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ZIMBABWE

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EXECUTIVE SUMMARY

This policy brief examines Zimbabwe's attempts at parks and wildlife management reform. It is a response to the Parks and Wildlife Management Bill, 2024. This Bill proposes 20 amendments to the Parks and Wildlife Act [Chapter 20:14]. The policy brief is an outcome of an uptake workshop hosted by Accountability Lab from 14th to 15th June 2024 at the Kadoma Hotel and Conference Centre. The uptake meeting was attended by civic society and the Parliamentary Portfolio Committee on Environment, Water, Tourism and Hospitality Industry.

The brief highlights the significance and urgency of parks and wildlife management reform and discusses critical challenges, opportunities, and recommendations for sustainable parks and wildlife management. The brief calls for greater accountability and transparency in the Parks and Wildlife Management, improved governance and access to information-informed civic agency, harmonised processes and linkages with other actors and laws, and makes the following recommendations:

1. Balancing economic ambitions with the government's duty to safeguard the environment and uphold the well-being of its citizens.
2. Introducing robust forest protection mechanisms that establish designated areas to conserve biodiversity, ecosystem services, and social needs and providing for various management approaches and governance types to safeguard against land clearance, poaching, and climate change.
3. Promoting and preserving biological carbon sequestration - preserving this carbon sequestration requires the Bill to be explicit in its efforts to protect and safeguard the natural world.
4. Restricting the expansion of agricultural and mining activities to slow down land degradation.
5. Distinguish between consumptive and non-consumptive tourism and their applicable circumstances. Both can coexist and are a means of conservation.
6. The Human-Wildlife, Conflict Relief Fund, should provide physical, emotional, social, intellectual, and occupational support and financial assistance, improve its governance, and protect it against corruption.
7. Parliament should be empowered to conduct an open process that allows the public to scrutinise the recruitment of key personnel as public officers. In a similar vein, imports and exports (s129(1)(r) and regulation and prohibition on matters concerning possession, sale, transfer, etc. of rhino horn and ivory (s129(1)(x) should be subjected to parliamentary processes.

INTRODUCTION

Zimbabwe's environmental landscape is at a critical juncture. Globally, the triple climate change crisis, pollution, and biodiversity loss necessitate urgent action. Zimbabwe, renowned for its rich ecosystems and iconic wildlife, faces unique challenges. The country's tourism industry and cultural heritage rely heavily on its natural assets, which are increasingly threatened by environmental degradation.

Zimbabwe is party to several international commitments dedicated to climate resilience and wildlife protection. These international commitments have been given domestic validation through government measures around institutionalising and establishing a Climate Change Office and ongoing Parks and Wildlife Management law reforms. These measures aim to curb biodiversity losses, boost community livelihoods, and prioritise climate change adaptation nationwide. The country is also party to international protocols and conventions that seek to protect and improve governance in parks and wildlife management. These include the United Nations Framework Convention on Climate Change, the Paris Climate Agreement, the Kunming-Montreal Global Biodiversity Framework, the Convention on Biological Diversity (CBD), the Convention on International Trade in Endangered Species, and the African Convention on Nature and Natural Resources.

These international commitments signal a global resolve to avert imminent threats of biodiversity loss, and given the country's vulnerability to climate change's adverse effects, policy, practice, and law reforms are crucial.



SUMMARY OF AMENDMENTS TO THE PARKS AND WILDLIFE MANAGEMENT BILL:

The Parks and Wildlife Act 1975 regulates Zimbabwe's wildlife resources and provides a framework for managing and exploiting them. The Act has been criticised for its colonial overview of parks and wildlife management and for failing to strengthen transparency and accountability mechanisms in the sector.

In 2019, Zimparks, with support from the parent Ministry, Treasury, the Attorney General's office, and other local and international partners, embarked on a process to review the current Parks and Wildlife Act to address the abovementioned issues. While the Parks and Wildlife Management Bill is a genesis of decolonising regulations, the sector currently has sections that need improvement. The Parks and Wildlife Management Bill introduces new sections and clauses to the Act and qualifies ambiguous clauses. Below is a summary of the Bill.

The Bill forbids the Authority from devolving as much responsibility for wildlife conservation and management to local communities near wildlife areas. It states that wild animals are ownerless, except for specially protected animals vested in the President, while private individuals may obtain ownership of wild animals under certain circumstances. The Bill also promotes community participation in consumptive and non-consumptive wildlife-based commercial activities.

This represents a new section in the legislation. The Bill provides for equal gender and regional representation on the board. Traditional leadership is also now represented on the board. The Bill introduces the terms "appropriate authority" and "delegated appropriate authority." Under this Bill, all Rural District Councils are appropriate authorities, subject to the Minister's power to withdraw that status for specific purposes temporarily.

Additionally, communal land areas with proper authority may obtain delegated appropriate authority status. The Bill establishes the Wildlife Professionals Council of Zimbabwe, funded by proceeds from membership and certification fees. The Bill proposes the establishment of a human-wildlife conflict relief fund, which aims to offer monetary relief to victims of human-wildlife conflict. Under the Bill, national parks, recreational parks, botanical gardens, and sanctuaries can now be leased. The Bill also makes it a criminal offence to hunt, remove, or sell animals or their products in recreational areas. The Bill further legalises the donation of animals outside Zimbabwe, while a clause is introduced to investigate licensed hunters who illegally kill animals under the guise of an innocent error. The clause introduces park rangers, their appointment, and their powers, among other issues. The Bill encourages community participation through CAMPFIRE or other community structures. The Bill also provides for the domestication of international principles and treaties. (A detailed summary of the amendments is attached at the end of the brief).

GAPS AND OPPORTUNITIES:

- One of Zimbabwe's most pressing environmental concerns is the illegal wildlife trade, which the original Parks and Wildlife Act framework has failed to address effectively. Despite Zimbabwe's efforts to modernise its policies, including joining the Convention on International Trade in Endangered Species (CITES), these measures have not kept pace with the growing global demand for wildlife products. The Parks and Wildlife Act's enforcement mechanisms and penalties for poaching, initially robust, have become outdated and ineffective as poaching networks have evolved into sophisticated, multi-level organisations. This evolution has outpaced the resources and capabilities of enforcement agencies, which suffer from chronic underfunding and lack modern equipment. Furthermore, high unemployment rates have driven many locals to engage in poaching, either to supplement their diet with game meat or sell poached resources for income. This local involvement exacerbates the problem, making effective combat against illegal wildlife trade even more challenging.
- Furthermore, wildlife law intersects with other facets of the law, such as environmental, criminal, human rights, property, and commercial law. Sometimes, there is overlap, duplication, and conflict; the Environmental Management Act (EMA) takes precedence in these cases. This poses a challenge on a day-to-day basis, also in terms of jurisdiction. For example, municipal police do not have the power of arrest regarding urban mining.

- Driven by global demand for lithium, coal, and precious metals, mining operations have encroached upon national parks and wildlife reserves, causing widespread habitat destruction. This has resulted in ecological disruption, undermining conservation efforts and displacing local communities that rely on these areas for tourism and subsistence livelihoods (African Wildlife Foundation, n.d.). Zimbabwe's economic dependence on mining exacerbates regulatory challenges (International Trade Administration, n.d.). Foreign investments generate substantial revenue, but benefits rarely reach local communities. Consequently, mining's significant contribution to GDP does little to improve the livelihoods of affected communities (African Wildlife Foundation, n.d.). This economic model perpetuates environmental degradation and social inequity. Post-2008, the mining sector accounted for between 5% and 23% of the GDP and the total exports, respectively. Most mining activities result in environmental harm, adversely affecting communities and ecological ecosystems.
- Artisanal miners, in particular, are engaging in unregulated mining activities, resulting in ravaged landscapes, polluted water systems, and displaced communities.
- Sections 97 and 99 of the Environmental Management Act stipulate that mining projects must undergo an Environmental Impact Assessment (EIA) before operations commence, outlining the necessary contents of an EIA report. However, mining companies often circumvent these requirements, securing EIA approvals without conducting community consultations. In the rare cases where consultations are done, vulnerable groups such as women, children, and youth are largely excluded from environmental governance despite being vulnerable to mining, forestry, and waste management impacts.
- Despite numerous multilateral and national laws addressing environmental issues and climate change, the institutional frameworks for implementing these laws are often incomplete, underfunded, and fragmented. This is particularly evident at local government levels, where capacity and expertise are limited. As a result, efforts to address complex environmental challenges are largely piecemeal, project-based, and reliant on donor support.

2. Zimbabwe Environmental Law Association. (n.d.). Mazvihwa community bears the brunt of poor mining methods. Available at: <https://zela.org/mazvihwa-community-bears-the-brunt-of-poor-mining-methods/>

3. International Trade Administration. (2024). Zimbabwe Country Commercial Guide. Available at: <https://www.trade.gov/country-commercial-guides/zimbabwe-mining-and-minerals>

4. <https://www.thezimbabwean.co/2024/10/the-ravaging-of-zimbabwe-how-chinese-mining-companies-are-destroying-the-environment/>

5. See; Accountability Lab Zimbabwe. (2024). Ticking Timebomb. Civic Action Teams Documentary. Available at:



Below, we share some of the inadequacies of the Parks and Wildlife Management Bill:

- Parliament's role in recruiting key staff within the Zimparks is limited. The recruitment process appears to be the Minister's preserve. However, Parliament should be empowered to conduct an open process that allows the public to scrutinise the recruitment of key personnel as public officers.
- Limitations in enforcing transparency and accountability in the sector have resulted in severe economic, environmental, social, and security costs. The absence of clear clauses that foster accountability and transparency has led to rampant corruption, poaching, Illegal Wildlife Trade (IWT), Illicit Financial Flows (IFFs), and Human-Wildlife Conflict (HWC) are some of the challenges facing the sector.
- Provisions of legislation governing Parks and Wildlife Management in Zimbabwe must be coordinated and harmonised. For instance, the Parks and Wildlife Act is not prioritised over other legislation, thus explaining the absence of clear institutional frameworks for processes and procedures in developing protected areas. Such reviews of legislation should, for instance, make it mandatory for developers or investors to undertake Environmental Impact Assessments where an intention has been expressed to develop in protected areas.
- Section 129 of the Parks and Wildlife Act centralises power in the Minister to issue regulations governing the control, possession, sale, transfer, etc., of trophies in general (s129(1)(q); import and export (s129(1)(r) and regulation and prohibition on matters concerning possession, sale, transfer, etc. of rhino horn and ivory (s129(1)(x). This extricates from parliament the power to legislate.

- Limitations with the definition of “wildlife”: The Bill confines wildlife to animal species and leaves out plants, yet an accepted definition of the term is often understood to include “animals, birds, insects, etc., that are wild and live in a natural environment” (Oxford Learners Dictionary, 2022). Wildlife ecologists and conservationists tend to have similar, broad definitions: “all living organisms out of the direct control of man, including undomesticated or cultivated plants and animals, (Yarrow, 2009). Legal definitions are central to legislation: they help define the scope and application of legislation and are the essential argumentative tools for applying laws to cases and enforcing legal consequences (Macagno, 2010). Definitions also provide clarity, stability, and coherence (Vibhute & Aynalem, 2009). Legal definitions must be clear and precise (Sima & O’Sullivan, 2016).
- While the Bill introduces “corporate governance” in parks and wildlife management, subsidiary statutory instruments still enforce centralised and unaccountable management styles. For instance, SI26 of 1998 gives the Director of Zimparks discretionary powers to charge and approve hunting permits. These centralised powers also account for numerous corruption cases within the sector.

- The community's role is limited, but there are ways for communities to benefit from wildlife resources and foster local development initiatives.
- Issues related to “the relief” fund are unclear, including whether it should be treated as compensation or relief to survivors of human-wildlife conflict. The fund administration is also contentious, given the incidences of corruption that have rocked both the regulatory body and the central government. The scope of compensation is also a key debated issue. The Bill only projects compensation in monetary or financial terms, whereas this could be expanded to include Psychosocial support, as will be shown in successive sections of this report.



6. ZELAs Environment Pulse. 7th Edition. Available at: <https://zela.org/publications/environment/>

7. Inter-Governmental Panel on Climate Change (IPCC). (2014). In: *Climate Change 2014: Impacts, Adaptation, and Vulnerability. Part B: Regional Aspects*. Available at: https://www.ipcc.ch/site/assets/uploads/2018/02/WGIIAR5-Chap22_FINAL.pdf

8. ZELA. (2020). *Zimbabwe must reform the Parks and Wildlife Act to promote transparency and accountability in the wildlife sector*. Available at: <https://zela.org/zimbabwe-must-reform-the-parks-and-wildlife-act-to-promote-transparency-and-accountability-in-the-wildlife-sector/>

RECOMMENDATIONS

In light of current efforts at amending the Parks and Wildlife Management Amendment Bill, we make the following recommendations to parliament and interested agencies to strengthen accountability and transparency of the sector in the bill. These recommendations will assist the Bill to conform to human rights-based approaches, allow for the substantive inclusion of communities, and share ideas around adequate compensation for survivors of human-wildlife conflict:

- For adequate ecological protection in Zimbabwe, the government must balance its economic ambitions with its duty to safeguard the environment and uphold the well-being of its citizens.
- The Bill should establish a Nexus between Parks and Wildlife Management, Climate Change, and Environmental Protection; the following are some of the ways of enhancing the Bill:
 - Introducing robust forest protection mechanisms that establish designated areas to conserve biodiversity, ecosystem services, and social needs and providing for various management approaches and governance types to safeguard against threats such as land clearance, poaching, and climate change.
 - Promoting and preserving Biological Carbon Sequestration - Biological sequestration refers to CO₂ captured and stored by animals, plants, and the soil. Much of this sequestration occurs in carbon sinks—natural features that absorb large amounts of CO₂, such as forests, the ocean, and swamps (wetlands and peatlands). This is an indirect or passive form of sequestration, as it occurs naturally without human input. However, preserving this carbon sequestration requires the Bill to be explicit in its efforts to protect and safeguard the natural world.
 - Slow down land degradation by restricting the expansion of agricultural and mining activities.
 - The bill should clarify the distinction between consumptive and non-consumptive tourism and their applicable circumstances. Both can coexist and are a means of conservation.
- Ownership of Wildlife—The Bill should ensure that local communities have elements of wildlife ownership. This will ignite a sense of responsibility among local communities and prove accountability in managing these resources.
- Community Participation in Parks and Wildlife Management Authority—The Bill should promote community participation in consumptive and non-consumptive wildlife-based commercial activities by conferring delegated appropriate authority status and establishing community partnerships.
- Gender Question—The bill should promote gender equality and inclusion of marginalised groups, such as women and youth, in parks and wildlife management.
- Dimensions on Accountability - Wildlife and Parks Management is an accountability and transparency issue; the Bill should consider the following dimensions of accountability: (i) Parks and Wildlife Management Agency, (ii) Participation, (iii) information and data sharing, and (iv) and establish Processes and Linkages with other Actors and Laws.
- Human-Wildlife Conflict Relief Fund (HWCRF)—Besides financial support, the HWCRF should provide physical, emotional, social, intellectual, and occupational support. Section 16I provides for establishing objectives and disbursing relief funds to victims of HWC. While the attempt to develop the HWCRF is progressive and meant to reduce losses of life, livestock, crops, and infrastructure, the fund overemphasises the monetary aspects of compensation while downplaying the psychosocial elements.

CONCLUSION

This policy brief has examined Zimbabwe's parks and wildlife management reform attempts in response to the Parks and Wildlife Management Bill, 2024. It unpacked the twenty amendments to the Parks and Wildlife Act [Chapter 20:14] and highlighted the significance and urgency of parks and wildlife management reform. An attempt has been made to discuss critical challenges and opportunities for sustainable parks and wildlife management reform. Lastly, the brief emphasised the need for greater accountability and transparency in Parks and Wildlife Management, improved governance and access to information, enhanced civic agency, streamlined processes, and linkages with other actors and laws.



FURTHER READING

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ANNEXURE 1:

Summary of Amendments to the Parks and Wildlife Management Act

<p>Clause 1 This clause sets out title.</p> <p>Clause 2 the Bill's short This clause introduces new definitions and amendments to existing definitions in the principal Act of particular note are the new definitions of "appropriate authority" and "delegated appropriate authority" (under this Bill all RDCs are appropriate authorities subject to the Minister's power to withdraw that status temporarily for specific purposes; also areas of communal land with a proper authority may obtain delegated appropriate authority status)</p> <p>Clause 3 Clause 3 inserts two new sections in the Act. The first new section sets forth the general principles according to which the Authority will administer this Act. Of particular note is the principle that forbids the Authority from devolving as much responsibility for wildlife conservation and management to local communities adjacent to areas of wildlife. The second restates the common law that wild animals are ownerless. <i>However, specially protected animals are vested in the President</i>, and private persons may obtain ownership of wild animals in certain circumstances.</p> <p>Clause 4 Clause 4 amends the section on the Authority's functions by adding new functions. Particularly noteworthy is the promotion of community participation in consumptive and non-consumptive wildlife-based commercial activities.</p> <p>Clause 5 Clause 5 replaces the section on the establishment and composition of the Authority's board, ensuring fair gender and regional representation by the Constitution. Provisions are also made to represent traditional leadership on the board.</p>	<p>Clause 9 Clause 9 inserts two new Parts into the Act. The first Part (IIB) establishes the Wildlife Professionals Council of Zimbabwe. There is no qualification, certification, or disciplinary body for wildlife professionals. This part will establish a Parks and Wildlife Amendment that represents the professional interests of the wildlife sector. The Council must formulate binding codes of ethics in every sector and subsector of the professional wildlife industry. Fees for professional certification will mainly fund the Council.</p> <p>The second part (IIC) establishes the human-wildlife conflict relief fund. The fund's object is to offer monetary relief to victims of human-wildlife conflict, that is, innocent victims of any encounter with a wild animal resulting in the victim's death, maiming (that is, permanent disablement of a bodily function), or any other physical injury.</p> <p>Clause 10 The clause provides for leasing areas in the Parks' estates. Currently, the law limits leasing to Safari Areas only. The clause expands the areas to include national parks, recreational parks, botanical gardens, and sanctuaries.</p> <p>Clause 11 Clause 11 inserts a new section criminally penalizing the hunting, removing, and selling of animals or animal products in recreational parks.</p> <p>Clause 15 This clause introduces a new section in the Act formalizing the existing allocation system for quotas for hunting of animals and for other consumptive profitable and management activities. Every quota is scientifically determined to ensure that the animals are not consumed beyond a sustainable level. A civil penalty is provided for quota holders who exceed their quota.</p> <p>Clause 17 This clause introduces a new section in the Act providing for the private donation of animals outside of Zimbabwe.</p>	<p>Clause 18 The Authority is frequently confronted by cases of licensed hunters illegally killing animals under the guise of an innocent error on their part when, on further investigation, the Authority finds that the hunters have abused their lawful privilege. This clause introduced an expeditious and administratively fair way of dealing with such cases.</p> <p>Clause 31 This clause makes provision for the containment of problem animals. In some cases, it has been found that the declaration of an animal as a problem animal has afforded unlawful license for some people to destroy such animals without provocations. The responsibility for the containment of such problem animals rests with appropriate authorities or delegated appropriate authorities.</p> <p>Clause 32 This clause incorporates the Trapping of Animals Act into the Parks and Wildlife Act for ease of administration. The trapping of animals enables the Authority to contain problem animals.</p> <p>Clause 36 The clause introduces park rangers, their appointment, and their powers, among other issues. It also reintroduces honorary park rangers; individuals conferred with powers to assist in the park estate and prescribe their powers. The clause also provides for the limitation of the Authority's liability.</p> <p>Clause 40 In the scope and course of its work, the Authority often confiscates property used to commission illegal wildlife harvesting. The section now provides a mechanism for the Authority to retain seized property, such as ammunition and boats, for law enforcement activities.</p>	<p>Clause 41 This section expands on the previous one. It confers appropriate authority status on RDCs and community arrangements and encourages community participation through CAMPFIRE or other community structures.</p> <p>Clause 45 This clause provides for the consultation of the President and the Minister responsible for Parks and Wildlife regarding mining activities to be conducted in national parks, botanical gardens, and botanical reserves.</p> <p>Clause 50 Zimbabwe is signatory to various regional and international instruments. The new clause provides for the domestication of such instruments and acknowledges the country's multiple commitments.</p> <p>Clause 55 The Rhodes Committees have been incorporated into the main Parks board committees.</p> <p>Clause 56 This clause provides for incorporating designated water bodies such as Tugwi-Mukosi, Darwendale, and Osborne into the Fifth Schedule.</p>
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Source: Table developed from Veritas analyses of the PWM Bill (2024)



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