the levels at which efforts to adapt and mitigate climate change will primarily be implemented. Similarly, the policy should also establish a clear position on Reducing Emissions from Deforestation and Forest Degradation (REDD) for Malawi, including coordination mechanisms and address capacity constraints in managing REDD initiatives. At the moment debate still rages on as to whether REDD is a solution to climate change or it merely perpetuates greenhouse emissions.

Policy Priority Area 6: Civil Society

Enhance participation of civil society in policy and decision making bodies on climate change issues in Malawi. A critical step to accommodate civil society in policy and decision making in climate change issues is to include their appropriate representatives in national level institutions responsible for climate change. A starting point would be to include civil society representation in the National Steering Committee on Climate Change.

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1.0 Introduction

1.1 Background

Malawi is one of the most vulnerable countries to climate change and variability. According to UNDP (2007), climate change models paint a bleak picture for Malawi. Global warming is projected to increase temperature by 2°C to 3°C by 2050, with a decline in rainfall and water availability. The combination of higher temperatures and less rain will translate into a marked reduction in soil moisture, affecting the 90% of Malawi's rain-fed dependent rural population.

The first predictions of global warming were issued in 1967 by scientists. Since then several international initiatives have addressed climate change arising from anthropogenic concentrations of greenhouse gas. The first international instrument related to global warming is the Montreal Protocol on Substances that deplete the Ozone Layer that was adopted in 1987.

In 1992 the Earth Summit in Rio de Janeiro adopted the United Nations Framework Convention on Climate Change (UNFCCC). The UNFCCC came into force in 1994 and the Kyoto Protocol to the UNFCCC was also adopted in 1994. The protocol commits state parties to greenhouse gas emissions cuts by 2010 compared to their 1990 levels. While the early years of the UNFCCC and the Kyoto Protocol were dominated by emissions cuts to mitigate the impacts of global warming, recent efforts focus on providing for developing and funding mechanism to adapt to the impacts of climate change. This is upon the realization that climate change will still pose serious risks even if the required emissions under the Kyoto Protocol are met.

It is against this background that Malawi and other developing countries are developing necessary mechanisms and programmes to meet their commitments under the UNFCCC and the Kyoto Protocol. In particular, Malawi prepared and adopted a National Adaptation Plan of Action (NAPA) in 2006. The NAPA seeks to increase the adaptive capacity of vulnerable communities to adverse effects of climate change. However, the NAPA suffers from lack of implementation due to financial constraints. In 2009 Government of Malawi added *Managing Climate Change and Natural Resources and Environment* as one of the nine priorities within priorities in its medium-term strategy for reducing poverty and achieving growth-led economic development.

The Government of Malawi has made climate change adaptation policy statements under a number of existing sectoral policies. However, these neither provide a broad overview of the impact of climate change nor a coordinated policy response. Moreover, many of these policy instruments have not been incorporated into national legislation and climate change adaptation has not found its way into national budgetary framework and therefore relies heavily on external assistance. What is clear however is that the country still lacks an overall policy framework to guide not only responses to commitments under the UNFCCC and Kyoto Protocol but also the various activities undertaken for climate change mitigation and adaptation to the impacts of climate change.

1.2 Impacts of Climate Change in Malawi

The impacts of climate change are being manifested in various ways in Malawi. The key ones are floods and droughts. According to Hay, *et al* (2008), floods and droughts have alternated along the lakeshore and in the Shire Valley. Floods are often caused by heavy rainfall over a short period of time. In most instances, villages not directly affected by the heavy rainfall may also be flooded because they are downstream from the rain catchment. These floods are exacerbated by heavy deforestation that has taken place in most parts of the country. Droughts and dry spells have resulted in poor yields or total crop failure, leading to serious food shortages, hunger and malnutrition. Unreliable rainfall pattern is increasingly putting viability of upland field cultivation under question. As such, where possible, cultivation is shifting to low lying *dambos*. In general, floods and droughts have severely disrupted food production, led to displacement of communities, loss of life and assets, and overall reduction of community resilience. Similarly, Malawi has not been spared from common disasters such as landslides

Particularly, Fisheries is affected by both direct and indirect effects of climate change. The direct effects include changes in the abundance and distribution of exploited species and assemblages. Increases in the frequency and severity of extreme events, such as floods and storms, affect fishing operations and infrastructure such as fish ponds. Indirect effects include changes in aquatic habitat quantity and quality, ecosystem productivity and the distribution and abundance of aquatic competitors and predators. For example, water levels and surface areas of some large shallow lakes, such as Lake Chilwa fluctuate with rainfall anomalies.

Agricultural production has also been affected by climate change. Malawi relies on rain-fed agriculture and the most recent droughts and dry spells have had disastrous effects as they cause crops to wither or wilt affecting productivity leading to food shortages; and reducing moisture levels in low lying areas such as *dambos*¹ which are increasingly becoming a major source of crop production during the winter periods. Furthermore, irregular rainfall pattern, which is resulting in too little or too much rain, has had a greater impact on smallholder farmers.

Infrastructure development investments have also not been spared by the affects of climate change and disasters, either by being directly threatened, such as effect of extreme weather events on roads and buildings or underperformance of irrigation investments that fail to pay off when rainfall decreases. Disasters such as floods damage property and infrastructure such as roads, school blocks and health facilities. For example, in Nsanje district there are a number of cases where school blocks have become inhabitable.

Other key issues affecting the country associated with impacts of climate change, include: limited knowledge on climate change and variability at community level to inform adaptation practices, sub-optimal agricultural productivity and practices and limited diversification within the household economy both on and off-farm, lack of irrigation leading to environmental degradation, lack of access

¹ A low-lying area usually with high water table especially along a river or a stream;

to affordable and sustainable clean energy sources and limited organization at local and national levels for policy dialogue around climate change.

2.0 Overview of the Key Existing Policy and Legal Frameworks Related to Climate Change

Climate change issues have been addressed in a number of sectoral policies, programmes, strategies in Malawi. However, these are sectoral issues as such neither provide a broad overview of the impact of climate change across all the sectors nor a coordinated policy guidance. In addition, any strategies or mechanisms they suggest are sectoral in nature and have not covered the whole spectrum of development issues that climate change threatens or impacts. A brief summary of the key ones is as follows:

2.1 National Environmental Policy (2004)

The National Environmental Policy (NEP) as revised in 2004 in one of its objectives it urges stakeholders to take action to minimize the adverse impact of climate change and variability to reduce air pollution and greenhouse. However, the guiding principles and the strategies for achieving this objective suggest that the policy orientation is focused on mitigation and not adaptation. Additionally, as a framework instrument, the NEP is expected to guide lead agencies in agriculture, fisheries, forestry, energy, industry and water resources management in so far as their activities affect the environment and natural resources management, including how to minimize impacts of climate change. However, it does not harness the contribution that agriculture, fisheries, forestry, energy and water can make to both climate change mitigation and adaptation. In addition, many of the sector policies were formulated before 2004, as such they have not benefitted from the new guidance provided by revised NEP².

2.2 Food Security Policy (2006)

The Food Security Policy overall goal is to improve food security of the population through increasing agricultural productivity as well as diversity and sustainable agricultural growth and development. However, basing on the fact that climate change poses considerable challenges to food security; the policy does not put in place climate change adaptation and disaster risk management interventions to ensure food security.

2.3 National Water Policy (2005)

The National Water Policy as revised in 2005 addresses issues of conservation and allocation of water resources and also, to strengthen and harmonize issues of water resources management and utilization in order to guide the country in the sustainable use of water. Considering that water-related disasters are the dominant source of all disasters, the policy does not specifically address goals and

² National Fisheries and Aquaculture Policy (2001); National Forestry Policy (1996); National Energy Policy (2003);

targets to reduce water-related disaster risks, most local governments in affected areas do not have adequate contingency plans or capacity to mitigate the impact of the water-related disasters.

2.4 National Energy Policy (2003)

The National Energy Policy addresses the need to promote rural electrification. The Policy provides a pathway to reducing reliance of biomass in the energy future and seeks to advance coal clean technologies to promote environmentally friendly production and distribution. The policy creates the impression that by adopting alternative energy sources and by conducting environmental impact assessments whenever an energy project is designed, climate change issues would be addressed automatically. However, explicit and comprehensive provisions for addressing climate change need to be mainstreamed in the Energy Policy, particularly promotion of renewable energy technologies such as solar and other low-cost techniques to facilitate climate change adaptation interventions.

2.5 National Forest Policy (1996)

The National Forest Policy was adopted with a goal of sustaining the contribution of the national forest resources to the quality of life in the country by conserving the resources for the benefit of the nation. Forests and trees are viewed in terms of providing watershed protection and enhancing water resources. While watershed protection is crucial for irrigation related to climate change adaptation strategies and disaster risk management, there are no clear strategies that have been provided for this, which would be crucial for addressing resilience at a catchment level and linking upstream with downstream communities in disaster prone areas.

2.6 National Adaptation Programme of Action (2006)

The National Adaptation Programme of Action (NAPA) seeks to increase the adaptive capacities of vulnerable communities to adverse effects of climate change. It identified five urgent activities. These include: improving community resilience to climate change through the development of sustainable rural livelihoods; restoring forest in Upper, Middle and Lower Shire Valleys catchments to reduce siltation and the associated water flow problems; improving agricultural production under erratic rains and changing climatic conditions; improving Malawi's preparedness to cope with droughts and floods; and improving climate monitoring to enhance Malawi's early warning capability and decision making and sustainable utilization of Lake Malawi and lakeshore areas resources.

However, the NAPA suffers from lack of implementation due to financial constraints. The NAPA seems to exist in isolation of other sector policies and it also does not demonstrate the linkage between climate change adaptation and the critical area of disaster risk management.

3.0 Rationale for a National Climate Change Policy

The need for a National Climate Change Policy in Malawi is justified by many pertinent issues. A few of which such issues include but are not limited to:-

- Malawi has no policy on climate change. Climate change issues are fragmented in sectoral policies and the policy statements in most of the sectoral policies are very general and do not provide for specific strategies or measures on climate change adaptation. The policy will be a necessary tool to mainstream climate change adaptation and mitigation its impacts on socio-economic development of the country. In addition, the policy will constitute a framework that will ensure effective implementation of obligations of UNFCCC.
- The need to strengthen human, institutional and financial capacity to adapt to effects of climate change.
- The need for substantial funding for climate change activities as climate change imposes additional costs on development budgets, but at the same time provides opportunities for resource mobilization. The policy will assist to identify targeted funding that addresses specific climate change issues in different sectors.
- There is still limited understanding of climate change amongst local communities, government agencies and civil society. A climate change policy will be an important vehicle to collect and disseminate specific climate change adaptation measures.

4.0 Guiding principles relevant to Malawi's Climate Change Policy

Malawi's Climate Change Policy should be based on the following guiding principles:

- Mainstream climate change into national development planning. This will ensure that climate change is included as a priority that needs to be addressed in development plans. This will facilitate due attention to climate change by various sectors and enable annual budgeting for climate change activities relevant to respective Government Ministries and Departments;
- The need to take precautionary measures to anticipate, prevent or minimize the causes of climate change and mitigate its adverse effects;
- The climate change policy should also be guided by sustainable development and environmental sustainability. Therefore, activities undertaken to address adaptation and mitigation of climate change should be guided by sustainable development and environmental sustainability;
- The policy to ensure compliance with international obligations;

- The policy to recognize and embrace fundamental human rights. It is considered that the most severe effects of climate change will be felt by the rural poor in general, women, children and marginalized groups/ individuals;
- Recognize that climate change is a cross cutting issue that demands integration across the work programmes of several government departments and stakeholders, and across many sectors of industry, business and the community.

5.0 Proposed Elements for the Climate Change Policy

Policy Goal:

To contribute to global efforts to stabilize greenhouse gases and to promote measures for adapting to impacts of climate change for sustainable development.

Policy Outcomes

- Create synergy between national government priorities and objectives, sustainable development and climate change;
- Enable relevant government departments to address climate change in Malawi;
- Enhance Malawi's potential to benefit from climate change climate change funding by appropriate international response and leveraging;
- Improve the level of education, training and awareness regarding climate change and enhance the capacity of government and other stakeholders to deal with climate change issues;
- Promote an effective and integrated programme of climate change research, development and demonstration in Malawi.

6.0 Priority Issues That Climate Change Policy Should Address

Based on the review of existing policy and legal framework related to climate change and a stakeholder analysis, the following climate change policy priority areas have been identified:

Policy Priority Area 1: Governance and Coordination of Climate Change

The Climate Change Policy should set up clear guidelines, clarify and strengthen institutional arrangements for coordination, including leadership for climate change issues in the country. These guidelines should provide clarity on the roles, responsibilities and mandates of the various

government agencies responsible for climate change. Clarity will inspire effective coordination; institutional harmonization and implementation of climate change management; and promote synergy and coherence between climate change and disaster risk management. Similarly, the policy should clearly define the roles of various levels of government in addressing climate change issues. Climate change is multi-sectoral as such it should be considered as a cross cutting issue and mainstreamed in all development planning and initiatives in order to improve climate change management.

Policy Priority Area 2: Awareness and Education

Climate change is a relatively new concern in Malawi. While many stakeholders are making efforts to address the concept of climate change, there is still limited understanding of adaptation and the various strategies amongst government agencies, civil society and local communities. This policy must therefore incorporate concrete strategies to raise the necessary public awareness and undertake capacity building efforts to improve understanding build skills and develop transfer or exchange knowledge, expertise and technologies to effectively address climate change.

Policy Priority Area 3: Finance

Climate change imposes additional costs on development budgets. For example, climate change adaptation measures have not found their way into national budgetary framework; they rely heavily on external assistance mostly implemented by civil society it is critical to mainstream climate change adaptation costs into the national budget and ensure that funding from development partners provides new and additional resources. The policy should establish a Climate Change Fund at a national level for better coordination and implementation of climate change commitments, policies, programmes and projects. The policy should also provide guidance on enhancing Malawi's potential to benefit from climate change funding by appropriate international response and leveraging.

Policy Priority Area 4: Human Resources and Management

Capacity building to improve and strengthen skills in climate change mitigation and adaptation should be prioritized in the policy. Most sectors have to designate staff from other functions to address climate change issues. It is important that the policy provides for deliberate actions to undertake capacity building programmes, knowledge sharing and technical support for climate change.

Policy Priority Area 5: Adaptation and Mitigation

The policy should enhance adaptation and mitigation in agriculture, energy, industrial processes, waste management, forestry, water resources and wildlife sectors. It should clarify the levels at which efforts to adapt and mitigate climate change will primarily be implemented. Similarly, the policy should also establish a clear position on Reducing Emissions from Deforestation and Forest Degradation (REDD) for Malawi, including coordination mechanisms and address capacity constraints in managing REDD initiatives. At the moment debate still rages on as to whether REDD is a solution to climate change or it merely perpetuates greenhouse emissions.

Policy Priority Area 6: Civil Society

Enhance participation of civil society in policy and decision making bodies on climate change issues in Malawi. A critical step to accommodate civil society in policy and decision making in climate change issues is to include their appropriate representatives in national level institutions responsible for climate change. A starting point would be to include civil society representation in the National Steering Committee on Climate Change.

Policy Priority Area 7: Mainstream gender, children and the vulnerable

The mainstreaming of gender, child welfare and issues pertaining to vulnerable groups must be included in climate change responses at local, regional and national level

6.0 Proposed Institutional Framework for Policy Implementation

At present, the Ministry of Economic Planning and Development oversees climate change programmes in Malawi. The national level institutional structure for climate change programmes in the country consists of the Steering and Technical Committees on Climate Change. The Steering Committee is composed of principal ministerial secretaries and it is chaired by the Ministry responsible for Economic Planning and Development. The Technical Committee is chaired by the Department of Climate Change and Meteorological Services. Both committees have Environmental Affairs Department (EAD) as their Secretariat. EAD is also the National Focal Point for the UNFCCC. Recently a new ministry on environment and climate change has been established.

However, it should be noted that these institutional arrangements have resulted in conflicts of institutional mandates, raised inter-institutional tension and threatens to derail structured responses and interventions to climate change, especially at community levels. In addition to the foregoing

inadequacies in institutional arrangements, there is a proliferation of players in climate change who include civil society organizations, private companies and others, all who independently disseminate often conflicting messages on climate change to communities and the general public.

Therefore, the policy could focus on ensuring that the functions, roles and responsibilities of the new Ministry of Environment and Climate Change are defined. Thereafter, the Ministry can be supported by the already existing national committees on climate change for sector-specific and cross-sector implementation and coordination, advice and guidance. These national committees now need to be anchored in the National Climate Change Policy so that they have a basis for their authority and mandate. This paper proposes mandates of the Ministry to include but not limited to the following:

- To guide on precautionary measures to anticipate, prevent or minimize the causes of climate change and its adverse effects;
- To play the role of National UNFCCC Focal Point and its Kyoto Protocol for the purpose of ensuring that Malawi meets her obligations.
- Co-ordination of national climate change mitigation and adaptation measures in different sectors;
- Monitoring the implementation of mitigation and adaptation activities and progressively update Government and the Malawi population;
- To initiate the development and review of appropriate policies, laws and programmes necessary to ensure effective implementation of adaptation and mitigation activities in Malawi;
- To implement and guide implementation of adopted policies as well as decisions made by the relevant bodies of government including the Climate Change Steering and Technical Committees.

- To establish and maintain the relationship with national, regional and international organizations, institutions and agencies as may be appropriate for facilitating the implementation of the relevant policies, programmes, projects and decisions.
- To coordinate and guide on the education, training and public awareness programmes on climate change;
- Assisting in the identification and mobilization of sources of funds for climate change action.

8.0 Key Challenges and Barriers

Developing and implementation of the policy on climate change may face some challenges and obstacles. The following are some of the foreseen challenges and suggestions on how to overcome them:

- Limited engagement of all stakeholders in the policy formulation. This may cause lack of ownership especially the local communities who are the most affected by climate change. The key to overcome this obstacle is that the exercise requires wide consultation and sustaining engagement of all stakeholders at all levels including community level.
- It is assumed that the policy may not be developed and passed in an opportune time. Considering the past experiences of some crucial policies staying in a draft form for more than five years. There is need to create a strong momentum at all levels to thrust for speedy adoption of the climate change policy once it is developed.