

Policy Brief

Protecting persons displaced by natural disasters in Zimbabwe: the need for the Kampala Convention

*Hoitsimolimo MUTLOKWA**

This policy brief forms part of research of the Global Engagement on Internal Displacement in Africa (GENIDA) (EP/T003227/1) projects supported by the UK Research and Innovation (UKRI) Global Challenges Research Fund (GCRF).

Summary

This brief succinctly reflects on the main framework for protecting persons affected by natural disasters in Zimbabwe. This brief concludes that the Kampala Convention is needed in order to protect persons affected by natural disasters in Zimbabwe.

1 Introduction

Climate disasters such as tropical cyclone storms have become a common phenomenon in the SADC region. Some tropical cyclones such as Eline, Gloria and recently Idai and Kenneth have taken human lives, taken peoples source of livelihood, destroyed people's homes and caused Internal Displacement of People in several countries in SADC. Zimbabwe is no exception to such catastrophic disasters. The humanitarian situation brought about by Cyclone Idai bear testimony to the need for enhanced state

preparedness on natural disasters. This brief examines the law and policy terrain for protecting IDPs in situations of natural disasters.

2 Main normative response(s)

Section 72 of the Zimbabwean Constitution protects the right to the environment and requires that the State ‘must take reasonable legislative and other measures, within the limits of the resources available to it, to achieve the progressive realization of the rights’ (Zimbabwe Constitution 2013). The recognition of the right to the environment is significant in light of the African Charter on Human and Peoples’ Rights and its recognition of the right to the environment. It will be useful to draw on this instrument in protecting displaced persons within the context of natural disasters. However, a specific law is still required because the right to the environment is one of the many rights that are affected in situations of natural disaster displacement.

The Civil Protection Act of 1989 (CPA) is the legislation governing issues related to Natural disasters in Zimbabwe. However, the law is inadequate. For instance, The CPA falls short in stating the logistical coordination for issues that relate to disaster management of all said structures from the national to the provincial to the local authorities in part III to part VI the CPA. The CPA’s provisions lack a comprehensive human rights-based approach in respect of the protection of IDPs. The government of Zimbabwe, in its third communication to the UNFCCC 2016, recognised that the CPA was deficient in regard to disaster risk reduction, and promised to rectify this with the Disaster Management Bill and Policy (Zimbabwe Third National Communication to the United Nations Framework Convention on Climate Change 2016, 132). Fulfilment of this promise is, however, moving at a slow pace.

Another important legislation in the climate change context is the National Climate Change Response Strategy of 2014. At the core of this climate change governance lays human rights, gender issues and poverty alleviation. The Strategy provides that climate governance must be streamlined into the national, provincial and district spheres and community spheres of governance (National Climate Change Response Strategy 2014, section 5). However, the policy is not explicit on the protection of IDPs.

3 The need for the Kampala Convention

Zimbabwe needs to domesticate the Kampala Convention in order to provide adequate protection for persons affected by natural disasters. It ratified the Kampala Convention on 22 July 2013 and deposited the instrument of ratification on 07 November 2013. Evidently, it has demonstrated significant commitment towards the Kampala Convention. In April 2017, it hosted the First Conference of State Parties to the Kampala Convention. Five objectives were set out during the meeting, in line with the objectives of the Kampala Convention.

Adopting the Kampala Convention will provide the relevant text for protecting IDPs at the domestic level. It is worth noting that Zimbabwe is a dualist state, ratification of international and regional instruments compels it to pass it as domestic legislation. With that in mind Zimbabwe in its constitution in section 327 (2) (a) and (b) explicitly makes it clear in that international conventions' treaties and agreements do not become part of domestic law unless approved by the parliament and incorporated into an act of parliament. The domestication of the Kampala Convention will also entail a reform of national level legislation to address lacunas in existing legislations including the CPA.

4 Conclusion and Recommendations

Law and policy reforms are needed in Zimbabwe to protect persons affected by natural disasters. This brief recommends the following for Zimbabwe:

- Domesticate the Kampala Convention and revise existing laws and policies to specifically protect IDPs in the context of natural disasters.
- Create a specific mechanism or a specific division within the Civil Protection Unit to coordinate IDP issues in Zimbabwe.
- Promote knowledge on the Kampala Convention across various government sectors.

References

Civil Protection Act of 1989

The Constitution of Zimbabwe Amendment (No. 20) Act (2013)

Zimbabwe National Climate Change Response Strategy (2014)

Zimbabwe Third National Communication to the United Nations Framework Convention on Climate Change (2016)

About the Author

Hoitsimolimo Mutlokwa is an affiliate of the Global Engagement Network on Internal Displacement in Africa. He is a PhD Student at Koç University, Istanbul, Turkey. He would like to express gratitude to Dr Romola Adeola for enhancing this brief.

* Cite as: Hoitsimolimo Mutlokwa *Protecting persons displaced by natural disasters in Zimbabwe: the need for the Kampala Convention* GENIDA Policy Brief III (March 2020).