

Establishment and Enforcement of Ozone Depleting Substances (ODS) Control Regulations in Zambia



By
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The success of this process belongs to you all.



Mathias Banda
National Ozone Coordinator

ABBREVIATIONS

CFC	Chlorofluorocarbon
CAP	Capacity Assistance Programme
CBU	Copperbelt University
EIA	Environmental Impact Assessment
ECZ	Environmental Council of Zambia
EPPCA	Environmental Protection and Pollution Control Act
GTZ/Proklima	Germany Technical Assistance/Proklima International
GRZ	Government of the Republic of Zambia
MEAs	Multilateral Environmental Agreements
MTENR	Ministry of Tourism, Environment and Natural Resources
NOU	National Ozone Unit
ODS	Ozone Depleting Substances
ODP	Ozone Depleting Potential
PTS	Pesticide and Toxic Substances
NCS	National Conservation Strategy
NEAP	National Environmental Action Plan
NORTEC	Northern Technical College
UV-B	Ultraviolet B Radiation
UNZA	University of Zambia
UNEP	United Nation Environment Programme
UNDTIE	United Nations Environment Programme Division of Technology Industry and Economics
ROACAP	Regional office of Africa Compliance Assistance Programme

FOREWORD

Zambia being a Party to the Vienna Convention has met one of the major Montreal Protocol's objectives which demands that each Party establishes and operationalise control measures in the production and consumption of Ozone Depleting Substances (ODS).

My message to you is that the Zambian community is committed to the obligations of the Montreal Protocol to phase-out ODS. The Zambian Government is also proud of the success and achievement scored by the strategy of the Montreal Protocol to ensure compliance is achieved by all Parties.

On behalf of the Zambian Government, I wish to express my appreciation to the Multilateral Fund for the implementation of the Montreal Protocol, the OzonAction Programme through the Regional Office for Africa's Compliance Assistance Programme (ROAA/CAP) for assisting the Zambia National Ozone Unit (NOU) in developing this document. This document has been developed using a participatory approach that draws on the experience of numerous stakeholders at National level.

I am confident that this document will be useful not only to the Zambian community but also to the international community in achieving compliance to the Montreal Protocol.



Mr. Edward H. Zulu

Director - Environmental Council of Zambia

ESTABLISHMENT AND ENFORCEMENT OF THE OZONE DEPLETING SUBSTANCE REGULATIONS IN ZAMBIA

1.0 INTRODUCTION

Zambia's commitment to Multilateral Environmental Agreements (MEAs) enabled the country to cooperate with international and bilateral partners in the design and development of legislation on ODS control measures. These cooperating partners agreed to focus on one of the government's objective on the establishment of legislation to control consumption of ODS.

In the 1990s, Zambia, like most Article 5 (1) Countries lacked the legal system framework for the control of ODS imports and exports and a reliable system to monitor ODS consumption. Under the Montreal Protocol, an Article 5 (1) country is defined as any party whose annual calculated level of consumption of controlled substances is less than 0.3 Kg per capita.

Zambia is a non-producer of ODS. Therefore regulatory control has been concerned with the importation and consumption requirements. This regulatory control has been made possible through technical and financial assistance from Germany Technical Cooperation (GTZ)/ Proklima International. GTZ/Proklima has been supporting countries in East and Southern Africa, including Zambia, to develop regulations that control ODS.

The short term objective of the assistance has been to ensure that Article five countries in Southern and East Africa improve their existing legal and administrative systems to monitor and control ODS consumption. The long term objective has been to support Article 5 country governments in Southern and East Africa on their obligation as parties to the Montreal Protocol.

In Zambia, the assistance provided an opportunity to develop the ODS regulations. This was achieved through participation of Government Institutions, Industry, the Commercial Sector, Community Associations and Legal Practitioners. The expected immediate output was the development and establishment of procedures to control and

monitor ODS consumption. In the long term it was expected that legal requirements would assist the environmental authority in the enforcement of ODS consumption control measures in Zambia.

1.1 HISTORY OF ENVIRONMENTAL PROTECTION IN ZAMBIA

Conservation of natural resources in Zambia has existed since the 1950s. With the advent of various environmental challenges such as climate change, desertification and other environmental health problems, the Zambian government realised that there was need to develop policies and strategies to protect the environment and human health.

Zambia's first attempt at developing an environmental policy started with the development of the National Conservation Strategy (NCS) in 1985. The three objectives of the NCS were to:

- Ensure sustainable use of Zambia's renewable natural resources;
- Maintain Zambia's biological diversity; and
- Maintain essential ecological process and life-support systems (like nutrient, recycling systems and cleaning of water).

The main recommendations of the NCS were:

- The establishment of the ECZ,
- Enactment of a comprehensive environmental Act;
- Building an environmental input in development planning through environmental assessment of projects; and
- Promotion of Community participation in natural resources management.

These recommendations resulted in the enactment of the Environmental Protection and Pollution Control Act (EPPCA) of 1990 and the subsequent establishment of ECZ in 1992. To build on the NCS, GRZ developed the National Environmental Action

Plan (NEAP) in 1994. The NEAP was prepared based on three principles:

- Every citizen is entitled to a clean and healthy environment;
- Local community and private sector participation in the management of natural resources and the environment; and
- Mandatory Environmental Impact Assessment (EIA) for all major projects in Zambia.

Currently Zambia is in the process of developing a National Policy on Environment (NPE). The main purpose of the NPE will be to create an umbrella policy for the welfare of the nation's environment so that socio-economic development will be achieved effectively without damaging the integrity of the environment or its resources. This policy is expected to encompass all areas of environmental management including management of issues related to ODS.

Zambia's strategy to have a strong environmental institutional and regulatory framework, was the establishment of ECZ as a principal authority on environmental matters.

Figure 1



1.2 ZAMBIAN LAW ON THE PROTECTION OF THE OZONE LAYER

Zambia's approach to bringing into effect international instruments is through the dualism system where the instrument does not become law until it is first ratified and then domesticated into national law through the legislature. The ODS control regulations were formulated to domesticate the Montreal Protocol and is enshrined in the EPPCA.

The ODS Control Regulations were promulgated with the view of to prevent and/or minimise the emission of ODS into the ambient air. In addition, the Regulations control the importation, exportation, production and consumption of ODS in Zambia.

The ODS control Regulations, empower other than ECZ, other enforcement institutions such as Customs authority and the Police to demand for relevant Permits and Licenses concerning any Controlled Substances.

1.3 ZAMBIA'S COMMITMENT TO GLOBAL ENVIRONMENTAL PROTECTION

Like most developing countries, Zambia faces various challenges in the management of the environment and natural resources.

Figure 2



预览已结束，完整报告链接和二

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