

CLIMATE CHANGE POLICY AND LEGAL FRAMEWORK IN MALAWI:



TOWARDS A COMPREHENSIVE POLICY FRAMEWORK



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1. Introduction

Climate change is the single most important global phenomena today that can disrupt economies and communities in a very short space of time. Malawi is particularly vulnerable to climate change because of its heavy reliance on rain fed agriculture. The impacts of climate change such as floods, storms, droughts can have very devastating consequences on individual livelihoods and the national economy as a whole. The Intergovernmental Panel on Climate Change (IPCC) points out numerous impacts of global warming are affecting water availability, ecosystem changes, food production and health. The severity of the impacts will obviously depend on the extent of adaptation, temperature change rates and socio-economic pathways¹. It is clear however, that the poor and vulnerable will be much more adversely affected. These are mainly in developing countries such as Malawi whose economies will be severely crippled.

It is widely agreed that climate change is already occurring in many countries hence requiring policy responses. In Malawi there is scientific evidence of increase in temperature over the past three decades and the intensity and frequency of climate events such as droughts and floods suggest a changing climate which requires immediate attention.

Further, for many developing countries such as Malawi with smaller populations emitting gases, low industrial infrastructure and limited consumption levels, there is little they can do to slow or stop climate change because of their miniscule contribution to global greenhouse gas emissions. This points to a different orientation to policy formulation for these countries; clearly, mitigation is not the main preoccupation for such countries. Their main concern is to reduce the impacts of climate change to which they did not contribute.

In 1992, the Earth Summit in Rio de Janeiro adopted the United Nations Framework Convention on Climate Change (UNFCCC).

¹ IPCC (2008) Climate Change Synthesis Report 2007 (IPCC, Switzerland).

The UNFCCC came into force in 1994. The Kyoto Protocol to the UNFCCC was adopted in 1994 and commits state parties to greenhouse gas emissions cuts by 2010 compared to their 1990 levels. It also created a flexible mechanism to allow polluting countries to avoid targets by funding reductions in other countries. A recent effort of UNFCCC focuses 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.

Although Malawi has made significant progress in meeting its commitments under the UNFCCC, 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.

It is quite clear that the single most urgent intervention on climate change for any developing country is to design policies to enable its economy to cope with climate change.

This brief examines the current national policy and legislation addressing climate change. It also highlights the key challenges related to climate change and proposes possible recommendations.

2. Current policies addressing climate change

Climate change has been addressed in a number of policies in Malawi:

The National Environmental Policy (NEP) urges stakeholders to take action to minimize the adverse impact of climate change. It also requires Government to reduce air pollution by, inter alia, enacting a Clean Air Act; and to reduce Green House Gases (GHG) emissions through the monitoring of impacts of climate change on ecosystems, vegetation and carbon suites; reduce

greenhouse gas emissions from the transport sector and the manufacturing industry and use climate data to help guide land use and economic decisions.

The Malawi National Strategy on Sustainable Development (MNSSD) seeks to reduce damage to property and loss of life caused by weather and climate natural disasters; and contributes to sustainable industrial production or meets the UNFCCC obligations.

The National Biodiversity and Action Plan (NBSAP) outlines key biodiversity issues and specific interventions by various stakeholders. Of particular concern to climate change are strategies for species monitoring and recovery, conservation of traditional agro-biodiversity resources, conservation of aquatic and mountain biodiversity that provide local communities with significant livelihood options for food security, medicine and other uses.

The National Adaptation Programme of Action (NAPA) seeks to increase the adaptive capacities of vulnerable communities to adverse effects of climate change (Kamperewera, 2007). According to EAD (2006), through a consultative process, five project profiles were identified to address the urgent adaptation needs, with emphasis on vulnerable rural communities in Malawi. 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.

Considering that the above project profiles needed to be implemented urgently and immediately to enable vulnerable rural communities and groups in target areas to adapt to the adverse impacts of climate change, from March 2006 to date no funds have been released. Support which has been provided only relates to project preparatory activities.

3. Key challenges and constraints related to climate change

3.1 Conceptual challenges:

Climate change is a relatively new concern having been thrust on the stage in the 1990s and recently gained worldwide attention following widely published climate related disasters. While many stake holders are making efforts to address climate change in their policies, plans and programmes, the pace of the debate makes it difficult for stakeholders already facing other equally challenging tasks to fully comprehend its ramifications and take necessary response measures. This policy must therefore incorporate concrete strategies to raise the necessary public awareness and undertake capacity building efforts to improve understanding, skills and develop transfer or exchange knowledge , expertise and technologies to effectively address climate change



Participants at a Media Training, Cross Roads, Lilongwe: Building Capacities of Media Practioners to create and increase public awareness in Climate change related issues, one of the activities implemented by CEPA, funded by Christian Aid

3.2 Institutional challenges:

Climate change is a cross cutting issue requiring effective collaboration among agencies in a number of sectors such as water, industry, transport, energy, forestry and environment. The UNFCCC focal point is the Environmental Affairs Department (EAD) which is already responsible for coordination in matters of environment and natural resources. The EAD needs capacity building to effectively handle implementation of this policy, especially in relation to human resources. In addition, climate change is as much an environmental issue as it is a development issue. As such the EAD should coordinate with well resourced but purely development departments such as Industry, Public Works and Agriculture.

3.3 Financing challenges:



Participants listening to analysis results of the 2010/2011 national Budget on climate change-workshop, organised by the Centre for Environmental Policy & Advocacy, Malawi Economic Justice Network & Christian Aid

Climate change imposes additional costs on development budgets. It also provides opportunities for resource mobilization both under the UNFCCC and from other financing institutions such as the World Bank and the African Development Bank which have developed funding windows that developing countries such as Malawi can take advantage. To effectively harness these resources, the country needs to build its capacity across the relevant sectors to enable them prepare programmes for funding and effectively implement them. Nevertheless, it is critical to mainstream climate change costs into development budgets and ensure that funding from development partners provides new and additional resources

3.4 Human resources and management challenges:

Capacity building to improve and strengthen skills should be prioritized. Most sectors have to designate staff from other functions to address climate change issues. Even then skills and expertise in climate change mitigation and adaptation are very limited. It is important to take deliberate action to train staff in climate change. In addition, climate change is an interdisciplinary issue requiring multi-skilling and expertise especially for policy and programme staff.

3.5 Key policy challenges

- a. Supporting national objectives and sustainable development;
- b. Adapting to climate change;
- c. Developing a sustainable energy programme;
- d. Meeting international obligations;
- e. The integration of climate change response in government;
- f. Government/Industry partnerships;
- g. Domestic legal provisions;
- h. Climate change related education, training, awareness and capacity building;

- i. Climate change related research, development and demonstration;
- j. Inventories of greenhouse gases and air pollutants;
- k. Accessing and managing financial resources for climate change

4. Recommendations

4.1 Recommendations in general

Provide the core values or guiding tools for the Policy:

- Climate change threatens to disrupt individual livelihoods and national economies and, unless effectively managed, can derail efforts to reduce poverty and increase economic growth;
- Developing countries such as Malawi have made very negligible contribution to global warming but are particularly vulnerable to the impact of climate change and should therefore be afforded the requisite support to enable them meet their commitments under the UNFCCC and adapt to the impacts of climate change;
- The climate system should be protected for the benefit of present and future generations of mankind on the basis of equity and in accordance with the common but differentiated responsibilities of the international community;
- There is need to take precautionary measures to anticipate, prevent or minimize the causes of climate change and mitigate its adverse effects. Where there are threats of serious or irreversible damage, lack of full scientific certainty should not be used as a means to postpone such measures, taking into account that policies and measures to deal with climate change should be cost effective so as to ensure global benefits at the lowest possible cost;
- The right to sustainable development must be promoted; hence measures to protect the climate system against human induced change must take into account the special circumstances of the country;
- Ensuring that the policy is consistent with national priorities, including poverty alleviation, access to basic amenities including infrastructure development, job creation, rural development, foreign investment, human resource development and improved health,

- leading to sustainable economic growth;
- Ensuring alignment with the need to consistently use locally available resources;
- Ensuring compliance with international obligations;
- Recognizing 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;
- Focussing on those areas that promote sustainable development;
- Promoting programmes that will build capacity, raise awareness and improve education in climate change issues;
- Encouraging programmes that will harness existing national technological competencies;
- Reviewing the strategy constantly in the light of national priorities and international trends;
- Recognizing that Malawi's emissions will continue to increase as development is realised.

4.2 Recommendations to the Government of Malawi

4.2.1 Create synergy between national government priorities and objectives, sustainable development and climate change by:

- ∴ Incorporating climate change issues in sustainable development policies, indicators and criteria.

4.2.2 Enable relevant government departments to address climate change in Malawi by:

- ∴ Ensuring that relevant sectoral departments have the capacity to carry out their assigned functions regarding climate change response.

4.2.3 Reduce Malawi's vulnerability to climate change by:

- ∴ Undertaking water resource management and contingency planning;



Sensitization sessions with community leaders in Salima



*Promoting small stock livestock:
Photo courtesy of Trustees of Agriculture Promotion Program*

∴ Providing health protection and health promotion measures;



Promoting manure formulation in Rumphi: Photo courtesy of Find Your Feet



*Raising Tree Nurseries for Afforestation and Re-afforestation:
Photo courtesy of Malawi Environmental Endowment Trust*

- ∴ Implementing adaptation measures in agriculture in accordance with the NAPA;

- ∴ Protecting plant, animal and fresh water biodiversity;
- ∴ Formulate actions that will offset the economic vulnerability of the country to climate response measures.

4.2.4 Create a national greenhouse mitigation plan that promotes the process of sustainable development in Malawi in the light of the clean development mechanism, technology transfer and capacity building opportunities afforded under the UNFCCC by:

- ∴ Developing and updating greenhouse gas inventories;
- ∴ Implementing the National Energy Policy;
- ∴ Importing energy from neighbouring countries;
- ∴ Develop and implement a transport sector mitigation programme and enforce control of exhaust emissions from road going vehicles in conjunction with the Ministry responsible for transport;
- ∴ Implement sustainable industrial development through coordinated policies, strategies and incentives through the Ministry responsible for trade and industry;
- ∴ Facilitate establishment and extension of forest schemes through the Department of Forestry.

4.2.5 Enhance Malawi's potential to benefit from climate change funding by appropriate international response and leveraging

- ∴ Maintain and improve participation at UNFCCC and related meetings;
- ∴ Develop capacity for climate change project development and implementation through skills building and recruitment or outsourcing;
- ∴ Ensure that an investment friendly climate is developed and maintained to attract developed country partners investment in climate change related projects;

- ∴ Coordinate climate change donor funds that are available for Malawi.
- 4.2.6 To promote coordination among government departments responsible for climate change issues and cooperation between government civil society and the private sector
 - ∴ Use the National Committee on Climate Change to enhance government policy position and capacity in project development and implementation;
 - ∴ Incorporate civil society and private sector in project development, implementation and monitoring and evaluation.
- 4.2.7 Enact climate change legislation
 - ∴ Utilize ongoing revision of the Environment Management Act and related legislation to ensure that legislation provides for climate change issues.
- 4.2.8 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
 - ∴ Incorporate climate change issues in relevant education, training and public awareness initiatives to speed up implementation of climate change response.
- 4.2.9 Promote an effective and integrated programme of climate change research, development and demonstration in Malawi
 - ∴ Set up a database of climate change related research, development and demonstration projects.

INSTITUTIONAL ARRANGEMENTS

