

NEWSLETTER

2024 - 1st Edition



Centre for Environmental
Policy and Advocacy

NATURE'S VOICE

Towards an environmentally sound and sustainable Malawi

**CLIMATE
FUNDS FOR
VULNERABLE
COMMUNITIES**

**GLOBAL FIGHT
AGAINST PLASTICS**

**URGENT ENERGY
TRANSITION**

**THE LAST
INDIGENOUS
WOODLAND
IN BLANTYRE**

An interview with
Herbert Mwalukomo



Centre for Environmental Policy and Advocacy
Newsletter
1st Edition 2024





A Word from the Director



*Herbert
Mwalukomo*

Welcome to the 1st Edition 2024 of the
Nature's Voice!

Through this Newsletter, the Centre for Environmental Policy and Advocacy (CEPA) brings you the latest on sustainability, insightful discussions and updates on critical environmental issues. We offer lessons learned from our *on the ground* experiences and engagements with diverse stakeholders to foster a deeper understanding of Malawi's and global environmental challenges.

In this 1st 2024 edition, we invite you to dive into an interview on the critical condition of Michiru Mountain and discover how we can all contribute to saving the last indigenous woodland in Blantyre. Learn about the future plans for Njamba Freedom Park and the implications of the Global Plastics Treaty, marking the end of the plastic era. We also discuss energy access in Malawi, the operationalisation of the Loss & Damage Fund at the UN Climate Change Conference - COP28, and CEPA's activities both locally and globally. Plus, don't miss our tips on sustainable living and inspiring nature-themed art.

Enjoy your reading!



MICHIRU, NOW OR NEVER!

INTERVIEW WITH MR. HERBERT MWALUKOMO

By Andre Pérez

Deforestation in Malawi sets alarming records. Malawi remains only with 20% of cover forest. This is even more dramatic, when rapid deforestation takes place in protected areas as it is the emblematic case of Michiru Mountain Forest Conservation Area. The last indigenous woodland and protected area in the commercial city of Blantyre, covers 3,004 hectares and was declared as such in 1930. Michiru Mountain Forest Reserve is divided into two sections: Michiru Forest Reserve which compiles 2,700 hectares and is managed by the Department of Forestry and Michiru Nature Sanctuary, which covers 304 hectares and is managed by the Department of National Parks and Wildlife.



*Herbert
Mwalukomo*

CEPA

A: WHAT IS THE CURRENT STATE OF DEFORESTATION IN THE MICHIRU FOREST RESERVE AND SANCTUARY?

H: Well, to put it into words, you can say that the forest is almost gone because the big part of the conserved area is actually a forest reserve, which is about 2700 hectares, and if you are looking at that section alone, it's almost completely degraded because of the human activities that are taking place there. The remaining portion, which is about 300 hectares and it is the sanctuary is also almost going to be completely depleted if no efforts are taken or if drastic measures are not taken to address the condition.

So what we are saying essentially is that the state of Michiru Conservation Area is in dire straits. It's something that you cannot describe. We are losing the forest.

A: ARE THERE SPECIFIC HUMAN ACTIVITIES OR INDUSTRIES THAT ARE PARTICULARLY DEPLETING TO THIS AREA?

H: Many. The biggest of course is how people have invaded the conservation area, cutting down trees to make charcoal. There is also actual cultivation. People have encroached into the protected area. They are doing all sorts of farming. People are even uprooting the roots, the root stocks of the trees that were there. Brick burning is taking place, too. All those illegal activities are contributing to further degradation, not just of the trees, but even of the whole land on which the conservation area sits.

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the
forest is
almost
gone

It's not only that people are farming, people are actually living in the mountain, which should not happen in a protected area. Nowhere should you see that. Well, it is happening in Michiru and it is sad because this is just a reflection of the state of lawlessness that we have entertained as a country.



A: WHAT ARE THE SPECIFIC SPECIES THAT ARE AT RISK DUE TO HABITAT LOSS IN MICHIRU?

H: Regarding tree species, at Michiru we have miombo woodland and other indigenous forest tree species. In terms of wildlife species, we are talking about baboons, hyenas, birds, wild pigs, common duiker, bush bucks, klipspringers, rock hyraxes. All those are found in Michiru, but they are not in the numbers that they used to be. In fact, for some it's becoming history that we used to have them.

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It's becoming
history that
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have wildlife
in Michiru

A: WHAT ROLE ARE THE COMMUNITIES AROUND MICHIRU PLAYING, BOTH FOR CONTRIBUTING TO AND MITIGATING DEFORESTATION?

H: Some members of the surrounding communities are contributing to the deforestation of the Michiru conservation area but it's not just the people who are coming from the nearby or within the proximity of this conservation area. Some people come from other districts. They actually come to Michiru because they have seen that this is the only spot that has got trees right now, so they have migrated migrated from somewhere else to commit crimes like illegal settling, charcoal burning, brick making, soil mining and farming.

But it's not everybody, I think it is important to underscore that it's not everybody who is committing illegal activities there. There are some people who are concerned about the situation. We have, champions from within the community, starting with traditional leaders as well as some very good young people who are volunteering to actually do something about addressing the situation.

A: WHAT MEASURES HAVE BEEN TAKEN BY THE MALAWIAN GOVERNMENT AND OTHER ACTORS INCLUDING CEPA, SPECIFICALLY FOR THE MICHIRU FOREST RESERVE AND SANCTUARY TO COMBAT DEFORESTATION?

H: The government deserves commendation for its efforts to protect Michiru Forest Reserve, managed by both the Forestry Department under the Ministry of Natural Resources and Climate Change and the Department of National Parks and Wildlife under the Ministry of Tourism. Despite their dedication, the situation has escalated, with insufficient personnel and financial resources to manage the crisis.

To address this, non-state actors like CEPA and WESM, along with community groups, have stepped in to support enforcement efforts. These efforts include training volunteers to assist rangers and police. However, the penalties for offenders remain inadequate, prompting further advocacy for stronger legal actions.

Additionally, we've engaged the private sector, emphasizing the potential impact of deforestation on their businesses and urging them to contribute through corporate social responsibility initiatives. Their support could provide essential resources for community volunteers working to protect the forest.

A: WHAT IS THE LONG TERM OUTLOOK FOR THE MICHIRU FOREST RESERVE AND SANCTUARY, IF CURRENT FORESTATION TRENDS CONTINUE?

If nothing changes, the outlook is dire. The conservation area will be completely wiped out, leading to unchecked urbanization, loss of tourism revenue, and devastation to local ecosystems. This could trigger severe environmental consequences like landslides, mudslides, and water scarcity, exacerbating the impact of climate change. Immediate and increased efforts are essential to prevent this catastrophe.

A: IF MICHIRU DISAPPEARS, WHAT WOULD YOU SAY ABOUT AIR POLLUTION AND LESS RAIN FOR THE CITIZENS OF BLANTYRE?

H: Without rain and fresh air, the situation will worsen significantly. The depletion of green spaces, especially in an industrial area like Blantyre, will lead to increased pollution and fewer natural mechanisms to absorb harmful gases. This will negatively impact public health and the environment. Additionally, the loss of trees will disrupt rainfall patterns, leading to water scarcity and increased silt in rivers, making water purification more challenging and costly for the community.



A: WHAT ALTERNATIVE LIVELIHOODS WILL BE AVAILABLE FOR COMMUNITIES AROUND AND AT THE SAME TIME, WHICH STRATEGIES OR SOLUTIONS? DO YOU BELIEVE ARE MOST EFFECTIVE FOR REDUCING DEFORESTATION?

H: The core issue we face is lawlessness. While providing alternatives to sustain livelihoods and reduce pressure on conservation areas is important, the first step must be enforcing the law. Michiru is just one example of the broader conservation challenges in Malawi. If we were serious about upholding the rule of law, this issue could be addressed swiftly. The continued illegal activities in protected areas highlight a fundamental failure in law enforcement. We need to prioritise discipline and ensure the law is working to truly conserve our natural resources.

Regarding energy alternatives, the production of unsustainable charcoal in places like Michiru is driven by demand from urban areas. Citizens must take responsibility for their energy choices and consider alternatives like electricity and LPG gas, which are available and often more cost-effective in the long term. We need to shift our mindset and prioritize sustainable energy sources to protect our environment and future generations.



KNOW YOUR LAND LAWS SERIES

LAND AMENDMENT ACT 2022

NATURAL RESOURCES

Did you know? Following the lessons learnt from the pilot of the implementation of the 2016 land laws, the Government of Malawi through the Ministry of Lands embarked on the review and amendment of laws. Parliament passed the following Land Amendment Bills in March, 2022; The Land (Amendment) Act, 2022; The Customary Land (Amendment) Act, 2022; The Physical Planning (Amendment) Act, 2022; The Registered Land (Amendment) Act, 2022, The Land Acquisition and Compensation (Amendment) Act, 2022; and The Land Survey (Amendment) Act, 2022. This article, will highlight the key sections in Land (Amendment) and Customary Land (Amendment) Acts, 2022.

KEY PROVISIONS

- Land is categorised as public land, Customary land and Private land (Section 7).
- Prohibits sale of vacant leasehold or freehold land by any person (Section 9B).
- Guarantees access to land by all, subject to availability and a person's means (Section 9A:1).
- The Minister is mandated to prescribe land ceilings (to be done through regulations).
- Prohibits concentration of land in a few individuals (to be done through regulations).
- Section 37 (1) Land shall not be granted or sold to a person who is not a citizen of Malawi.
- Section 37 (2) Any existing grant in favour of a person who is not a citizen of Malawi shall be valid until it expires.
- Section 37 (3): Any existing leases shall not be renewed if land is not developed {subject to Section.37(4)}.
- Section 37(4) An existing lease in favour of a person who is not a citizen of Malawi may, upon expiry, only be renewed if the land is developed and used as a residential home, or for commercial or charitable purpose.

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We need to
know our
new land
laws



- (Section 39:1) Minister to re-enter any undeveloped freehold land if development is not commenced within two years of coming into force of the law (Regulations will guide the procedure).
- Holders of private land who have not commenced development within 2 years may apply to the Minister for extension to the period within which to commence development (Section 39:2).

- Change of use of agricultural land to urban uses shall be on condition that the owner surrenders 50% of the rezoned land, to Government.
- Any surrender of land upon rezoning will be subject to Government paying appropriate compensation (Section 44B).
- Where a lease granted by the Minister in accordance with this Act expires, the land shall become public (Section 44A).
- Where the lease referred to above was created out of customary land, the Minister may convert the public land to customary.
- The Minister may reallocate the land giving priority to people of surrounding communities.
- The Minister shall issue an eviction order against any person who occupies or uses public land without any valid grant or lease (Section 20A).
- Land for all types of investment will be managed by Malawi Investment and Trade Centre (MITC).
- Land for investment allocated by MITC shall be withdrawn if not developed within 2 years (Section 11:3).
- Any underdeveloped plots shall be subdivided in accordance with Physical Planning Act and may be re-allocated (Section 11:4).



KNOW YOUR LAND LAWS SERIE

CUSTOMARY LAND (AMENDMENT) ACT 2022

NATURAL RESOURCES

KEY DEFINITIONS

- Adjudication: Ascertaining ownership to land or interest in land.
- Communal land: customary land that has habitually been used, as a matter of practice or under customary law, by the community and is managed by the CLC for the benefit of the community.
- Indigenous Malawian: a person who is a citizen of Malawi and can trace his descent from any of the ethnic groups in Malawi.

KEY SECTIONS

- S. 3: Customary land in a TLMA (Traditional Land Management Area) shall:
 - Be held by the TA on trust for the people.
 - Be administered in accordance with customary law prevailing in the TLMA, subject to this Act and other written law.
 - Surveyor General to produce and issue a map for every TLMA according to agreed boundaries.
 - Alterations of TLMA in accordance with Chiefs Act: Surveyor General to carry out subdivision and produce new maps showing revised TLMAs.
 - Reference to boundaries of TLMA shall be to general boundaries.
- (Section 8b) A land clerk shall hold a certificate in land administration from a recognized institution.
- Section 13: TLMA shall comprise the following classes of customary land:
 - Communal land: Land which is occupied and used, or is available for occupation and use, on a communal or public basis.
 - Land which is occupied or used by an individual or family or a group of persons under customary law; or
 - Land which may available for communal or individual occupation and use through allocation by a land committee in accordance with the provisions of this Part.

- Section 14 (1): A land committee shall, in consultation with relevant village headmen, identify a portion of customary land to be set aside as communal land and determine its intended use.
- Section 15A: Where a holder of a lease created out of customary land intends to convert the lease to customary estate, the lessee may surrender the lease and the Minister may convert the public land to customary land.
- Section 20 (1): A customary estate shall be allocated by a land committee to:
 - An indigenous Malawian, or family of indigenous Malawians; or
 - A group of two or more indigenous Malawians, whether associated together under any law or not.
- (Section 20:2): A land committee shall not allocate a customary estate to a partnership or a corporate body whose members or shareholders are not indigenous Malawians.
- (Section 20) Customary estate;
 - Shall be of indefinite duration
 - Inheritable and transmissible by will and, subject to any set conditions under this Act.
- (Section 21:c) An application for a customary estate by an individual or family in a TLMA shall not be accompanied by a fee unless it is for a body corporate.
- (Section 28 (1): Customary estate shall not be sold.
- Section 28 (2): A customary estate granted to a person or family may be leased only with written approval of the CLC and the TA.
- Section 28 (2): CLC shall review applications and recommend to a TA for approval.
- The TA shall, within 30 days, indicate whether approved or not. If not approved, I will give reasons.
- Section 40 (5): Where an adjudication process is underway, any court matter that is related to the adjudication shall be pending until the process of adjudication is completed.
- Section 44: Members of the Customary Land Tribunal to be nominated by the TA and approved by the DC.
- Section. 46:1 (a): District Land Tribunals shall be presided over by the most senior Traditional Authority in the district.
- Section 48:1 (a): Central Land Board shall be presided over by the Paramount Chief, who shall serve for three years.
- (Section 52): Any private land registered under the Registered Land Act in accordance with the Customary Land (Development) Act (repealed) and the Local Land Boards (repealed) shall become customary estate and shall be administered and managed in accordance with this Act.



MALAWI LAND LAWS FREQUENTLY ASKED QUESTIONS

NATURAL RESOURCES

By HASSWELL MOLANDE

INTRODUCTION

Since time immemorial, countries have identified land as one very important natural resource and discussions around the same have usually been politicized. All development relies on land. The Land Act of 2016 defines land as; “material of the earth, and every ingredient of which it is composed, whether soil, rock or other substance, and includes the surface covered with water, all things growing on that surface, buildings, other things permanently affixed to land and free or occupied space for an indefinite distance upwards as well as downwards, subject to limitations upon the airspace imposed, and rights in the use of space granted by international law.”

Following the enactment of the new land law, Centre for Environmental Policy and Advocacy (CEPA) piloted the implementation of the Customary Land Act in Kasungu, Lilongwe and Mzimba. This write-up presents some of the frequently asked questions that have been compiled to date. The questions are followed by model answers that provide information to stakeholders.

QUESTIONS AND SUGGESTED ANSWERS

1. What is the history of land governance in Malawi?

Malawi was a British colony before gaining independence meaning that all land was in the hands of the Britons, whose owner was the supreme ruler of the Britons, the Queen of Britain. Upon independence, powers of land governance were now given back to Malawians. The Constitution was amended and the Land Act of 1965 vested land in The President.

During the era where powers of land administration were vested in the colonialists, 3 land ordinances or governing structures were established. According to 1951 land ordinance, land was categorized into:

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Understanding the
legal status
of our land

- **Private land:** where one could exclusively own that land and govern it, though supreme powers of ownership were still with the Queen.
 - Freehold- of which ownership of that land is wholly yours and is held in perpetuity and;
 - Leasehold- where one owns the land for a specific period of time and pays ground rent annually and is renewable

Public land: which the government uses for its operations and developmental purposes e.g. hospitals, schools, markets, national parks, reserves, etc.

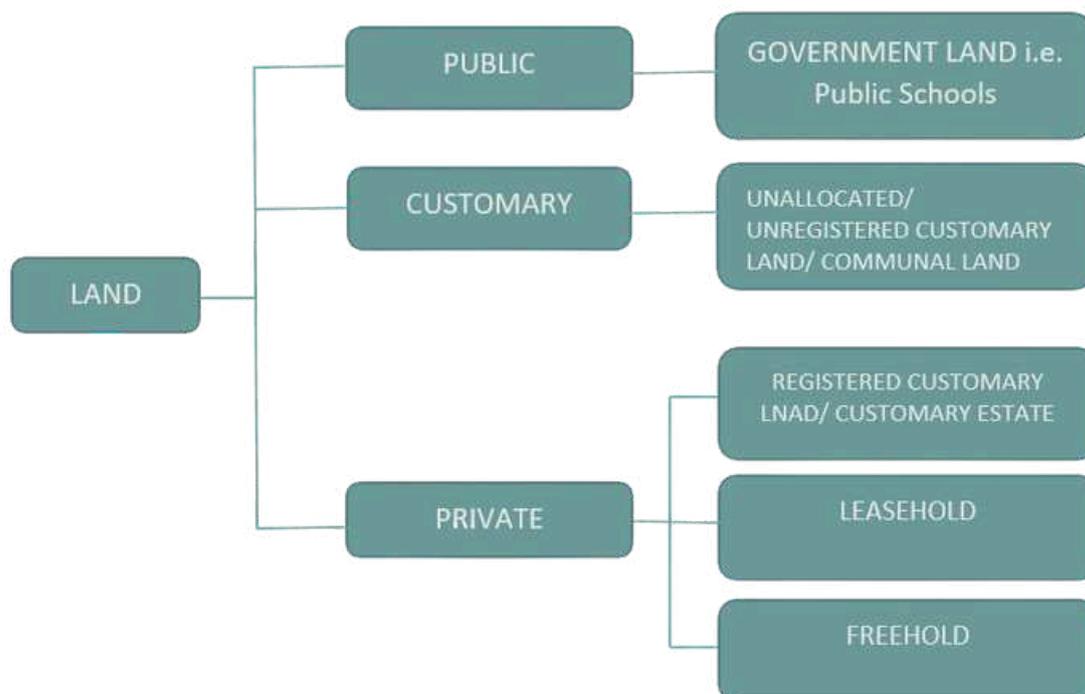
Customary land: that which is governed by chiefs. Rural or village land.

After independence, these three ordinances were not changed; they remained the same such that those who were estate owners continued to be so because they had already acquired ownership of the land.

In 1996, a presidential commission of inquiry was established and mandated to review how land was administered. The findings of the committee informed the formulation of the Malawi Nation Land Policy (MNLP, 2002) which culminated in the review of land-related laws. The review commenced in 2003 and new laws were finally enacted in 2016. In 2022, the land laws were amended following the piloting in some districts and lessons learned from these pilots.

2. How does the new land law categorize land?

The amended laws categorize land in Malawi as Public, Customary and Private.



Public land constitutes land allocated to different Ministries and departments for public services such as public schools. Customary land includes all unallocated or unregistered customary land. Administration of unallocated customary land is vested in the Customary Land Committees (CLC) (in whose area the land is situated) whose chairpersons are the Group Village Heads (GVHs). While Private land constitutes of all registered customary land (customary estates), freehold, and leasehold. The difference between freehold and leasehold is that the former is an estate in land held in perpetuity without paying any annual rent to the government. The latter refers to the right to land granted under written law whereby a lessor accords user rights to the lessee with conditions such as payment of ground rent and duration of use.



4. Are people in Malawi allowed to buy or sell land?

The 1965 Land Act did not allow customary land to be sold because it was vested in the president, and the owner, only had user rights based on cultural and traditional context. In addition, section 28 of the amended land laws of 2022 still prohibit the sale of customary land but only granting of leases between the owner of the customary estate and lessee with a written approval from a Customary Land Committee.

The Land Amendment Act, 2022 also prohibits sell of vacant leasehold or freehold land by any person.

Section 37, Land Amendment Act, 2022, Land shall not be granted or sold to a person who is not a citizen of Malawi.

5. Will formal courts still have jurisdiction over communal land disputes?

Matters to do with communal land will be adjudicated by Customary Land Committees. Customary Land Tribunals (CLT) and District Land Tribunals (DLT) are there for dispute resolution. A case can also be appealed to the Central Land Board and eventually, the High Court if any of the aggrieved parties are not satisfied with the determination at these lower-level tribunals.

6. During registration of customary land, will land that was bought and signed by the GVH still fall under customary estate?

If ownership is based on papers signed by the GVH it remains customary land and it will be subject to registration under the Customary Land Act.





7. If someone purchased and paid or started paying for their customary land before 2016, will it still be subjected to the Customary Land Act of 2016 when they want to register it?

Yes. An effective date for these new land laws was announced in 2018 and 2022 respectively, meaning that all land administration and management will now be subjected to the new land laws.

8. What happens to a lease when the lessee dies before renewal and the successor intends to renew it?

When someone dies, the property becomes subject to the Deceased Estates (Wills, Inheritance and Protection) Act governing deceased estates in Malawi, thereby facilitating the transfer of property to the rightful beneficiaries under the law. Beneficiaries who inherit the property become responsible for the application for renewal of the lease.

If there are no beneficiaries identified, the land reverts to the government through the Administrator General's Office.

9. Can communal dambo land be allocated to an individual, a cooperative or an institution in the new land laws?

The Physical Planning Act, 2016 prohibits allocation, adjudication and registration of dambo land for an individual, a cooperative or an institution as dambo land is categorized as Public Land for public use.

10. What are the benefits of registering land?

- Legitimate power over land
- Secure land rights
- Less costly resolution of land disputes
- Improved investments in land
- Increased financial transactions over land
- Enhanced land use planning
- Improved household security
- Boosted job creation in agriculture-related fields



THE HEART OF BLANTYRE CITY: NJAMBA FREEDOM PARK

AN INTERVIEW WITH CHARLES MKOKA

By CLIFF KAWERANI

If you were looking for a spacious place to host a public event in Blantyre, Njamba Freedom Park would be one of the first options. Njamba Park is well known for hosting several public events, including; political rallies, music performances, etc. But what else should we know about Njamba Park as an urban green space? I sat down with Executive Director for the Coordination Union for the Rehabilitation of the Environment (CURE), Mr Charles Mkoka, and here is what he has told us:

Q1: What do you know about the background of Njamba Freedom Park?

A1: Historically, Njamba Park is known to have contributed to transforming Malawi from one party to a multiparty system of government by hosting one of the major political rallies on democracy; hence the middle name, 'Freedom.' In 1989, the park also hosted the late former head of the Catholic Church, Pope John Paul II, in his visit to Malawi.

The Park was originally under the management of Blantyre City Council but was later transferred to the Malawi Housing Corporation before being transferred to the Ministry of Lands. Currently, it is under the Ministry of Sports and Youth.

Q2: Why is Njamba Park important?

A2: Njamba Park is the only remaining green space centrally located in Blantyre city. Green spaces play a vital role in regulating the climate, improving air quality as well as improving people's mental health. Additionally, biodiversity conservation stands out as another significant advantage of green spaces. Not only is Njamba Park a green space, but it is also a wetland, on which Naperi River and the surrounding communities depend on.



Charles Mkoka
CURE

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Green spaces play a vital role in regulating climate, improving air quality and people's mental health

Q3: Why is CURE concerned about Njamba Park?

A3: There is a lot of pressure on green spaces in Blantyre. Having most of these spaces gone, pressure is now mounting on the remaining spaces like Njamba Park and Michiru Forest. Recently, the park has not been properly managed and has been slowly losing its value, with people cutting down trees and dumping waste in the Park, to mention some issues. Njamba Park contributes to the overall sustainability and habitability of Blantyre city, and thus, requires conservation. There is potential that with proper management, the Park can turn into a thriving and beneficial green space.

Q4: Are there other green spaces that are also under threat?

A4: Yes, in Blantyre we have Michiru Mountain Conservation Area which is segmented into Forest Reserve and Nature Sanctuary. People are cutting down trees, burning charcoal, moulding bricks and farming; and currently, it is at the verge of being completely lost. Michiru needs to be given priority in terms of management and addressing challenges that are forcing people to destroy the forest. Furthermore, surrounding communities need to be comprehensively engaged and capacitated so that they too can play a proactive role in conserving the forest.



Q5: What have CURE and partners done so far?

A5: We have engaged the Ministry of Sports and Youth to scale up the management of Njamba Park. We have put together a proposal exploring the possibility of working in partnership to manage and develop Njamba Park. In addition, we recently organised an Urban Green Spaces Initiative raising awareness among communities around Njamba Park and stakeholders about the importance of the Park and how we can all work together to manage it. We have also managed to plant trees, however, we had to reduce the numbers to less than a hundred because of the dry spell the district was experiencing which made the weather un conducive for new growth. Currently the survival rate is over 90 percent.

Q6: Protection of the environment vs investment projects. Where do we draw the line?

A6: Indeed, there is perception that the people working in the environmental sector are against development. But perhaps it is a misunderstanding that needs to be rectified. This is because all we do is bring in an alternative view to things. As environmentalists, we understand the role nature plays in our day to day lives. For example, the climate change crisis we are experiencing now is because humanity has been paying little attention to the conservation of the environment. We are part of nature and everything in nature is interconnected. Nature is there to serve us as long as we take good care of it. We appreciate development, we only ask that development should be sustainable and giving consideration to living things (plants and animals) in that particular area.

Q7: What do you suggest should be done to safeguard these green spaces?

A7: We need to turn these green spaces into environmental assets that will bring more benefits to the citizens. For example, Njamba Park needs to be turned into a vibrant urban recreational area, like what the National Herbarium and Botanic Gardens have done in Lilongwe. They have managed to transform a green space within Lilongwe city centre where people go to relax, pray and host weddings. Njamba Park can be turned around in a similar way. It needs to have facilities such as toilets, water, fence, etc.

Q8: What role should citizens play?



A8: Every citizen has a duty. Malawi is an agricultural economy and agriculture relies on ecosystems. How well the agricultural sector performs depends greatly on the weather patterns, the soil conditions and so forth. As an economy that relies on agriculture, we need to conserve ecosystems including catchment areas such as lakes and wetlands. Citizens can play a big role both as individuals and as communities to proactively look after green spaces like forests and all other elements of the environment.

The Coordination Union for the Rehabilitation of the Environment (CURE) was formed in 1994. Its main focus is to coordinate other NGOs and CSOs in ensuring effective management of Malawi's environment and natural resources in a participatory and sustainable manner through coordination, communication, capacity building and advocacy



PUTTING AN END TO THE PLASTIC ERA: A GLOBAL COMMITMENT TO CLEAN THE PLANET

CLIMATE CHANGE

By Andre Pérez

Plastic pollution has emerged as a global environmental crisis, with devastating impacts on ecosystems, marine life, human health and human rights. Enough studies have demonstrated, plastic has been found everywhere; not only in ecosystems and the atmosphere but also in the food we eat, the water we drink, inside our bodies and even in placentas! In response, nations have come together to address this issue through the development of a **Global Plastics Treaty**.

Global treaties are the Earth's hope at regulating transnational environmental problems. Originating from growing concerns, the treaty aims to curb plastic waste and promote circular economy. An Intergovernmental Negotiation Committee (INC) is in charge of the ongoing negotiations, recent news suggest promising advancements towards consensus but, the work is not yet finalised.

Moving forward, key strategies include enforcing regulations, investing in recycling infrastructure, and fostering public awareness. By uniting efforts under a comprehensive treaty, the international community can combat plastic pollution and safeguard the planet for future generations.

What exactly is the Intergovernmental Negotiating Committee?

In March 2022, the United Nations Environment Assembly requested the Executive Director of the United Nations Environment Programme (UNEP) to convene an Intergovernmental Negotiating Committee (INC) through the [resolution 5/14](#), which marked a significant moment in global policy making.

The INC's assigned duty was to craft an **international legally binding instrument on plastic pollution**, including in the marine environment which addresses the full life cycle of plastic (production, design, and disposal) and which includes both binding and voluntary approaches. The work was planned to begin during the second half of 2022 and to finish by the end of 2024.



Andre Pérez
CEPA

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In the negotiations, there is a global agreement that single use, short-term plastic can go

There have been 4 rounds of negotiations to date.

- INC 1 took place in Punta del Este, Uruguay in November 2022.
- INC 2 held in Paris, France in June 2023.
- INC 3 took place in Nairobi, Kenya in November 2023.
- INC 4 held in Ottawa, Canada in April 2024.

INC 5 is scheduled to convene from November 25 to December 1, 2024, in Busan, Republic of Korea, marking the conclusion of the INC process. Informal INC sessions will occur alongside official meetings to facilitate document development. Subsequently, a Diplomatic Conference will convene for Heads of State to sign the agreement.

One of the most relevant statements to date is the one of the Executive Director of the UN Environment Programme, Inger Andersen, summarising the negotiations after INC 4:

“We are seeing convergence on eliminating the uses that are problematic and avoidable. We will continue to need plastic for specific uses, such as renewable energy technologies. But there is **growing agreement that short-lived and single use can go**”. She also emphasised on the urgency of the matter: “We can be proud of what we have achieved. But a job half-done is a job not done. Time is against us – both in terms of finalising the instrument and how much more the planet can take. As we deliberate, plastic pollution continues to gush into ecosystems. We need to set the stage for INC-5 to finalise an instrument that will end plastic pollution, once and for all.”

The treaty aligns with existing plans and aims to address any significant deficiencies in preventing plastic from entering oceans. Its objective is to ensure equitable and environmentally sound usage and recycling of plastic.

A SUCCESSFUL TREATY CONTAINS...



- Setting targets to cap and dramatically reduce virgin plastic production, including the elimination of single-use plastics and intentionally-added microplastics.
- Banning Toxic Chemicals in all virgin and recycled plastics to safeguard human and environmental health. Setting legally binding requirements for transparency of chemicals in plastic materials and products throughout their lifecycle.
- Scaling up reuse systems to move away from the linear take-make-waste packaging economy, thereby reducing pollution and emissions.

- Enforcing legally binding, time-bound targets to accelerate the transition away from single-use plastics and rejecting ineffective solutions.
- Rejecting Plastic Credits and Offset Schemes, which do not effectively reduce plastic production or pollution.

Strengthening regulations on plastic waste trade to minimize exports and banning harmful waste treatment practices. Supporting a just transition to safer and sustainable livelihoods for workers and affected communities across the plastics supply chain affected by plastic production, incineration and open burning, while respecting human rights, human health and Indigenous Peoples' rights.

“THE ELEPHANT IN THE ROOM”

Delegates have been forcing attention to what has been called the ‘elephant in the room’ - **primary plastic polymers production**. Balancing efforts across the plastic lifecycle is crucial. A group of representatives have developed the Bridge to Busan: Declaration on Primary Plastic Polymers during the last INC4 in Canada. The signatories, which are 28 countries and 9 stakeholders, want to assure and urge commitment to sustainable production levels, transparency in reporting, and adoption of global objectives to curb unsustainable production in all the plastic life cycle.

These measures align with circular economy principles and the Paris Agreement's climate targets. Malawi is one of the signatory and role model countries of the Bridge to Busan Declaration. **Nevertheless, the country needs to set crucial and definitive boundaries regarding the ban on thin plastics.**



Malawi's health and beauty come first and the government and civil society should fight the new 11 plastic companies' injunction, which seeks to keep Malawi drowning in plastic.

The global agreement on plastic pollution reduction will focus on country-level plans to translate global commitments into actionable policies. Microplastics, originating from various sources, pose significant environmental threats due to their ability to absorb toxins and harm marine life and biodiversity. Lack of global measures on intentionally added microplastics persists.

Standardization hurdles hinder circular economy progress, necessitating universal criteria and labelling for products and recycled materials. A robust monitoring framework, including environmental and circular economy indicators, is vital for assessing progress and guiding future decisions.



ENERGY ACCESS SITUATION IN MALAWI: CHALLENGES AND OPPORTUNITIES

CLIMATE CHANGE

By Peter Sandula

THE ENERGY LANDSCAPE

Malawi ranks as one of the least electrified countries in Sub-Saharan Africa and the world, with only 19% of the population having access to electricity, out of which 14% is from the national electricity grid. The access rate in rural areas is even worrisome with only 6% of the households having access to electricity.

As a result of the imbalance between electricity supply and demand and the perception that using electricity for cooking and heating is expensive, 88.5% of Malawi's population has opted for the use of solid fuels, mainly charcoal and firewood for cooking and other domestic uses. Consequently, Malawi's forests are depleting at a terrifying rate, with a 32% reduction in forest cover in less than 40 years, putting pressure on natural resources.

As such this has resulted in massive deforestation and land degradation throughout the country, which has consequently caused reduced hydropower generation, inadequate rain patterns, and other climate change phenomena. Malawi's annual population growth rate is 2.8%, and its urbanization rate is 4.2%, indicating that future demand for biomass energy is projected to outstrip supply.



While firewood remains the most widely used cooking fuel in Malawi, the percentage of Malawians using charcoal as their primary cooking fuel grew significantly from 2% in 1998 to 70% in 2022. Growth in charcoal consumption is greatest in urban areas where more than 70% of residents reported charcoal as their primary cooking and heating fuel. This implies that as things stand Malawi will continue to suffer from the effects of climate change in the unforeseeable future.



Peter Sandula

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Most of the charcoal consumption takes place in Blantyre and Lilongwe

TOWARDS PROGRESS

Despite all these problems, Malawi continues moving forward driven by innovation, cooperation, and commitment towards sustainable development. By adopting strategic initiatives and building partnerships it lays down the seedbeds of a better energy future:

ENERGY RESOURCES

Malawi is endowed with abundant renewable energy resources, presenting a vast potential for sustainable energy development. The country boasts ample sunlight, making solar energy a promising avenue for electricity generation. Additionally, Malawi benefits from its numerous rivers and lakes, offering significant potential for hydropower generation, with projects like the Kapichira Hydroelectric Power Station already contributing to the national grid. Wind energy also holds promise, particularly along the shores of Lake Malawi and in the northern region.

These renewable energy sources not only offer clean and environmentally friendly alternatives to traditional fossil fuels but also present opportunities for decentralized energy solutions, particularly in remote and off-grid communities. By harnessing these diverse energy resources, Malawi can chart a sustainable path towards energy security, resilience, and inclusive development.

OFF-GRID AND GRID EXPANSION INITIATIVES

Malawi is tapping into its vast renewable energy resource base, which includes solar, wind, and hydropower, to reach out to the most vulnerable with clean and cheaper sources of power. Programs like the Malawi Rural Electrification Program (MAREP), the Ministry of Energy, and ESCOM extend power distribution lines to major trading centres across the country.

The Government, with financial support from the World Bank, is implementing the Malawi Electricity Access Project (MEAP) to improve electricity access to households in both urban and rural areas with a major focus on clearing the backlog of customers who applied at ESCOM and are yet to be connected due to ESCOM's failure to procure materials.



The project aims to connect 180,000 households, small and medium enterprises, schools, administrative buildings, and health facilities within proximity to the existing grid network upon its completion.

The government of Malawi formulated enabling policies aimed at bolstering private sector involvement in electrification programs across the country. Mini-grids, Solar home systems (SHS) Pico lighting systems, energy kiosks, and other off-grid energy solutions are offered by commercial companies registered with the Malawi Energy Regulatory Authority (MERA) at a cost to customers thus supporting the efforts of accelerating electricity access in the country.

POLICY REFORMS



Malawi seeks reforms in policies towards creating an environment that allows private entities to generate electricity and feed to the national electricity grid. So far two solar photovoltaic power plants owned by private entities, are generating a combined 80MW which has consequently increased the installed generation capacity to 521MW from 441MW. The introduction of incentives such as the removal of VAT on solar products has moderately reduced the prices of these products thus making them relatively affordable to households.

INSTITUTIONAL COLLABORATION

As a way of speeding up the pace of electrification across the country, Malawi is cooperating with other countries, and with local and international bodies. These partnerships will result in achieving the goal of universal access to modern and clean energy for all in the foreseeable decades.

A CALL TO ACTION: WORKING TOGETHER TOWARDS A BETTER FUTURE

In light of the urgent need to address Malawi's energy challenges and unlock its full potential, we call upon all stakeholders to join hands in a concerted effort towards a sustainable energy future. Government, development partners, the private sector, civil society, and communities must collaborate closely, pooling resources, expertise, and innovation to overcome barriers and drive meaningful change. Together, let us prioritize investment in renewable energy infrastructure, promote energy efficiency measures, and empower local communities to actively participate in shaping their energy destiny.



OPERATIONALISATION OF LOSS AND DAMAGE FUND GLIMMER OF HOPE FOR ACHIEVING CLIMATE JUSTICE FOR VULNERABLE COMMUNITIES

OPINION

By JULIUS NG'OMA, Civil Society Network on Climate Change (CISONECC)

Most of African countries, which are already poor and vulnerable to climate change, continue to overstretch their economies in response to climate-induced disasters despite contributing insignificantly to global emissions. For instance, Cyclone Freddy in Malawi which killed over a thousand people and where over half a million people were displaced resulted in losses and damages (L&D) in form of infrastructure, livelihoods, cultural and natural heritage and other non-economic L&D.

The country lost an estimated USD 500 million to cyclone Freddy and required over USD 700 million for recovery and rebuilding. The economies of the Vulnerable Twenty (V20) countries have lost an estimated USD 525 billion in the last 20 years due to the impacts of climate change. The 2023 IPCC report also estimates that Africa has already incurred losses of up to USD 7 billion per year from 2010 to 2019 and that at the current pace of climate action, losses and damages for Africa could rise to USD 50 billion by 2040.

Concerns over the need to address the issue of L&D have been voiced since the early days of the United Nations Framework Convention on Climate Change (UNFCCC) regime by the Alliance of Small Island States (AOSIS). However, the issue only gained traction under the UNFCCC in the late 2000s owing to the efforts of the largest negotiating block of developing countries (G77), the AOSIS, the African Group and Least Developed Countries Group (LDCs), and relentless Non-Governmental Organisations (NGO) advocacy.



Julius Ng'oma
CISONECC

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Malawi lost 1000
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Throughout the UNFCCC history, discussions on L&D have had competing perspectives, and this has contributed to its present definitional ambiguity.

The first concern was the distinction of loss and damage from adaptation. Historically, the first reference to L&D in a COP decision and the first work programme dedicated to the issue were both adopted under the rubric of 'enhanced action on adaptation'. This stands in stark contrast with the view that Africa and most developing countries have, which frame L&D as concerning adverse climate impacts that are beyond the limits of adaptation.



A second point of contention in the L&D negotiations concerns the provision of international finance to support those suffering climate harms at present and in the future. Under the UNFCCC, industrialised country parties are obliged to provide 'new and additional financial resources' to help non-industrialised countries meet the costs of climate action. Non-industrialised countries have also pushed for the industrialised countries to provide finance through public funds, a view in contrast with that of industrialised country parties who have pushed for recognition of mobilising funds through the private sector.

A third contestation concerns differing views among stakeholders on the role of liability and compensation for L&D. Many industrialised countries have eschewed any discussion of responsibility and potential liability, and have instead advocated risk management and particularly insurance mechanisms as a principal and effective means to deal with L&D.



Substantial progress on L&D post Paris Agreement was only made at COP25 when the Santiago Network on Loss and Damage was set-up. The question on financing L&D was heightened from COP 26 in Glasgow with the growing realisation that the majority of existing funding mechanisms that are being promoted across most of the developing countries are humanitarian in nature.

At the end of the COP27, a “loss and damage fund” was agreed to support vulnerable countries to avert, minimize and address the adverse impacts of climate change, overcoming decades of resistance from rich nations who contribute the bulk of the world's greenhouse gas emissions.



However, the complexities of the mechanism for calculating losses and paying out for damages by wealthy nations was expected to be concluded at COP28 in Dubai. The Glasgow Dialogues after COP26 on L&D and the outcome of the work of the Transition Committee were expected to result in the operationalisation of a fit for purpose L&D Fund and funding arrangements at COP28.

Months of intense climate talks throughout 2023 led to the full operationalisation of the L&D fund on the first day of the Dubai Climate Summit. A number of countries also stepped forward and pledged to contribute roughly \$700 million to the fund. Though the pledges were welcomed by many non-industrialised countries and climate activists, deeming them a glimmer of hope for climate justice for vulnerable communities, clearly, the amount was widely viewed as a drop in the ocean compared to the \$580 billion in climate-related damages vulnerable countries may face by 2030.

However, questions still remain on a number of issues, if climate justice has to be served to vulnerable communities. These relate to the need to set-up a functional fund board; setting-up of sound policies, for the fund to facilitate mobilisation of resources into the fund, scale and easy access of the resources by vulnerable communities.



CEPA IN A SNAP...



Group discussion during the Extractive industry regional inter-learning workshop



Michiru Community Scouts - Operation's planing



Participative Assessment for Climate and Disaster Risk - PACDR in Mulanje



Njamba green spaces initiative



Group photo during the validation workshop of studies on energy access in Malawi



EU Field visit in Lilongwe



EU field visit to Blantyre



Planting tree season kick off event in Lunzu.

... AND IN THE WORLD

»»» SIDE SESSION - SHRINKING CIVIC SPACE



CEPA's Executive Director, Herbert Mwalukomo, was part of the Side Session "Securing Safe Civic Space for a Just Energy Transition" at the Publish What You Pay Conference Africa. He highlighted the importance of raising awareness on how shrinking civic space affects the work of CSO's for a just energy transition.

»»» PEER EXCHANGE PANEL ON EXTRACTIVE INDUSTRIES TRANSPARENCY INITIATIVE

Sharing Malawi's anti-corruption experience in mining in the ongoing capacity building workshop on the new standard for the Extractive Industries Transparency Initiative.

»»» AFRICAN ORGANIC NETWORK

CEPA was part of the 5th African Organic Network (AfrONet) Conference that took place in Kigali, Rwanda. The Conference's theme was: 'Strengthening Resilient and Sustainable Food Systems in Africa Through Organic Agriculture.'

»»» HIGH LEVEL REGIONAL DIALOGUE ON JUST TRANSITION



High level regional discussions on how to advance Climate Justice and Accountable Natural Resources Management in Southern Africa.

QUOTES AND TIPS

>>> SOMETHING TO REMEMBER

The Earth does not belong to us:
we belong to the Earth." - *Marlee Matlin*

"We won't have a society, if we destroy the
environment." - *Margaret Mead*

"It is our collective and individual responsibility
to preserve and tend to the world in which we
all live." - *Dalai Lama*

>>> DAILY HABITS

- Turn electrical items off completely, rather than leaving them on standby.
- Switch lights off when leaving the room.
- Only boil as much water as you need in your kettle, as it will boil quicker and use less energy.
- Refuse what you do not need e.g. thin plastics. Instead carry a shopping bag.
- Reuse what you can e.g. bottles, cans, cartons etc.
- Compost all biodegradable/food waste.
- Consume, what you really need.
- Eliminate useless E-mails.

THE BLUE DEVIL

By Cliff Ceekay

When I go to the grocery store
He's there, waiting for me at the door
And since I cannot afford food from kips
I go *pachiwaya* for some hot chips
But he's there too, smiling like an angel

His blue face is all over the place
Like a loyal servant he is
Always smiling to charm us
And we think he is an angel
We think he's there to serve us
But he's the hyena in sheep's clothing

He gives us short-term satisfaction
To distract us from his true intention
His mission is to destroy our planet
So that it becomes inhabitable
Day by day he's suffocating our rivers
And stealing fertility from the soil

In case you're wondering who, he is,
He's commonly known as the 'blue jumbo'
The notorious and dangerous thin plastic
He may look small and always convenient
But he brings more harm than good
Like sweet poison, he is deadly

So next time when you see him
Please turn him down right away
Say NO and tell him that you don't need him
He's dangerous, he's harmful

<https://www.facebook.com/Cliff.ceekay>

Did you know ?



By turning off the tap when brushing your teeth just once,
you can save up to 12 lt. of water.
Imagine how much water you could save in a year!



WHAT'S NEXT

Watch out
for our next edition!



FOSSIL FUELS, NON-PROLIFERATION TREATY

Learn about the real international solution to Climate Change.



WHO FEEDS YOU

Small holder farmers feed the world, learn more facts about the most important job in the world.



GLOBAL LEADERS WILL MEET IN BAKU, AZERBAIJAN

Global leaders have met at COP28, which results on climate financing and loss & damage can Malawi count on?



INTERNATIONAL LAW

Boundaries of International Environmental Law.

Do you want us to cover a certain topic?

Write us on: cepa.comms@gmail.com





The Climate crisis is the greatest challenge humanity has ever faced, collective action is the only way to go, let's be part of the solution!



"Towards an environmentally sound and sustainable Malawi."

Centre for Environmental Policy and Advocacy
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