



LITIGATING FOR CONSERVATION:

A ZLHR CASE ANALYSIS OF WETLAND AND
VITAL WATER SOURCES PROTECTION IN
ZIMBABWE.

**LITIGATING FOR CONSERVATION:
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OF WETLAND AND VITAL WATER
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ZLHR bears sole responsibility for the views expressed in this publication.

Bellinda Chinowawa

Executive Director

Zimbabwe Lawyers for Human Rights

ABOUT ZIMBABWE LAWYERS FOR HUMAN RIGHTS

Established in February 1996, Zimbabwe Lawyers for Human Rights (ZLHR) is a not-for-profit law-based human rights organisation. ZLHR works to foster a culture of human rights in Zimbabwe by encouraging the growth and strengthening of human rights at all levels of Zimbabwean society through the observance of the rule of law. ZLHR is committed to upholding respect for the rule of law and the unimpeded administration of justice, free and fair elections, the free flow of information, and the protection of constitutional rights, human rights, and freedoms enshrined in human rights instruments in Zimbabwe and the surrounding region. We keep these values central to our programming activities. ZLHR holds observer status with the African Commission on Human and Peoples' Rights, is a sustaining partner of the Southern Africa Development Community Lawyers' Association and has affiliate status with the International Commission of Jurists.

ZLHR's aims and objectives are:

To strive to protect, promote, deepen and broaden the human rights provisions in the Constitution of Zimbabwe.

To strive for the implementation and protection in Zimbabwe of international human rights norms as contained in important sub-regional, regional and international human rights instruments.

To strive for the adoption of a Southern African Development Community (SADC) Charter on Human Rights and to develop and/or strengthen the implementing mechanisms.

To endeavour to find common ground with and to work alongside other Zimbabwean groups, organisations, activists and persons who share a broadly similar concern for and interest in human rights.

To liaise and work with other human rights groups wherever situated but particularly in Southern Africa, and especially those closely linked to the legal profession.

To do all other things necessary to promote and protect human rights, the rule of law and the separation of powers in Zimbabwe and the region.

EXECUTIVE SUMMARY

Wetlands are among Zimbabwe's most critical ecological assets, playing an indispensable role in biodiversity conservation, water security, climate resilience, and socio-economic development. They perform essential ecosystem functions, including groundwater recharge, flood regulation, water purification, and the maintenance of hydrological systems that support both urban and rural communities. Despite their ecological and socio-economic significance, wetlands in Zimbabwe continue to face severe threats from urban expansion, infrastructure development, mining, pollution, agricultural encroachment, and weak regulatory enforcement.

This publication examines the protection of wetlands and vital water sources in Zimbabwe through a legal and litigation focused lens. It analyses the legal and normative framework governing wetlands protection, including constitutional environmental rights, domestic legislation such as the Environmental Management Act (Chapter 20:27), national policy instruments, and regional and international obligations under instruments such as the African Charter on Human and Peoples' Rights, the Convention on Wetlands of International Importance especially as Waterfowl Habitat (Ramsar Convention), and the Convention on Biological Diversity.

The publication further evaluates the role of litigation as a strategic conservation tool through an analysis of key cases handled by Zimbabwe Lawyers for Human Rights (ZLHR). These cases demonstrate how litigation has been used to challenge unlawful developments on wetlands, compel regulatory compliance, enforce environmental rights, and hold both public and private actors accountable for environmental harm.

The case analysis reveals recurring governance failures, including unlawful developments undertaken without Environmental Impact Assessments, institutional fragmentation, weak enforcement of environmental laws, and non-compliance with court orders and regulatory directives. It also highlights persistent procedural barriers that hinder effective environmental justice, including delays in administrative and judicial processes.

Importantly, the publication demonstrates the growing constitutionalisation of environmental protection in Zimbabwe, with increasing reliance on sections 73 and 77 of the Constitution to advance rights based environmental litigation. Ultimately, this publication underscores that litigation has become an essential mechanism for wetlands conservation in Zimbabwe, serving not only as a means of halting environmental harm but also as a critical tool for strengthening environmental governance, accountability, and the protection of vital water resources for present and future generations.

FOREWORD

by Fiona Illiff

Wetlands are the lifeblood of Zimbabwe's ecological and water security. They sustain biodiversity, regulate water systems, strengthen resilience to climate change, and underpin the enjoyment of the constitutional rights to a healthy environment and clean water. Zimbabwe has established a progressive legal framework for their protection, recognising environmental rights in its Constitution and incorporating wetlands safeguards within its environmental legislation. Yet, as this publication demonstrates, legal and institutional gaps, inconsistent enforcement, and competing development pressures continue to place these vital ecosystems at risk.

Globally, environmental litigation has emerged as one of the most powerful drivers of environmental governance. Increasingly, courts are called upon to uphold constitutional rights, give effect to international environmental obligations, and hold both public and private actors accountable for environmental harm. This growing convergence of environmental law and human rights reflects an important evolution in legal practice: the recognition that protecting ecosystems and nature is fundamental to human dignity, wellbeing and survival.

Zimbabwe is part of this global movement. As Chair of the Ramsar Convention Standing Committee (2025–2028), it has a unique opportunity to demonstrate leadership in the conservation, restoration, and maintenance of the ecological character of wetlands. Over the past decade, Zimbabwe Lawyers for Human Rights (ZLHR) has been at the forefront of this evolution, pioneering strategic litigation that has advanced constitutional environmental rights, strengthened environmental governance, and established important jurisprudence for the protection of wetlands and vital water resources.

I commend ZLHR on this timely publication that documents that important body of work and illustrates how strategic litigation can bridge the gap between legal commitments and their effective implementation. I trust it will serve as a valuable resource for legal practitioners, policymakers, regulators, civil society, and communities, while inspiring continued innovation in the use of law to safeguard Zimbabwe's natural heritage for present and future generations.

TABLE OF CONTENTS

CHAPTER 1	2
BACKGROUND	2
1.1 Introduction	2
CHAPTER 2	5
THE LEGAL AND NORMATIVE FRAMEWORK FOR WETLANDS PROTECTION IN ZIMBABWE	5
2.1 Introduction	5
2.2 The Constitution of Zimbabwe	5
2.3 The Environmental Management Act (Chapter 20:27)	7
2.4 Subsidiary legislation and Policies	9
2.5 African Charter on Human and Peoples’ Rights	10
2.6 Ramsar Convention	11
2.7 Convention on Biological Diversity	13
2.8 The United Nations Convention to Combat Desertification (UNCCD)	14
2.9 Kunming-Montreal Global Biodiversity Framework (GBF)	14
2.10 CESCR General Comment No.27	14
2.11 Sustainable Development Goal 6	15
2.12 Conclusion	15
CHAPTER 3	16
LITIGATION AS A CONSERVATION TOOL: A ZLHR CASE ANALYSIS	16
3.1 Introduction and Rationale	16
3.2 Wetlands in the Courts: A Case Analysis of ZLHR’s Litigation for Wetland and Vital Water Source Protection in Zimbabwe.	18
3.3 Key Trends and Emerging Themes Arising from ZLHR’s Wetland Protection Litigation in Zimbabwe	31
3.4 Conclusion	34
CHAPTER 4	35
CONCLUSION AND RECOMMENDATIONS	35
4.1 Conclusion	35
4.2 Recommendations	36
MONA VALE VLEI WETLAND	41
BIBLIOGRAPHY	44
CASE LIST	50

ACRONYMS

ACHPR	African Charter on Human and Peoples' Rights
CBD	Convention on Biological Diversity
CESCR	Committee on Economic, Social and Cultural Rights
COP	Conference of the Contracting Parties
COSMO Trust	Conservation Society of Monavale Trust
EIA	Environmental Impact Assessment
EM Act	Environmental Management Act (Chapter 20:27)
EMA	Environmental Management Agency
ESA	Ecologically Sensitive Area
GBF	Kunming-Montreal Global Biodiversity Framework
HRA	Harare Wetlands Trust
IUCN	International Union for Conservation of Nature
MRRI	Mutare Rivers Rehabilitation Initiative
NBSAP	National Biodiversity Strategy and Action Plan
NRA	New Residents Association
SBSTTA	Subsidiary Body on Scientific, Technical and Technological Advice
SDG	Sustainable Development Goal
UN	United Nations
UNCCD	The United Nations Convention to Combat Desertification
ZELO	Zimbabwe Environmental Law Organisation
ZINGSA	Zimbabwe National Geospatial and Space Agency
ZINWA	Zimbabwe National Water Authority
ZLHR	Zimbabwe Lawyers for Human Rights

Chapter 1

BACKGROUND

1.1 Introduction

Wetlands are among the most vital ecosystems on earth and serve as a foundation for ecological integrity, and sustainable development globally.¹ Primarily, they perform essential environmental functions, including regulating water flows, recharging groundwater, filtering pollutants, reducing the impacts of floods and droughts, and acting as vital carbon sinks in efforts to combat climate change.² Wetlands also sustain rich biodiversity by providing habitat for numerous plant and animal species and simultaneously advance socio-economic well-being of human beings through agriculture, fisheries, tourism, and the provision of clean water for domestic and industrial use.³ The global importance of wetlands is formally recognised in the Convention on Wetlands of International Importance especially as Waterfowl Habitat (Ramsar Convention).⁴ Article 1 of the Convention defines wetlands as “*areas of marsh, fen, peatland or water, whether natural or artificial, permanent or temporary, with water that is static or flowing, fresh, brackish or salt, including areas of marine water the depth of which at low tide does not exceed six metres.*”⁵ This definition forms the internationally recognised standard for identifying and classifying wetlands.

Zimbabwe is home to seven wetlands designated as Wetlands of International Importance under the Ramsar Convention (Ramsar sites).⁶ These sites of international importance include, Victoria Falls National Park, Mana Pools National Park, Lake Chivero, Monavale Wetland, Driefontein Grasslands, Cleveland Dam, and Chinhoyi Caves.⁷ In addition to the designated Ramsar sites, Zimbabwe contains a wide array of other wetlands spread across its principal river basins, notably the Zambezi, Save, Runde, and Manyame catchments.⁸ Collectively, these wetlands encompass riverine systems, floodplains, grasslands, dams, and unique aquatic ecosystems that sustain biodiversity and secure vital water resources in the country. Beyond their ecological value, they support tourism, fisheries, and local livelihoods.⁹ For instance, Lake Chivero and other reservoirs support commercial and subsistence

1 United Nations, Department of Economic and Social Affairs Sustainable Development “Operationalization of the Universal Declaration of the Rights of Wetlands”, available at <https://sdgs.un.org/partnerships/operationalization-universal-declaration-rights-wetlands> [Accessed on 26 February 2026].

2 Clare Shine C, and Klemm C, Wetlands, Water and the Law. Using law to advance wetland conservation and wise use. IUCN, available at <https://portals.iucn.org/library/efiles/documents/eplp-038.pdf> [Accessed on 2 March 2026].

3 Sinthumule N, An analysis of policy and legal framework on wetland conservation and management in South Africa, available at https://www.sciencedirect.com/science/article/pii/S2589471424000020?ref=cra_js_challenge&fr=RR-1 [Accessed on 26 February 2026].

4 The Convention on Wetlands of International Importance Especially as Waterfowl Habitat, adopted in Ramsar, 1971.
5 Article 1 of the Ramsar Convention on Wetlands 1971.

6 The Convention on Wetlands, Zimbabwe country page, available at <https://www.ramsar.org/country-profile/zimbabwe> [Accessed on 2 March 2026].

7 Ramsar Sites Information Service, available at https://rsis.ramsar.org/?goaway_challenge=meta-refresh&goaway_id=acc892d511afe5189ca100a5028b3243 [Accessed on 2 March 2026].

8 The IUCN Wetlands Programme, “Wetlands Ecology and Priorities for Conservation in Zimbabwe”, Proceedings of a Wetlands Seminar of Zimbabwe, available at <https://portals.iucn.org/library/sites/library/files/documents/WTI-011.pdf> [Accessed on 2 March 2026].

9 EnviroPress, “Zimbabwe calls for united action to protect wetlands ahead of World Wetlands Day” <https://enviro->

fishing that provides both food and income for surrounding communities. Similarly, the Victoria Falls contributes to tourism, generates national revenue, and creates employment opportunities that sustain local economies.¹⁰ However, despite their international recognition and value, these wetlands remain highly vulnerable to urban expansion, pollution, unsustainable development, mining, and agricultural practices.

Several of these wetlands, particularly those in and around Harare, play a critical role in groundwater recharge and the supply of potable water to urban populations.¹¹ For instance, the City of Harare derives a significant proportion of its water resources from the vleis and open green spaces located within and around the metropolitan area, with approximately 6.5 million people depending on this invisible source for their water supply.¹² However, many of these ecologically sensitive areas are increasingly being converted for urban development, informal settlements, or polluted through improper waste disposal, and degraded by unsustainable informal urban agriculture.¹³ This challenge is further compounded by limited awareness of the essential ecological and socio-economic functions of wetlands in Zimbabwe, a gap that has rendered them increasingly vulnerable to intensified human activity and commercial exploitation.¹⁴

Already, an estimated 70% of the world's wetlands have been lost since 1900.¹⁵ In Zimbabwe, the Environmental Management Agency (EMA) has reported that more than 60% of headwater wetlands have been degraded or lost due to unsustainable human activities, with Harare alone having seen 3,717 hectares of its wetlands converted into built up areas.¹⁶ This continued degradation not only undermines biodiversity but also erodes water security, climate resilience, and the socio-economic stability of communities that directly and indirectly depend on wetlands. Moreover, the construction of buildings on wetland areas have resulted in increased structural vulnerability. Primarily, houses erected on such unstable, waterlogged soils are particularly prone to flooding, cracking, and structural failure, ultimately reducing their lifespan and posing risks to occupants.¹⁷

presszim.com/zimbabwe-calls-for-united-action-to-protect-wetlands-ahead-of-world-wetlands-day/?utm [Accessed on 2 March 2026].

10 As above.

11 Harare Wetlands Trust, "CURRENT STATUS OF HARARE'S HEADWATER WETLANDS OCTOBER 2021", available at <https://birdlifezimbabwe.org/wp/wp-content/uploads/2023/11/STATUS-OF-HARA-RE-Wetlands.pdf> [Accessed on 2 March 2026].

12 Bird of Life Zimbabwe, "Conservation Wetlands", available at <https://www.birdlifezimbabwe.org/wetlands/#:~:text=Wetlands%20%7C%20Birdlife%20Zimbabwe,Manyame%20and%20Gwebi%20catchment%20basin> [Accessed on 2 March 2026].

13 As above.

14 Marambanyika T, Beckedahl H, "The missing link between awareness and the implementation of wetland policy and legislation in communal areas of Zimbabwe", available at https://www.researchgate.net/publication/298910612_The_missing_link_between_awareness_and_the_implementation_of_wetland_policy_and_legislation_in_communal_areas_of_Zimbabwe [Accessed on 2 March 2026].

15 Wetlands International Strategy, "Wetlands for Life", available at <https://www.wetlands.org/publication/wetlands-for-life-2026-35/> [Accessed on 2 March 2026].

16 ZimbabweNow, "Over 60 percent of wetlands degraded in Zimbabwe", available at <https://zimbabwenow.co.zw/articles/15349/over-60-percent-of-wetlands-degraded-in-zimbabwe#:~:text=Rutendo%20Mazhindu%20%2D%20Zim-Now%20Reporter,July%2023%20to%2031%2C%202025> [Accessed on 3 March 2026].

17 Muderere T, "Natural Co-Existence or Confinement: Challenges in Integrating Bird-Life Concerns into Urban Planning and Design for Zimbabwe", available at https://jsd-africa.com/Jsda/V13No1_Spring2011_A/PDF/Natural%20Co-Exis-

Weak enforcement of environmental laws, institutional fragmentation, and competing land use priorities have further exacerbated wetland degradation. Notably, developments such as the Long Cheng Plaza shopping center have proceeded on a protected wetland despite Zimbabwe's ratification of the Ramsar Convention in 2013, which obliges signatories to ensure the wise use, including maintenance of ecological character, of wetlands.¹⁸ A 2022 Auditor-General's report on protection of wetlands by the EMA highlighted that Zimbabwe is experiencing rapid wetland loss due to governance challenges including, weak enforcement of environmental regulations and pervasive complacency among local authorities.¹⁹

Such developments have reinforced the need for stronger protection and enforcement mechanisms to safeguard the wise use of wetlands in Zimbabwe. For Zimbabwe Lawyers for Human Rights (ZLHR), employing conservation strategies through targeted legal interventions has become a critical tool for the protection and sustainable management of Zimbabwe's wetlands and critical water resources.. In this context, this publication seeks to examine the critical role of litigation in promoting the conservation and sustainable management of wetlands and other vital water sources in Zimbabwe. By analysing strategic cases pursued by ZLHR, this publication demonstrates how legal action has been used not only to halt harmful developments on wetlands but also to promote their sustainable management, uphold regulatory compliance, and hold both state and private actors accountable for environmental degradation. Furthermore, it explores the broader implications of such litigation in shaping environmental governance, strengthening policy implementation, and fostering community engagement in conservation.

[tence%20or%20Confinement%20\(Muderere\).pdf](#) [Accessed on 3 March 2026].

18 Good Governance Africa, "Preserving Zimbabwe's wetlands is key to addressing water scarcity", available at <https://gga.org/preserving-zimbabwes-wetlands-is-key-to-addressing-water-scarcity/> [Accessed on 3 March 2026].

19 Value for Money report of the Auditor General on the Protection of Wetlands by the Environmental Management Agency, available at https://www.veritaszim.net/sites/veritas_d/files/Report%20on%20Protection%20of%20Wetlands%20by%20EMA.pdf [Accessed on 3 March 2026].

Chapter 2

THE LEGAL AND NORMATIVE FRAMEWORK FOR WETLANDS PROTECTION IN ZIMBABWE

2.1 Introduction

In response to the extensive challenges to wetlands described in the previous chapter, including those arising from urban expansion, agricultural encroachment, infrastructure development, pollution, mining, and other unsustainable land-use practices,²⁰ Zimbabwe has developed a legal and normative framework aimed at promoting the protection, conservation, and sustainable management of wetlands. This framework is composed of a range of interrelated instruments, including constitutional provisions, national legislation, regulations, policies, and international environmental commitments. At the constitutional level, environmental rights and the obligation of the state to protect natural resources provide the foundational basis for wetlands conservation.²¹ Complementing these constitutional principles are several pieces of legislation that regulate environmental management, land use, water resources, and biodiversity conservation. These constitutional principles and laws are supported by subsidiary regulations and national policies that regulate environmental management, including the protection and sustainable use of wetlands.²²

Furthermore, Zimbabwe's wetlands protection regime is reinforced by its participation in regional and international environmental agreements that promote global cooperation in wetland conservation and sustainable resource management.²³ These commitments align national environmental governance with internationally recognised principles and standards. Collectively, the legal and normative framework provides an institutional and regulatory structure designed to ensure that wetlands are conserved while balancing environmental protection with socio-economic development.²⁴ Understanding this framework is therefore essential for evaluating the effectiveness of wetlands governance in Zimbabwe and identifying areas where legal and policy reforms have been necessary to strengthen environmental protection.

2.2 The Constitution of Zimbabwe

In Zimbabwe, the Constitution of Zimbabwe establishes the foundational principles and obligations governing the protection and conservation of wetlands.²⁵ The promulgation of the 2013 Constitution marked a significant shift toward a rights-based approach to environmental governance, expressly

20 PreventionWeb, "The struggle to Save Zimbabwe's Dying Wetlands", available at <https://www.preventionweb.net/news/struggle-save-zimbabwes-dying-wetlands> [Accessed on 10 March 2026].

21 The Constitution of Zimbabwe Amendment (No. 20) Act, 2013, Section 73.

22 These include, the Environmental Management Act (Chapter 20:27); 2022 National Wetlands Policy; Wetland Management Guidelines; National Biodiversity Strategy and Action Plan (NBSAP), [Accessed on 14 April 2026].

23 Zimbabwe is party to a number of regional and international environmental instruments that provide for the protection, conservation, and sustainable use of wetlands and critical water resources. Some of these instruments are discussed below.

24 As above.

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

recognising environmental rights as justiciable entitlements.²⁶ These rights extend broadly to the protection of the environment in its entirety and emphasise the principle of intergenerational equity.²⁷ Specifically, section 73 guarantees every person the right to an environment that is not harmful to their health or well-being and to have the environment protected for the benefit of both current and future generations through reasonable legislative and other measures.²⁸ This provision further emphasises the sustainable use of natural resources, and promotes conservation and ecological integrity.²⁹ Importantly, the Constitution imposes a positive obligation on the State to take reasonable legislative and other measures, within the limits of available resources, to achieve the progressive realisation of these rights.³⁰ This creates a binding duty on public authorities to develop, implement, and enforce laws and policies that safeguard wetlands and other environmental resources, while also ensuring that environmental protection is balanced with socio-economic development imperatives.³¹

Section 77(a) of the Constitution further complements the constitutional framework for wetland protection by guaranteeing every person the right to safe, clean, and potable water.³² Although the provision does not expressly refer to wetlands, it has significant implications for wetland governance and conservation, given the essential role wetlands play in maintaining healthy water systems. The provision places a duty on the State to adopt reasonable legislative and other measures, within the limits of available resources, to progressively realise this right.³³ Consequently, the protection and sustainable management of wetlands are essential to the effective fulfilment of the constitutional right to water.

Additionally, the Constitution of Zimbabwe entrenches procedural rights essential for the protection of wetlands and broader environmental rights. In particular, it guarantees every citizen the right of access to information³⁴ and access to the courts,³⁵ rights which, when read together with environmental entitlements, collectively provide the legal framework necessary to realise and enforce the right to a clean and healthy environment in Zimbabwe.³⁶ This aspect is examined in greater detail in the following chapter, which explores the increasing reliance on litigation as a tool for wetlands conservation in Zimbabwe.

26 Madebwe T, “A rights-based approach to environmental protection: The Zimbabwean experience”, (2015) 15 African Human Rights Law Journal 110-128 available at <https://www.ahrlj.up.ac.za/madebwe-t> [Accessed on 14 April 2026].

27 The Constitution of Zimbabwe Amendment (No. 20) Act, 2013, Section 73.

28 The Constitution of Zimbabwe Amendment (No. 20) Act, 2013, Section 73.

29 The Constitution of Zimbabwe Amendment (No. 20) Act, 2013, Section 73(1b) (i-iii).

30 The Constitution of Zimbabwe Amendment (No. 20) Act, 2013, Section 73(2).

31 As above.

32 The Constitution of Zimbabwe Amendment (No. 20) Act, 2013, Section 77(a).

33 As above.

34 The Constitution of Zimbabwe Amendment (No. 20) Act, 2013, Section 62.

35 The Constitution of Zimbabwe Amendment (No. 20) Act, 2013, Section 85.

36 Madebwe T, “A rights-based approach to environmental protection: The Zimbabwean experience”, (2015) 15 African Human Rights Law Journal 110-128 available at <https://www.ahrlj.up.ac.za/madebwe-t> [Accessed on 14 April 2026].

2.3 The Environmental Management Act (Chapter 20:27)

The constitutional principles envisaged in section 73 are further reinforced and operationalised through national legislation, most notably the Environmental Management Act (EM Act).³⁷ For example, section 4 of the EM Act gives legislative effect to the constitutional right to a clean and healthy environment by articulating both environmental rights and guiding principles of environmental management.³⁸ It affirms the entitlement of every person to an environment that is not harmful to their health or well-being. Additionally, it also imposes corresponding duties on individuals, the State, and other actors to protect and safeguard the environment.³⁹ Moreover, section 4 of the EM Act sets out key environmental management principles, including sustainable development, the precautionary principle, the polluter pays principle, and the duty to prevent environmental harm all of which are core to the protection and conservation of wetlands and other vital ecosystems.⁴⁰ The EM Act also establishes institutional mechanisms, notably the Environmental Management Agency (EMA), which is mandated to regulate, monitor, and enforce compliance with environmental standards, including those relating to wetlands in Zimbabwe.⁴¹

More importantly, wetland protection, conservation and utilisation is provided for in Section 113 of the EM Act. Primarily, section 113 of the Act states that, “the minister may declare any wetland to be an ecologically sensitive area and may impose limitations on development in or around such area”.⁴² The provision further underscores the imperative of wetland protection by stipulating that,

“No person shall, except in accordance with the express written authorisation of the Agency, given in consultation with the Board and the Minister responsible for water resources:

(a) reclaim or drain any wetland;

(b) disturb any wetland by drilling or tunnelling in a manner that has or is likely to have an adverse impact on any wetland or adversely affect any animal or plant life therein;

(c) introduce any exotic animal or plant species into the wetland.”⁴³

By requiring prior written authorisation, the provision introduces a system of regulatory oversight that ensures potentially harmful activities are subject to environmental scrutiny and or consultation by relevant authorities.⁴⁴ This not only minimises the risk of ecological degradation but also promotes accountability in decision-making processes regarding wetlands in Zimbabwe. This approach is consistent with the precautionary principle in international environmental law, particularly in safeguarding biodiversity and ecosystem services against irreversible harm.⁴⁵ Moreover, the provision

37 Environmental Management Act (Chapter 20:27).

38 Environmental Management Act (Chapter 20:27), Section 4.

39 As above.

40 Environmental Management Act (Chapter 20:27), Section 4(2).

41 Environmental Management Act (Chapter 20:27), Sections 9 and 10.

42 Environmental Management Act (Chapter 20:27), Section 113.

43 Environmental Management Act (Chapter 20:27), Section 113, Section 113(2)

44 As above.

45 Cooney, R. (2004). The Precautionary Principle in Biodiversity Conservation and Natural Resource Management: An is-

prescribes penalties for the breach of these safeguards, stipulating that any person who contravenes subsection (2) commits an offence and is liable to sanction. In particular, such a person may be subjected to a fine not exceeding level eight, or to imprisonment for a term not exceeding two years, or to both such fine and imprisonment.⁴⁶

Overall, the EM Act has provisions that operate cumulatively to support the protection and conservation of wetlands. Part XI of the Environmental Management Act provides an important preventative mechanism for the protection of wetlands through the mandatory Environmental Impact Assessment (EIA) regime. For instance, the principles prescribed in Part XI on Environmental Impact Assessments (EIA) require that activities likely to affect wetlands undergo prior environmental evaluation, facilitating preventative regulation and informed decision-making,⁴⁷ which is also complemented by SI 7 of 2007 (also known as Environmental Impact Assessment & Ecosystems Protection, Regulations, 2007).⁴⁸ Specifically, section 97 prohibits the implementation of projects listed in the First Schedule unless an EIA has been undertaken and an EIA certificate has been issued by the Director-General.⁴⁹ Significantly, the First Schedule expressly identifies the drainage of wetlands as a prescribed activity requiring an EIA.⁵⁰ In addition, activities such as housing developments, urban expansion, infrastructure projects, tourist, resorts and recreational development, waste treatment and disposal and mining operations which frequently pose significant risks to wetlands also fall within categories of projects requiring prior environmental assessment where they are likely to affect sensitive ecosystems.⁵¹ Sections 98 and 99 require developers to submit a prospectus and prepare a comprehensive EIA report detailing the project's likely direct, indirect, cumulative, short-term, and long-term environmental impacts, together with proposed mitigation measures and biodiversity consideration.⁵²

Under section 100, the Director-General may approve, reject, or require further assessment of a project after considering its likely environmental impacts, compliance with environmental management plans, and stakeholder inputs. These provisions ensure that potential impacts on wetlands are identified and evaluated before development activities commence.⁵³

Section 114, which provides for environmental protection orders, further enhances this framework by empowering the authorities to mandate or restrict conduct in order to prevent or remedy environmental harm.⁵⁴ Additionally, section 140(2)(h) empowers the Minister to prescribe regulations relating to wetlands, providing a legislative basis for the adoption of specific measures governing their protection,

sues paper for policy-makers, researchers and practitioners. IUCN, available at <https://portals.iucn.org/library/sites/library/files/documents/pgc-002.pdf> [Accessed on 17 April 2026].

46 Environmental Management Act (Chapter 20:27), Section 113(3).

47 Environmental Management Act, PART XI on Environmental Impact Assessment, Audit, and Monitoring Projects.

48 Statutory Instrument 7 of 2007, the Environmental Management (EIA and Ecosystems Protection) Regulations.

49 Environmental Management Act (Chapter 20:27), Section 97.

50 First Schedule (Section 2 and 97) projects that require Environmental Impact Assessment.

51 As above.

52 Environmental Management Act (Chapter 20:27), Section 98 and 99.

53 Environmental Management Act (Chapter 20:27), Section 100.

54 Environmental Management Act (Chapter 20:27), Section 114.

conservation, and management. More broadly, the Act's reference to pollution control and waste management contribute to wetland protection by regulating discharges and prohibiting practices that may result in ecological degradation.⁵⁵ These measures are underpinned by broader environmental principles, including sustainable development which guide implementation and enforcement.⁵⁶

2.4 Subsidiary legislation and Policies

Management activities are further guided by national environmental policy instruments, notably the 2022 National Wetlands Policy and the Zimbabwe National Wetland Guidelines, which were developed concurrently in response to the documented decline in the ecological integrity of wetland ecosystems across the country.⁵⁷ The guidelines for example constitute an important component of Zimbabwe's wetland governance framework, providing practical guidance for the conservation, sustainable management, and restoration of wetland ecosystems.⁵⁸ While these instruments constitute a commendable step toward strengthening wetland governance, they have attracted some criticism from conservationists. In particular, Harare Wetlands Trust and allied organisations have contended that the Wetlands Policy is substantively limited and offers insufficient normative and operational guidance for the effective management and conservation of wetlands.⁵⁹ Specifically, they note that the policy fails to recognise wetlands as legitimate sources of water provisioning, instead framing their use primarily in terms of agricultural conversion; and fails to articulate clear sustainable management strategies and the role of wetlands in climate change mitigation and resilience.⁶⁰ Furthermore, they emphasise that the policy lacks defined governance frameworks, sector-specific management principles, and a coherent implementation plan.⁶¹

Complementing these policy instruments is the National Wetlands Master Plan (2021), which was developed following a nationwide geospatial mapping exercise undertaken through the Zimbabwe National Geospatial and Space Agency (ZINGSA).⁶² The mapping process resulted in the production of a National Wetlands Map, which was subsequently incorporated into the Master Plan as a tool for identifying, monitoring, and managing wetland ecosystems.⁶³ Building on the National Wetlands Master Plan, the 2022 and 2023 Ecologically Sensitive Area (ESA) gazettes marked a significant step in wetland governance by formally identifying protected wetlands in urban and rural areas, including Harare, Chitungwiza, and Epworth.⁶⁴ The gazettes prohibit development without prior compliance

55 Environmental Management Act (Chapter 20:27).

56 As above.

57 BirdLife Zimbabwe, "Submissions-from-Zimbabwe-NGOs-and-Residents-to-EMA" available at <https://birdlifezimbabwe.org/wp/wp-content/uploads/2023/11/Submissions-from-Zimbabwe-NGOs-and-Residents-to-EMA.pdf> [Accessed on 17 April 2026]

58 As above.

59 Harare Wetlands Trust, Comments on Zimbabwe Wetlands-Policy, available at, <https://birdlifezimbabwe.org/wp/wp-content/uploads/2023/11/HWT-Comments-on-Zimbabwe-Wetlands-Policy.pdf> [Accessed on 17 April 2026].

60 BirdLife Zimbabwe, "Submissions-from-Zimbabwe-NGOs-and-Residents-to-EMA" available at <https://birdlifezimbabwe.org/wp/wp-content/uploads/2023/11/Submissions-from-Zimbabwe-NGOs-and-Residents-to-EMA.pdf> [Accessed on 17 April 2026].

61 As above.

62 National Wetlands Master Plan 2021; see also <https://www.heraldonline.co.zw/national-wetlands-master-plan-complete/>

63 As above.

64 General Notice 60 of 2023 and General Notice 2121 of 2022 on the Declaration of Protection of Wetlands, Zimbabwean

with statutory requirements, including EMA authorization and EIA approval. However, while the mapped coordinates improved wetland identification, the gazettes did not create absolute protection, as development remains permissible with regulatory approval under existing environmental laws.⁶⁵ More recently in 2026, the government of Zimbabwe adopted its third national biodiversity strategy and action plan which is designed to guide the country's conservation actions between 2026 – 2030.⁶⁶

Other legislation relevant to the sustainable management of wetlands under different sectors or jurisdictions includes the Urban Councils Act, Rural District Councils Act, the Regional Town and Country Planning Act, the Traditional Leaders Act, the Mines and Minerals Act, the Parks and Wildlife Act, the Forest Act and the Communal Lands Forest Produce Act, the Water Act, and the Zimbabwe National Water Authority Act.⁶⁷ Section 34(1) of the Water Act specifically empowers catchment councils to regulate and supervise the use of water within a catchment area and to take measures necessary for the sustainable management of water resources.⁶⁸ Similarly, section 46 of the Water Act requires persons seeking to undertake specified operations that impact a public stream, including wetlands (“any marshes, springs, swamps or vleis forming the source, or found along the course, of a public stream”), to obtain a permit from the relevant catchment council.⁶⁹ While such provisions may indirectly contribute to wetland conservation by safeguarding the water systems upon which wetlands depend, responsibility for wetlands and water resources remains dispersed across multiple institutions, including EMA, ZINWA, catchment councils, and local authorities. This fragmentation in governance structure has been criticised for falling short of an integrated water resources management approach.⁷⁰

2.5 African Charter on Human and Peoples’ Rights

At the regional level, Zimbabwe ratified the African Charter on Human and Peoples’ Rights (African Charter) in 1986.⁷¹ Article 24 of the African Charter guarantees the right of all peoples to a general satisfactory environment favourable to their development.⁷² The environmental protections envisaged under this provision are understood to encompass wetlands, given their integral role within ecological systems and their contribution to the realisation of human and peoples’ rights, as well as sustainable development.⁷³ This interpretation is reinforced by the African Commission’s State Reporting Guidelines under Articles 21 and 24 of the Charter, which require States to report on measures adopted to protect

Government Gazette.

65 The ESA gazette notices impose stricter procedural requirements (EMA approval + EIA), but they do not create an absolute prohibition on development. Instead, they condition development on prior environmental approval; *see also* The Environmental Management Act [Chapter 20:27], Section 113(2).

66 Zimbabwe Biodiversity Strategy and Action Plan, available at <https://www.zbcnews.co.zw/zims-new-biodiversity-plan-targets-us1-5-billion-for-conservation/> [Accessed on 17 April 2026].

67 As above.

68 Water Act Chapter 20:24, Section 34(1).

69 Water Act Chapter 20:24, Section 46.

70 Chereni, A. “The problem of institutional fit in integrated water resources management: A case of Zimbabwe’s Mazowe catchment.” *Physics and Chemistry of The Earth* 32 (2007): 1246-1256.

71 Madebwe T, “A rights-based approach to environmental protection: The Zimbabwean experience” (2015) 15 *African Human Rights Law Journal* 110-128, available at <http://dx.doi.org/10.17159/1996-2096/2015/v15n1a5> [Accessed on 17 April 2026].

72 African Charter on Human and Peoples’ Rights, Article 24.

73 As above.

natural resources, biodiversity, ecosystems, water resources, and environmentally sensitive areas.⁷⁴ The Guidelines further emphasise sustainable resource management and environmental conservation which further provide an important normative basis for the protection and sustainable management of wetlands within the African human rights system.⁷⁵

Moreover, Article 25 of the African Charter on Human and Peoples' Rights obliges States Parties to promote and ensure, through education and dissemination, respect for the rights and duties contained in the Charter. In relation to wetlands, this duty encompasses the advancement of public awareness and understanding of environmental rights and responsibilities relevant to their protection and sustainable management.⁷⁶

2.6 Ramsar Convention

At the international level, Zimbabwe is a state party to the Convention on Wetlands of International Importance especially as Waterfowl Habitat (Ramsar Convention), which establishes the primary global legal framework for the conservation and “wise use” of wetlands.⁷⁷ In terms of Article 2 of the Convention, its contracting parties are required to designate at least one suitable wetland for inclusion in the List of Wetlands of International Importance (Ramsar List) and to ensure its conservation and effective management.⁷⁸ Zimbabwe has accordingly designated seven Ramsar Sites under this framework.⁷⁹ Further, Article 3(1) obliges parties to formulate and implement planning measures so as to promote the conservation of listed wetlands and, as far as possible, the wise use of all wetlands within their territory.⁸⁰ The concept of “wise use” has been interpreted as the maintenance of the ecological character of wetlands through ecosystem-based approaches implemented within the context of sustainable development.⁸¹ Consequently, the Convention requires States not only to protect designated Ramsar Sites but also to maintain the ecological integrity and functioning of wetlands more broadly, recognising their ecological, hydrological, social, and economic importance.

Article 4 reinforces these obligations by requiring the establishment of nature reserves and the provision of adequate supervision for wetlands, particularly those included in the Ramsar List.⁸² The convention emphasises that Ramsar Sites may only be removed from the List of Wetlands of International Importance under narrowly circumscribed conditions, namely where there exist “urgent national interests” or where the ecological character of the site no longer satisfies the criteria for designation

74 State Reporting Guidelines and Principles on Articles 21 And 24 of the African Charter relating to Extractive Industries, Human Rights and the Environment, available at <https://achpr.au.int/en/node/845> [Accessed on 17 April 2026].

75 As above.

76 African Charter on Human and Peoples' Rights, Article 25.

77 Ramsar Convention, available at https://www.veritaszim.net/sites/veritas_d/files/Convention%20on%20Wetlands%20of%20International%20Importance%20%5BRamsar%20Convention%5D.pdf [Accessed on 20 April 2026].

78 Ramsar Convention on Wetlands 1971, Article 2.

79 See Chapter 1.

80 Ramsar Convention on Wetlands 1971, Article 3(1).

81 Ramsar Convention Secretariat, Resolution IX.1 Annex A: A Conceptual Framework for the Wise Use of Wetlands and the Maintenance of their Ecological Character (COP9, 2005) paras 15–19.

82 Ramsar Convention on Wetlands 1971, Article 4.

as a Wetland of International Importance.⁸³ The restrictive nature of Article 2(5) therefore serves an important conservation function by discouraging arbitrary degazetting or encroachment of wetlands which may be driven by short-term economic gains. Beyond site designation, the Convention places emphasis on the effective management and wardening of wetlands, particularly Ramsar Sites, through the adoption of appropriate conservation measures and ongoing supervision.⁸⁴ Contracting Parties are further encouraged to promote research, training, education, and public awareness concerning wetlands and their ecological functions.⁸⁵

The Convention also encourages the monitoring of wetlands and the maintenance of information on their ecological character.⁸⁶ In practice, this has led to the development of national wetland inventories and mapping initiatives aimed at identifying, monitoring, and informing the management of wetland ecosystems.⁸⁷ Such measures are important for detecting ecological changes, assessing threats to wetlands, and supporting evidence-based conservation planning.⁸⁸ Furthermore, the Convention places considerable emphasis on international cooperation, particularly in relation to transboundary wetlands, shared water systems, and the exchange of scientific and technical information between Contracting Parties. These cooperative mechanisms recognise that the effective conservation of wetlands frequently requires coordinated action beyond national boundaries.

In addition, Article 6 of the Convention establishes the Conference of the Contracting Parties (COP) as the governing body responsible for reviewing implementation of the Convention and promoting its effective application.⁸⁹ In this regard, Zimbabwe hosted the Ramsar COP15 in 2025, and currently holds the Chairmanship of the Ramsar Standing Committee, reflecting its commitment and engagement with the Convention's framework and its role in advancing international cooperation on wetland conservation and sustainable use.⁹⁰ Zimbabwe's engagement with the Ramsar framework is further reflected in the accreditation of Victoria Falls under the Ramsar Wetland City Accreditation Scheme during COP15.⁹¹ The accreditation recognises cities that have taken significant steps towards the conservation and wise use of wetlands and promotes the integration of wetland values into urban planning and development.⁹² For Zimbabwe, the accreditation of Victoria Falls represents an important

83 Ramsar Convention on Wetlands 1971, Article 2(5).

84 Ramsar Convention on Wetlands 1971, Article 4(1).

85 Ramsar Convention on Wetlands 1971, Article 4(5).

86 Ramsar Convention on Wetlands 1971, Article 3(2).

87 In Zimbabwe, for example, a nationwide geospatial mapping exercise undertaken by the Zimbabwe National Geospatial and Space Agency informed the development of the National Wetlands Master Plan, providing an important baseline for wetland identification, monitoring, and conservation planning.

88 Davis, J. and Brock, M. (2008), Detecting unacceptable change in the ecological character of Ramsar wetlands. *Ecological Management & Restoration*, 9: 26-32, available at https://www.researchgate.net/publication/229943382_Detecting_unacceptable_change_in_the_ecological_character_of_Ramsar_wetlands [Accessed on 20 April 2026].

89 Ramsar Convention on Wetlands 1971, Article 6.

90 UN, "As Wetlands COP15 opens in Zimbabwe, it's time to rethink how we value wetlands", available at, <https://africarenewal.un.org/en/magazine/wetlands-cop15-opens-zimbabwe-its-time-rethink-how-we-value-wetlands> [Accessed on 21 April 2026].

91 The Convention on Wetlands, "15th meeting of the Conference of the Contracting Parties", available at <https://www.ramsar.org/meeting/15th-meeting-conference-contracting-parties> [Accessed on 21 April 2026].

92 Ramsar Convention Secretariat, Resolution XII.10: Wetland City Accreditation of the Ramsar Convention (12th Meeting of the Conference of the Contracting Parties, Punta del Este, 2015).

milestone in wetland governance efforts, with other urban centres having the potential to pursue similar recognition in the future.

2.7 Convention on Biological Diversity

Zimbabwe is endowed with diverse terrestrial and aquatic ecosystems, and is a state party to the Convention on Biological Diversity (CBD).⁹³ The CBD takes a broad view of biodiversity, covering the variety of living organisms at genetic, species, and ecosystem levels, as well as the ecological systems they form part of.⁹⁴ Wetlands, as ecologically productive systems, are central to this framework, supporting high levels of biodiversity, regulating hydrological cycles, filtering pollutants, and providing essential resources.⁹⁵ Within the CBD's normative architecture, Article 6 obliges States to develop national strategies, plans, or programmes for the conservation and sustainable use of biological diversity. This obligation provides an important framework for integrating biodiversity conservation, including wetland protection, into domestic legal, policy, and planning processes.⁹⁶

Article 8 further requires States Parties to promote the protection of ecosystems and natural habitats and to maintain viable populations of species in their natural surroundings.⁹⁷ This reflects the Convention's emphasis on in-situ conservation, which prioritises the protection of ecosystems, habitats, and species within their natural environments.⁹⁸ In the context of wetlands, this obligation extends beyond species protection to encompass the conservation of wetlands as functioning ecological systems critical to biodiversity protection and ecosystem resilience.⁹⁹ Article 8 also requires States to establish protected areas or areas where special measures are needed to conserve biological diversity, strengthening the basis for the designation and protection of ecologically significant wetlands.¹⁰⁰ Furthermore, it requires States to promote the rehabilitation and restoration of degraded ecosystems and to support the recovery of threatened species through the development and implementation of appropriate management strategies and recovery plans.¹⁰¹ These obligations are particularly relevant in Zimbabwe, where urban expansion, agricultural activity, mining, and land degradation continue to place increasing pressure on wetland ecosystems.

Article 10 emphasises the sustainable use of biological resources in a manner compatible with conservation objectives.¹⁰² Read together, these provisions impose a duty on Zimbabwe to integrate wetland conservation into its domestic legal and policy frameworks. Moreover, within the framework

93 Zimbabwe's Fifth National Report to the Convention on Biodiversity, available at <https://www.cbd.int/doc/world/zw/zw-nr-05-en.pdf> [Accessed on 21 April 2026].

94 Convention on Biological Diversity

95 As above.

96 Convention on Biological Diversity, Article 6.

97 Convention on Biological Diversity, Article 8.

98 As above.

99 Palak Bhardwaj, 'Wetland Conservation for Biodiversity and Ecosystem' (2025) 14(5) International Journal of Humanities and Social Science Invention 193, available at [https://www.ijhssi.org/papers/vol14\(5\)/1405193198.pdf](https://www.ijhssi.org/papers/vol14(5)/1405193198.pdf) [Accessed on 21 April 2026].

100 Convention on Biological Diversity, Article 8.

101 Convention on Biological Diversity, Article 8(f).

102 Convention on Biological Diversity, Article 10.

of the CBD, subsequent interpretive guidance and programme-level decisions developed through its Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA) recognise wetlands (also referred to as inland water ecosystems) as priority ecosystems for biodiversity conservation and sustainable use.¹⁰³

2.8 The United Nations Convention to Combat Desertification (UNCCD)

The United Nations Convention to Combat Desertification (UNCCD) is also relevant to Zimbabwe's wetland governance framework.¹⁰⁴ Although the Convention primarily focuses on combating desertification, land degradation, and the effects of drought, its objectives intersect significantly with wetland protection.¹⁰⁵ Wetlands play an important role in maintaining soil integrity, regulating hydrological systems, supporting water security, and enhancing ecosystem resilience to climate-related shocks.¹⁰⁶ Their degradation may accelerate land degradation and undermine broader environmental sustainability objectives.¹⁰⁷ As such, wetland conservation contributes to land restoration and sustainable land management goals pursued under the UNCCD.

2.9 Kunming-Montreal Global Biodiversity Framework (GBF)

Similarly, the Kunming-Montreal Global Biodiversity Framework (GBF), adopted under the Convention on Biological Diversity in 2022, further strengthens the international normative framework relevant to wetland protection.¹⁰⁸ The GBF establishes global targets aimed at halting and reversing biodiversity loss by 2030 and achieving recovery by 2050.¹⁰⁹ Its targets place emphasis on ecosystem restoration, the conservation of inland water ecosystems, and sustainable land and water use. These commitments reinforce the importance of integrating wetland conservation, restoration, and sustainable management into domestic legal and policy frameworks, including in Zimbabwe.

2.10 CESCR General Comment No.27

In 2025, the United Nations Committee on Economic, Social and Cultural Rights (CESCR) issued General Comment No. 27, in which it discussed the environmental dimensions of sustainable development. In this interpretative note, the Committee stated that *“States Parties should adopt integrated strategies to ensure the right to water for present and future generations, including effective measures to prevent water pollution, to reduce unsustainable or inefficient use and to address distribution losses. States Parties are also required to enact and enforce regulatory frameworks to*

103 CBD (SBSTTA), Recommendation XIV/2 on Inland Water Ecosystems, Convention on Biological Diversity, 2010 available at <https://www.cbd.int/doc/recommendations/sbstta-14/sbstta-14-rec-02-en.pdf>; see also CBD SBSTTA Recommendation III/1 on inland water ecosystems and watershed management, available at <https://www.cbd.int/waters/background> [Accessed on 26 April 2026].

104 United Nations Convention to Combat Desertification.

105 United Nations Convention to Combat Desertification, Article 2.

106 United Nations Convention to Combat Desertification, Article 10 and 17.

107 As above.

108 Convention on Biological Diversity, Decision 15/4: Kunming-Montreal Global Biodiversity Framework (COP15, Montreal, 2022).

109 Convention on Biological Diversity, Decision 15/4: Kunming-Montreal Global Biodiversity Framework section C, available at <https://www.cbd.int/doc/decisions/cop-15/cop-15-dec-04-en.pdf> [Accessed on 22 April 2026].

prevent businesses and other actors from polluting, overextracting from or degrading freshwater ecosystems. Water and sanitation infrastructure must be designed, built and maintained to be resilient to the impacts of extreme weather and natural disasters’. Through this interpretation, the CESCR emphasised the obligation to protect freshwater ecosystems, including wetlands. As a State Party to the International Covenant on Economic, Social and Cultural Rights, Zimbabwe is bound by obligations that emphasise the necessity of conserving and sustainably managing freshwater ecosystems within its domestic environmental governance framework.¹¹⁰ As such, the interpretive guidance provided by General Comment No.27 further clarifies the scope and content of these obligations and, in so doing, contributes to and forms part of the broader normative framework governing wetland protection in Zimbabwe.

2.11 Sustainable Development Goal 6

Sustainable Development Goal 6 (SDG 6) constitutes another important international normative framework relevant to the protection and conservation of wetlands.¹¹¹ Adopted as part of the United Nations 2030 Agenda for Sustainable Development, SDG 6 seeks to “ensure availability and sustainable management of water and sanitation for all.”¹¹² Of particular significance to wetlands protection is target 6.6 which specifically obliges States to protect and restore water-related ecosystems, including wetlands, rivers, aquifers, forests, and lakes.¹¹³ This target recognises wetlands as indispensable ecological systems and reinforces Zimbabwe’s obligations under the 2030 Agenda to promote sustainable development through environmental protection and sustainable natural resource management.¹¹⁴

2.12 Conclusion

In conclusion, Zimbabwe’s wetlands protection framework is multi-layered. It is grounded in constitutional environmental rights, operationalised through national legislation such as the EM Act, and complemented by policies and regulatory laws. It is further reinforced by regional and international obligations. Notwithstanding the breadth of this legal and policy framework for wetland protection, environmental actors continue to call for the full domestication of international frameworks such as the Ramsar Convention, through dedicated domestic legislation, to enhance wetlands protection. Enduring challenges related to implementation, accountability, policy coherence, and institutional coordination continue to impede the effective governance and conservation of wetlands in Zimbabwe. Accordingly, the following chapter examines the recourse to litigation as a conservation tool in addressing these challenges and advancing the protection of wetlands, through an analysis of ZLHR cases.

110 International Covenant on Economic, Social and Cultural Rights

111 UN water, “Synthesis Report on Water and Sanitation”, https://www.unwater.org/sites/default/files/app/uploads/2018/12/SDG6_SynthesisReport2018_WaterandSanitation_04122018.pdf [Accessed on 26 April 2026].

112 Sustainable Development Goal 6.

113 Sustainable Development Goal 6, target 6.6.

114 IUCN, “World must act now to strengthen protection of most important wetlands”, available at <https://iucn.org/news/water/201809/world-must-act-now-strengthen-protection-most-important-wetlands> [Accessed on 26 April].

Chapter 3

LITIGATION AS A CONSERVATION TOOL: A ZLHR CASE ANALYSIS

3.1 Introduction and Rationale

As earlier established, Zimbabwe is home to wetlands of significant ecological and socio-economic importance, including seven sites designated under the Ramsar Convention on Wetlands as Wetlands of International Importance.¹¹⁵ In addition to these formally recognised sites, numerous other wetlands function as vital water sources, supporting biodiversity conservation, hydrological stability, and community livelihoods in the country.¹¹⁶ At the outset, this constitutes the most fundamental basis for their protection and conservation, given their critical role in sustaining ecological integrity and advancing the realisation of human rights. Regrettably, this intrinsic value has not been matched with a comparable level of protection in practice. Rather, wetland degradation in Zimbabwe has manifested through a combination of systematic weaknesses in regulatory oversight, poor implementation and enforcement of the legal framework, and ongoing unsustainable land use practices.¹¹⁷ As a result, Zimbabwe's wetlands, including Ramsar designated sites are increasingly threatened by urban expansion and housing projects, mining and other extractive activities, agricultural intensification, and infrastructure development.¹¹⁸ Consequently, effective wetland conservation has remained persistently difficult to achieve in practice.

As alluded to earlier, Section 4 of the EM Act codifies key principles of environmental governance and incorporates foundational norms derived from international environmental law. These include sustainable development, the precautionary principle, the polluter pays principle, the principle of intergenerational equity and the duty to prevent environmental harm.¹¹⁹ These principles establish an interpretive and operational framework that is central to the protection and conservation of wetlands and other vital water sources in Zimbabwe. Of particular significance is the precautionary principle, which requires that where there are threats of serious or irreversible environmental damage, scientific uncertainty shall not be invoked as a justification for delaying cost-effective measures to prevent

115 See chapter 1.

116 National Guidelines for the Management of Wetland Ecosystem in Zimbabwe, available at https://birdlifezimbabwe.org/wp/wp-content/uploads/2023/11/Wetland-Management-Guidelines_Harare-Wetland-Trust-submission_July2020.pdf [Accessed on 26 April 2026].

117 ZELO, "ZELO Calls for Greater Integration of Communities in Wetlands Conservation", available at <https://zela.org/zelo-calls-for-greater-integration-of-communities-in-wetlands-conservation/> See also, Dialogue Earth, "The struggle to save Zimbabwe's dying wetlands" available at, <https://dialogue.earth/en/nature/the-struggle-to-save-zimbabwes-dying-wetlands/> [Accessed on 26 April 2026].

118 As above.

119 Environmental Management Act (Chapter 20:27), Section 4.

degradation.¹²⁰ This approach is especially important in the context of wetlands, given their ecological sensitivity and generally the often delayed manifestation of environmental harm.¹²¹

ZLHR lawyers have invoked these principles to shape their litigation interventions to enforce compliance, prevent harm, and compel administrative action in relation to wetlands in Zimbabwe.¹²² This has been particularly significant in instances where inaction by authorities or regulatory inadequacy has threatened ecological integrity. For instance, following legal interventions by ZLHR lawyers in 2017, the High Court granted an interdict restraining the Harare City Council from proceeding with the construction of a bus terminus and an informal traders' market on a wetland.¹²³ The proposed development had been challenged by residents on the basis that it posed significant environmental and public health risks. Accordingly, litigation functioned not merely as a remedial mechanism, but as a proactive conservation tool giving effect to environmental governance norms. These principles therefore constitute the normative foundation upon which litigation as a conservation strategy is advanced, as will be illustrated in the ZLHR case analysis below.

Within the Zimbabwean constitutional framework, environmental protection is further strengthened through the justiciability of environmental rights.¹²⁴ The Constitution entrenches both substantive and procedural entitlements that are indispensable to environmental enforcement. These include the right of access to information and the right of access to courts, which, when read together alongside the right to a clean and healthy environment, provide an integrated legal basis for environmental accountability in Zimbabwe.¹²⁵ This justiciability of environmental rights is further reinforced by section 136 of the EM Act, which requires that, in the exercise of any function under the Act, all persons and authorities observe the principles of natural justice. In particular, the provision guarantees that any person whose rights or interests are likely to be affected by an environmental decision must be afforded an adequate opportunity to make representations on the matter.¹²⁶

This procedural enforcement framework is further strengthened by statutory appeal mechanisms available under environmental and planning legislation. Specifically, section 130 of the EM Act provides a right of appeal against certain decisions made by the EMA, including decisions relating to environmental authorisations and approvals such as EIAs determinations, which are particularly

120 VanderZwaag D, "The Precautionary Principle and Marine Environmental Protection: Slippery Shores, Rough Seas, and Rising Normative Tides" available at, https://digitalcommons.schulichlaw.dal.ca/cgi/viewcontent.cgi?article=1503&context=scholarly_works [Accessed on 27 April 2026].

121 Nelson R, "Why Cumulative Environmental Problems Are Difficult and Implications for Law: Introducing the CIRCle Framework. In: *Regulating a Thousand Cuts: Global Law and Policy Solutions to Cumulative Environmental Problems*", Cambridge University Press; 2025:24-55, available at <https://www.cambridge.org/core/books/regulating-a-thousand-cuts/why-cumulative-environmental-problems-are-difficult-and-implications-for-law/D7752749D3F745C-CB55E6B4F71777202> [Accessed on 27 April 2026].

122 ZLHR, "ZLHR Intervenes to Save Harare's Wetland", available at <https://www.zlhr.org.zw/zlhr-intervenes-to-save-harares-wetland/> [Accessed on 27 April 2026].

123 As above.

124 The Constitution of Zimbabwe Amendment (No. 20) Act, 2013, Section 73.

125 The Constitution of Zimbabwe Amendment (No. 20) Act, 2013, Sections, 62; 69; and 73.

126 Environmental Management Act (Chapter 20:27) , Section 136.

relevant in cases involving proposed developments on wetlands.¹²⁷ Similarly, legislation governing spatial planning and land development provides avenues for challenging development permits and planning decisions that may adversely affect environmentally sensitive areas, including wetlands.¹²⁸ Beyond statutory appeals, the High Court retains inherent jurisdiction to review administrative decisions and grant judicial relief, including declaratory orders and interdicts,¹²⁹ in matters concerning environmental harm or unlawful development, particularly where developments threaten protected wetlands or other ecologically sensitive areas.¹³⁰

In the context of wetlands conservation, these rights enable affected communities, civil society actors, and public interest litigants to challenge environmentally harmful activities, compel regulatory compliance, and seek judicial redress where administrative mechanisms have proven inadequate. Accordingly, litigation has assumed a critical role as a conservation instrument, bridging the gap between environmental law, normative principles, and their practical enforcement in the protection of Zimbabwe's wetland ecosystems. Against this backdrop, the following analysis examines selected cases concerning the protection of wetlands and vital water sources that ZLHR has litigated. The analysis is based exclusively on ZLHR's litigation portfolio and illustrates the organisation's contribution to environmental jurisprudence. While this is not a comprehensive review of all wetlands-related litigation in Zimbabwe, it demonstrates how strategic litigation has strengthened environmental governance, promoted accountability, and advanced the protection of wetlands and vital water sources.

3.2 Wetlands in the Courts: A Case Analysis of ZLHR's Litigation for Wetland and Vital Water Source Protection in Zimbabwe.

***Trustees for the time being of Harare Wetlands Trust & another v Tonderai Nhende & 4 others*¹³¹**

This case illustrates the growing role of strategic environmental litigation in Zimbabwe. In this matter, the High Court reaffirmed the importance of judicial enforcement in the protection of wetlands and the regulation of environmentally harmful developments. The matter arose after Tonderai Nhende and Club 55 Investments (Private) Limited commenced the construction of structures, including a perimeter wall, on Stand 41156, Mbare Township, Harare, which forms part of the Mbare wetland, without obtaining the requisite statutory permits and licences.

127 Environmental Management Act (Chapter 20:27), Section 130.

128 Regional, Town and Country Planning Act [Chapter 29:12], Section 38 and 40.

129 Constitution of Zimbabwe Amendment (No. 20) Act, 2013, Section 171.

130 However, a notable limitation within the current framework is that the mere lodging of an environmental appeal does not automatically suspend the implementation of the impugned decision or the continuation of development activities. As demonstrated in the case analysis below, this creates a significant procedural challenge, as affected parties are often required to institute separate urgent applications for interim relief to prevent irreversible environmental harm pending the determination of the appeal.

131 Trustees for the Time being of Harare Wetlands Trust & another v Tonderai Nhende & 4 others [HC.4734/21].

Upon becoming aware of the unlawful development, ZLHR lawyers intervened on behalf of the Trustees for the Timebeing of Harare Wetlands Trust and Community Water Alliance to protect the constitutional right to a clean and healthy environment. Initial efforts involved engagement with the City of Harare and the EMA through letters of demand, prompting temporary regulatory intervention, including the issuance of an Environmental Protection Order by the EMA. However, development resumed despite these interventions in violation of environmental and planning laws. ZLHR lawyers subsequently instituted High Court proceedings seeking declaratory relief, an interdict, and demolition of the unlawful structures.

Although the matter faced procedural setbacks and delays, including dismissal of an earlier application on technical grounds, litigation persisted. In 2021, the High Court declared the development unlawful and prohibited further construction without the required approvals. The matter was ultimately resolved through a deed of settlement in July 2024, which barred further development unless statutory requirements were fully complied with, failing which demolition would proceed. The case demonstrates both the importance of strategic litigation in wetland protection and the procedural barriers to timely environmental justice.

Trustees of Harare Wetlands Trust v Director of Works, City of Harare & New Life Covenant Church¹³²

In this matter, ZLHR lawyers intervened following the unlawful issuance of approvals permitting development activities on the Boundary Road wetland in Highlands, Harare, an ecologically sensitive area critical to the City of Harare's water system. In December 2018, New Life Covenant Church commenced land clearing and construction activities for the development of Kingdom Cathedral on the Boundary Road wetland in Highlands, Harare. The proposed development raised significant environmental concerns owing to the ecological sensitivity of the wetland and the potential adverse impact upon the City of Harare's water resources. The EMA initially dismissed the Church's application for an EIA certificate on the basis that the proposed site constituted a wetland. However, following an appeal to the Minister of Environment, the decision was partially overturned, permitting development on a portion of the wetland. In response, ZLHR lawyers acting in the public interest instituted legal proceedings challenging both the environmental and planning legality of the proposed development. A separate application for condonation for the late filing of an appeal against the EIA appeal decision was lodged, while on 26 April 2019 an interdict application was filed before the High Court seeking suspension of the development. The application was premised on the contention that the development was unlawful because the City of Harare had not issued a valid development permit and the relevant Catchment Council had not granted the requisite water permit. Subsequently, the High Court granted an interdict in favour of the applicants,

132 Trustees of Harare Wetlands Trust (Org) v Director of Works, City of Harare & New Life Covenant Church [AC9/20] [ACC 87/19] [SC 401/20].

ordering the suspension of all development activities unless and until the developers obtained the necessary statutory approvals.

Shortly before judgment was handed down, legal representatives for New Life Covenant Church served a new development permit document. As the document had been produced after argument, the Court disregarded it. Thereafter, on 20 December 2019, lawyers filed an appeal before the Administrative Court challenging the development permit. The matter was repeatedly postponed throughout 2020, partly due to delays in obtaining the City of Harare's administrative record and disruptions associated with the COVID-19 lockdown. On 16 June 2020, New Life Covenant Church as the third respondent sought to strike out portions of the appeal relating to environmental issues on the basis that they were allegedly pending before the Supreme Court in relation to the EIA condonation application appeal. Following written submissions and oral argument, the application to strike out was dismissed on 22 July 2020. The substantive appeal was subsequently argued on 27 July 2020, with judgment reserved.

On 7 September 2020, Justice Mandeya delivered judgment upholding the development permit appeal in the Administrative Court and revoking both the building plan and development permit issued in respect of the wetland development. New Life Covenant Church thereafter appealed to the Supreme Court on 24 September 2020. The appeal proceedings culminated in hearings before the Supreme Court in October 2021. During these proceedings, the Church sought leave to introduce an additional ground of appeal challenging the locus standi of the Harare Wetlands Trust in the original proceedings. Although the application to introduce the additional ground was granted, the Supreme Court ultimately dismissed the appeal with costs on the higher scale. The Court further held that the challenge to locus standi was not properly before it.

Glorious All Time Functions (Private) Limited v Hillside Park Association, City of Harare, Environmental Management Agency & Upper Manyame Subcatchment Council¹³³

This matter illustrates the persistent governance failures associated with wetland conservation in Zimbabwe, particularly the growing tendency of local authorities to enter into commercial arrangements with private entities without first ensuring compliance with mandatory environmental and water law requirements. This case further exposed the disconnect between local government authorities and environmental regulatory institutions, where development approvals and lease agreements were issued despite the absence of the statutory environmental assessments and permits required under Zimbabwean law. On 22 September 2018, members of the Hillside Park Association observed construction activities taking place on the Hillside Park Wetland situated at the corner of Brooks Drive and Chiremba Road opposite OK Mart in Harare.

133 *Glorious All Time Functions (Private) Limited v Hillside Park Association, City of Harare, Environmental Management Agency & Upper Manyame Subcatchment Council* [Ref: HC 8817/18] [SC 327/19].

Tractors were reportedly ploughing and clearing the wetland area. Investigations conducted by members of the Association established that Glorious All Time Functions (Private) Limited had entered into a five-year lease agreement with the City of Harare, signed on 21 June 2018, authorising the company to use Stand 19594 Harare Township, also known as the Hillside Park Wetland Area, for functions venue purposes. Although representatives of the company initially asserted that all necessary approvals had been obtained, subsequent investigations at the EMA revealed that no EIA Certificate had been issued to the company as required under sections 113(2), 97(5), and 97(1)(a) of the EM Act, read together with section 20(1) of the Environmental Management (Environmental Impact Assessment and Ecosystems Protection) Regulations, SI 7 of 2007.¹³⁴ Further investigations established that the company had also failed to obtain a permit in terms of section 46(2) of the Water Act, authorising activities likely to interfere with a vlei and public stream.¹³⁵ The proposed development posed serious environmental risks, including pollution and siltation of the Mukuvisi River, together with the deterioration of the wetland's ecological functions relating to water absorption, storage, and purification. In response, ZLHR lawyers instituted legal proceedings in the public interest, including an urgent interdict application in the High Court, seeking urgent protection of the wetland.

On 2 October 2018, ZLHR lawyers appeared before Justice Musakwa, where an amended provisional order was granted by consent directing Glorious All Time Functions (Private) Limited to suspend all construction activities pending either the granting of a final order or full compliance with all relevant statutory requirements and production of the requisite documentation. The matter subsequently proceeded to a final hearing on 4 March 2019, where ZLHR lawyers argued for confirmation of the provisional order and a declaration that the development was unlawful. Judgment was delivered on 22 May 2019 in favour of the applicants. The High Court declared the development unlawful and ordered Glorious All Time Functions (Private) Limited to permanently cease all construction activities on the wetland. On 10 June 2019, the company appealed against the judgment to the Supreme Court.

In February 2020, members of the Hillside Park Association observed renewed development activities on the site notwithstanding the pending appeal. Consequently, on 6 March 2020, ZLHR lawyers filed an urgent chamber application seeking execution of the High Court order pending appeal. The matter was heard on 9 and 10 March 2020, following which the Court granted an order authorising execution pending appeal together with an award of costs.

On 19 June 2020, ZLHR lawyers appeared before the Supreme Court to defend the appeal. During proceedings, consent was given to amend the original High Court order so as to clarify that development on the wetland without the requisite environmental and regulatory approvals

134 As above.

135 The Water Act [Chapter 20:24], Section 46(2).

was unlawful, as opposed to prohibiting all development absolutely as previously stated in the original order. The institutional deficiencies revealed in this case reflect the necessity of public interest litigation as a mechanism for the protection and conservation of wetlands, with the courts becoming a critical forum for enforcing environmental accountability.

Borrowdale Ratepayers and Residents Association & Harare Wetlands Trust v City of Harare, Minister of Local Government Public Works and National Housing & 2 others¹³⁶

In this case, ZLHR lawyers litigated to protect the Greystone Park and Helensvale wetlands in Harare, which came under threat from extensive unlawful developments. It emerged that during 2016 and 2017, the City of Harare had allocated stands within the wetland and public open space greenbelt areas to its employees in lieu of wages, notwithstanding that the land had been reserved for environmental and public open space purposes. The allocations were undertaken without adherence to the procedures prescribed under the Regional, Town and Country Planning Act, the Urban Councils Act, the EM Act, the Water Act, and the Zimbabwe National Water Authority Act. Residents were neither notified nor consulted regarding the allocation of stands, the issuance of environmental impact assessment certificates, development permits, or any related statutory approvals.

In response to the unlawful developments and the threat posed to the wetlands, ZLHR lawyers instituted proceedings before the High Court on 8 May 2018 challenging the legality of ten development sites situated on the Greystone Park and Helensvale wetlands. On 15 April 2019, the matter came before Justice Mushore, who granted an order by consent compelling the City of Harare, the Minister of Local Government Public Works and National Housing, the Minister of Environment, Water and Climate, the EMA, and the Zimbabwe National Water Authority (ZINWA) to conduct investigations into the legality of the identified developments. The investigations were specifically directed towards determining the environmental impact of the developments and identifying any administrative procedures undertaken by the developers in relation to planning and environmental approvals. The respondents were further ordered to furnish the applicants, within thirty days, with the results of the investigations, including details of the developers involved and all relevant town planning and environmental impact assessment documentation pertaining to the developments. On 23 August 2019, the EMA produced a report containing details regarding some of the developments. However, the City of Harare, the Minister of Local Government, the Minister of Environment, and ZINWA failed to comply with the court order and did not provide the required information.

136 *Borrowdale Ratepayers and Residents Association (Org) & Harare Wetlands Trust (Org) v City of Harare, Minister of Local Government Public Works & National Housing, Minister of Environment Water and Climate, Environmental Management Agency & Zimbabwe National Water Authority* [HC 2603/18].

Their continued non-compliance prompted the institution of contempt proceedings on 24 October 2019. Subsequently, notices of opposition and opposing affidavits were filed by the City of Harare and the Ministry of Environment, while answering affidavits were filed on behalf of the applicants on 6 December 2019. The matter experienced several postponements during 2020, partly owing to procedural issues and disruptions occasioned by the COVID-19 lockdown. Nonetheless, additional reports were eventually received from the Ministry of Local Government and ZINWA, and legal representatives prepared a detailed response identifying the outstanding information still required. On 3 June 2020, ZLHR lawyers appeared before Justice Chikowero and argued the contempt application. The High Court subsequently declared the first to fourth respondents to be in contempt of court and imposed fines of ZWL\$2000, suspended on condition that the respondents complied with the original court order.

Munyaradzi Mutsai & 19 Others v City of Harare, Minister of Local Government, Public Works & National Housing and 4 others¹³⁷

In this case, ZLHR lawyers intervened in response to the proposed construction of a bus terminus and people's market on the Rhodesville wetland in Harare, adjacent to the residential areas of Hillside and Eastlea. The litigation was prompted by concerns that the development was being undertaken on an ecologically sensitive wetland without compliance with mandatory environmental and administrative law requirements, including the undertaking of an EIA and adequate public consultation processes. The proposed development was situated on a wetland and in close proximity to a public stream which created the risk of serious environmental degradation and adverse public health consequences for surrounding communities. Additionally, residents contended that the construction activities were being undertaken without prior notification or consultation and without the completion of an EIA.

In response to the threatened environmental harm, ZLHR lawyers appeared in the High Court on 14 November 2017 seeking to halt the unlawful development and protect the environmental rights of affected residents. The urgent chamber application was set down for hearing and on 28 November 2017, the matter was eventually heard before Justice Chatukuta in relation to the issue of urgency. The Court granted an interim order pending determination of the matter. Ultimately, the High Court ruled in favour of halting the construction of the bus terminus on the Rhodesville wetland.

Through judicial intervention, ZLHR lawyers sought to safeguard residents' right to an environment that is not harmful to their health or well-being and to ensure compliance with environmental governance obligations applicable to development projects undertaken

137 *Munyaradzi Mutsai & 19 Others vs City of Harare, Minister Of Local Government, Public Works & National Housing, Minister Of Tourism, Environment & Hospitality Industry, Environmental Management Agency, Minister Of Water Resources, Development And Climate & the Zimbabwe National Water Authority* [HC 10652/17].

on ecologically sensitive land. The Rhodesville Wetland case is notable for its progressive contribution to Zimbabwe's environmental jurisprudence. The judgment strengthened the protection of administrative justice, access to information, environmental and water rights, while reflecting judicial recognition of the precautionary principle. This is notable in a context where courts often resolve environmental disputes on procedural grounds rather than through substantive engagement with environmental rights.¹³⁸

***Conservation Society of Monavale Trust (Cosmo Trust) v Energy Mutodi, City of Harare, Ministry of Local Government*¹³⁹**

In this recent case, a dispute arose following attempts to undertake residential development activities within the Monavale wetland in Harare, a protected Ramsar site recognised as a wetland of international importance under the Ramsar Convention on Wetlands. The Monavale Vlei constitutes one of Harare's most important wetland systems and performs critical ecological functions relating to groundwater recharge, water purification, biodiversity conservation, and the maintenance of urban hydrological systems. The wetland also serves as an important water source for the City of Harare. Concerns emerged after reports that residential stands were being parcelled out and developed in the Monavale wetland area, particularly in north-east of the protected Ramsar site off Fenella Drive, Onslow Road, and Sudbury Roads. The proposed development was reportedly being undertaken on behalf of Members of Parliament through initiatives associated with the Ministry of Local Government and Public Works. The Conservation Society of Monavale (COSMO) Trust, a community-based environmental organisation dedicated to the protection of Monavale wetland, acting through legal representatives from ZLHR lawyers, challenged the legality of the proposed development on the basis that no Environmental Impact Assessment Certificate had been issued by the Environmental Management Agency in relation to the project. The conservationists argued that the parcelling and development of residential stands within the Monavale wetland was unlawful and posed a serious threat to the ecological integrity of the wetland ecosystem. It was further submitted that the proposed development would exacerbate Harare's existing water challenges and undermine both domestic environmental protections and Zimbabwe's obligations under international environmental law relating to the conservation of Ramsar wetlands. COSMO Trust asserted that the development activities violated the constitutional right to a safe, clean, and healthy environment protected under section 73 of the Constitution of Zimbabwe, which guarantees environmental protection for the benefit of present and future generations. In correspondence addressed to Energy Mutodi, the conservationists demanded the immediate cessation of all development activities being undertaken in the wetland area

138 Zimbabwe Lawyers for Human Rights, Public Interest Litigation and Social Change in Zimbabwe (2022) 159–160, available at <https://www.zlhr.org.zw/wp-content/uploads/2022/08/Public-Interest-Litigation-and-Social-Change-In-Zimbabwe.pdf> [Accessed on 4 May 2026].

139 Conservation Society of Monavale Trust (Cosmo Trust) v Energy Mutodi, City of Harare, Ministry of Local Government, ZLHR Monthly Case Reports.

and the removal of concrete pegs installed for purposes of demarcating residential stands. The letter further warned that failure to comply with the demands would result in the institution of legal proceedings seeking appropriate relief to prevent further environmental degradation. In addition to the letter of demand directed to Energy Mutodi, COSMO Trust also addressed correspondence to the City of Harare requesting confirmation as to whether development permits had been issued in respect of the proposed housing project and seeking copies of all relevant planning documentation. Further correspondence was directed to EMA requesting the environmental regulatory authority to exercise its statutory powers under section 10 of the EM Act by issuing Environmental Protection Orders in relation to the proposed development activities. COSMO Trust additionally sought clarification from Parliament regarding whether the housing development initiative was being undertaken on its behalf. At the time of writing, this matter remains pending determination, however, it nonetheless reflects the ongoing violations affecting wetlands in Zimbabwe and necessitating sustained legal interventions.

Harare Wetlands Trust, Newlands Residents Association, Highlands Residents Association v CPM Millenium Shopping Private Limited, The Public Service Commission and 8 others¹⁴⁰

In another recent case, in April 2026, ZLHR lawyers, acting on behalf of the Harare Wetlands Trust (HWT), the Newlands Residents Association (NRA), and the Highlands Residents Association (HRA), instituted urgent proceedings before the High Court of Zimbabwe seeking to halt ongoing construction activities on Stand No. 18682 Boundary Road in Eastlea, Harare, a designated wetland and ecologically sensitive area. The application was prompted by concerns that CPM Millennium Shopping Private Limited had commenced development activities on the wetland without complying with mandatory environmental regulatory requirements prescribed under Zimbabwean law, posing a serious threat of irreversible ecological degradation in an already water-stressed urban environment. The applicants contend that the developer proceeded without first obtaining an EIA certificate from the EMA, contrary to the requirements of the Environmental Management Act [Chapter 20:27], and had also failed to secure the requisite permits and licences from the relevant authorities.

According to the applicants, EMA confirmed that CPM Millennium Shopping Private Limited is unknown to the agency and has never been issued with an EIA certificate in its own name. Consequently, through their lawyers from ZLHR, the applicants argue that the developer cannot lawfully rely on or purport to inherit environmental authorisations allegedly obtained by another entity, and that such conduct constitutes a violation of section 103 of the EM Act, which prohibits the submission or use of false or misleading environmental documentation. The applicants further challenge the adequacy of the purported EIA process itself, arguing

140 Harare Wetlands Trust, Newlands Residents Association, Highlands Residents association v CPM Millenium Shopping Private Limited, The Public Service Commission and 8 others, HCH/26.

that the environmental reports relied upon by the developer reveal only limited and selective stakeholder consultation, falling short of the participatory and consultative standards envisaged under Zimbabwe's environmental governance framework. Additional concerns were raised regarding compliance with water law obligations, as the Upper Manyame Sub-Catchment Council reportedly advised the applicants that CPM Millennium Shopping Private Limited was unknown to the Council and did not possess a valid water permit authorising activities affecting the wetland system.

For ZLHR lawyers, this application is firmly grounded in both constitutional and statutory environmental protections. The applicants invoke section 73 of the Constitution of Zimbabwe, which guarantees every person the right to an environment that is not harmful to their health or well-being and obliges the State and all persons to protect the environment for present and future generations through reasonable legislative and other measures.¹⁴¹ Reliance is also placed on section 77 of the Constitution, which guarantees the right to safe, clean, and potable water, with the applicants arguing that the destruction of wetlands directly threatens Harare's hydrological systems and long-term water security.¹⁴² In addition, the applicants invoke section 4 of the EM Act, which provides for environmental rights and public interest standing where ecological harm is threatened.¹⁴³ The applicants argue that unregulated construction is destroying wetlands in Harare, weakening natural water recharge, reducing biodiversity, and worsening sanitation and public health. They emphasise that wetlands are vital for groundwater recharge, flood control, and water purification.

At the time of writing, the matter had not yet been set down for hearing before the High Court. Nonetheless, ZLHR's litigation represents an important intervention in Zimbabwe's evolving environmental jurisprudence, particularly in relation to the protection of wetlands and the enforcement of environmental governance obligations. Specifically, the intervention is significant in reaffirming the legal necessity of EIAs as foundational safeguard within domestic environmental law. Under Zimbabwean legislation, EIAs are mandatory for developments likely to have significant environmental impacts, especially in ecologically sensitive areas such as wetlands.¹⁴⁴ Beyond domestic law, the litigation also resonates with established principles of international environmental law. The requirement for prior EIA is widely recognised as an emerging norm of international environmental governance and is reflected in numerous international legal instruments and jurisprudence, including principles relating to precaution, sustainable development, intergenerational equity, and the obligation upon States to prevent significant environmental harm.¹⁴⁵

141 The Constitution of Zimbabwe Amendment (No. 20) Act, 2013, section 73.

142 The Constitution of Zimbabwe Amendment (No. 20) Act, 2013, section 77.

143 As above.

144 Environmental Management Act (Chapter 20:27), Section 97; see also Statutory Instrument 7 of 2007.

145 As above.

***Mutare Rivers Rehabilitation Initiative, Lynne James v City of Mutare*¹⁴⁶**

This matter did not ultimately proceed to formal court litigation, but represents an important example of the combined use of legal interventions and public advocacy in the protection of wetlands and environmentally sensitive ecosystems in Zimbabwe. The Mutare Rivers Rehabilitation Initiative (MRRI) is a community-based environmental organisation of environmentally active residents whose work focuses on the restoration and protection of wetlands and waterway ecosystems within and around Mutare. In May 2024, MRRI became aware that the Mutare City Council had initiated processes to alter the reservation status of land previously designated as Public Open Space, removing restrictions on development. The land in question constituted a wetland protected under an EMA environmental protection order issued in 2018. It subsequently emerged that the land had been sold to a private developer intending to construct cluster homes on the site.

Following unsuccessful attempts to obtain clarity from the City of Mutare concerning the proposed developments, MRRI approached ZLHR lawyers for legal assistance aimed at preventing unlawful development on the wetland. On 22 April 2024, ZLHR lawyers issued a letter of demand to both EMA and the City of Mutare concerning the proposed developments and the legality of any processes undertaken in relation to the wetland. The City of Mutare did not respond to the correspondence. In addition to legal intervention, ZLHR facilitated advocacy initiatives surrounding the matter, generating significant local public interest and discussion concerning the protection of the wetland and the environmental implications of the proposed development. Following this advocacy engagement, the City of Mutare issued a public statement indicating that the Minister of Local Government was seized with the matter.

ZLHR lawyers also engaged the EMA regarding its position on the proposed development and the continued validity of the environmental protection order. Although the EMA officials verbally confirmed during a meeting held on 12 November 2024 that the agency had not altered its position concerning the protected status of the wetland and had submitted the necessary reports to the relevant authorities, the agency declined to provide a written response. In preparation for possible litigation, lawyers further engaged an environmental specialist to compile a technical report on the ecological significance of the wetland for evidentiary purposes.

By July 2025, following a physical follow-up with the City of Mutare, ZLHR lawyers were advised that no determination had yet been made by the Minister's Office regarding the proposed change of reservation. In December 2025, reports carried by state-controlled media indicated that the area had been gazetted as a protected ecologically sensitive zone. Advocacy initiatives undertaken jointly by ZLHR and MRRI were ultimately successful in preventing

146 Mutare Rivers Rehabilitation Initiative, Lynne James v City of Mutare, ZLHR Annual Case reports.

development on the land in question. On 22 January 2026, ZLHR lawyers met with the clients and advised continued monitoring of the wetland for any future development activities.

***The COSMO Trust, Margaret Soper and Linda Bromley v City of Harare, Sharadkumar Patel, Meadows (Pvt) Ltd, and 2 others (ACC 81/18), and The COSMO Trust v Minister of Environment, Water and Climate, Environmental Management Agency, Sharadkumar Patel and Meadows (Pvt) Ltd (ACC 63/18) (Consolidated Appeals)*¹⁴⁷**

In the consolidated appeals of the above matters, ZLHR undertook legal interventions to protect Monavale Vlei, a wetland designated as a Wetland of International Importance under the Ramsar Convention, against proposed residential development. The litigation arose from challenges to both an EIA Certificate and a development permit granted in respect of a cluster housing project on the wetland, in a part of the wetland called “The Meadows” off Monavale Road and Fenella Drive. Specifically, on 10 November 2017, the EMA issued an EIA Certificate authorising a cluster home development on Monavale Vlei. On 1 February 2018, ZLHR lodged an appeal with the Minister of Environment, Water and Climate challenging the EIA Certificate, on behalf of the COSMO Trust, acting on behalf of Monavale residents and in protection of the environment. Following delays in the determination of the appeal, ZLHR lawyers wrote to the Minister seeking an expedited determination and, on 23 April 2018, filed an application to compel the Minister to determine the appeal. In opposing papers filed on 7 May 2018, the developers asserted that the affected site did not form part of the Ramsar-designated wetland and relied on a letter from the Minister purporting to delist the site from Ramsar protection following an appeal lodged by the developers.

On 10 May 2018, the Minister dismissed the appeal on the grounds that stakeholder consultations had already been conducted; that conditions attached to the EIA restricted development to a particular area; that the site constituted only 3.6 per cent of the Ramsar area; and that the Ramsar Convention permits the “wise use” of wetlands rather than prohibiting all development. On 6 June 2018, an appeal against the Minister’s decision was lodged in the Administrative Court. Concurrently, the City of Harare was considering a development permit application relating to the same project. Following inspections of the development permit and EIA documentation and further representations to the relevant authorities, the Environmental Management Committee of the City of Harare approved the development permit on 23 July 2018. The decision was communicated to the COSMO Trust and neighbouring landowners in August 2018. On 12 September 2018, the COSMO Trust and adjacent neighbours appealed

147 The COSMO Trust (Org), Margaret Soper and Linda Bromley v City of Harare, Sharadkumar Patel, Meadow (Pvt) Ltd, Environmental Management Agency and Minister of Environment, Tourism and Hospitality Industry (ACC 81/18); The COSMO Trust (Org) v The Minister of Environment, Water and Climate, The Environmental Management Agency, Sharadkumar Patel and Meadows (Pvt) Ltd (ACC63/18) Harare, (Consolidated Appeals) [SC 172/19].

against the granting of the development permit under case number ACC 81/18. This appeal was subsequently consolidated with the appeal challenging the EIA Certificate under case number ACC 63/18. Pending determination of the consolidated appeals, an urgent application was filed seeking suspension of the development permit.

On 19 November 2018, the Administrative Court granted an order suspending all development activities on the site. Following hearings conducted between November 2018 and January 2019, the Administrative Court delivered judgment on 22 March 2019, upholding both appeals. The Court found, among other things, that there had been significant administrative irregularities in the permit application process, that the EIA Certificate related only to part of the land while the development permit covered the entire property, and that the proposed development implicated the constitutional right of residents to an environment that is not harmful to their health or well-being.

The landowners and the City of Harare separately appealed the Administrative Court's decision to the Supreme Court in March 2019. The Supreme Court heard the appeal on 5 March 2020 and reserved judgment. On 16 December 2021, the Supreme Court delivered judgment in favour of the COSMO Trust, dismissing the appeals and affirming the Administrative Court's decision. The Court held that both the development permit and the EIA Certificate had been granted through procedurally defective processes. Therefore, the matter was finalised, marking a significant judicial affirmation of procedural compliance in environmental governance and the protection of ecologically sensitive wetlands.

Conservation Society of Monavale v Environmental Management Agency & Milblue Investments (PVT) LTD¹⁴⁸

This matter concerns additional efforts by the COSMO Trust, to challenge a proposed development on the Monavale wetland in Harare. As highlighted above, the Monavale wetland is a protected area and has been designated as a "Ramsar site 2107" under the Convention on Wetlands. In November 2025, Milblue Investments (Private) Limited commenced land-clearing activities in preparation for a proposed development on the wetland. On 18 November 2025, legal representatives acting on behalf of COSMO requested access from the EMA to Milblue Investments' EIA Certificate and EIA Report in order to assess the lawfulness of the authorisation and prepare an appeal. EMA initially denied access to the full documentation but subsequently furnished the requested records following a further demand and threat of litigation. On 17 December 2025, through its lawyers from ZLHR, COSMO lodged an appeal in terms of section 130 of the EM Act challenging the issuance of the EIA Certificate. Milblue Investments filed its notice of response on 8 January 2026. During the course of the proceedings, concerns arose regarding the existence of multiple EIA Certificates issued in

148 Conservation Society of Monavale v Environmental Management Agency & Milblue Investments (PVT) LTD.

relation to the project, prompting further requests for clarification and inspection of records from EMA. At the time of writing, the appeal remains pending before the Minister responsible for the environment.

***Community Water Alliance (Org) v Environmental Management Agency and Minister of Environment, Tourism and Hospitality*¹⁴⁹**

In the matter above, the Community Water Alliance, a grassroots organisation working on service delivery and water rights, repeatedly sought access to EIA reports from the EMA without success. In response, ZLHR lawyers instituted proceedings in the High Court in January 2019 to compel disclosure of the requested information. The application challenged the restrictive application of section 108 of the EM Act,¹⁵⁰ which limited meaningful public access to environmental information. In November 2019, the High Court ruled that section 108 was unconstitutional to the extent that it prevented the reproduction of documents held by EMA. Following further proceedings to vary and clarify the order, the Court in September 2020 confirmed that the application of section 108 in a manner restricting reproduction of EIA reports was ultra vires section 62 of the Constitution which guarantees the right of access to information.¹⁵¹ The case represents a significant advancement in environmental transparency, affirming that access to environmental information is central to the protection of environmental rights under section 73 of the Constitution.

***Harare Wetlands Trust v University of Zimbabwe, Environmental Management Agency, City of Harare & Upper Manyame Subcatchment Council*¹⁵²**

In this matter, ZLHR lawyers intervened to challenge the proposed construction of a service station and shopping centre by the University of Zimbabwe on the “UZ wetland”, located adjacent to the Avondale stream at the corner of Upper East Road and Churchill Road in Harare. The wetland and stream form part of the source of the Marimba River and perform critical ecological functions, including water storage, purification, and flood regulation. The proposed development posed significant risks of environmental degradation, including wetland depletion, flooding, water pollution, and ecosystem destruction. Although the EMA had issued an Environmental Protection Order prohibiting development on the wetland in 2017, and objections had been raised by the City of Harare and the Upper Manyame Subcatchment Council, construction continued without the requisite EIA certificate and water permit. ZLHR lawyers subsequently filed an urgent chamber application in the High Court in July 2018, resulting in an interim order suspending construction. The matter was later resolved

149 Community Water Alliance (Org) v Environmental Management Agency and Minister of Environment, Tourism and Hospitality (CCZ 42/19), (HC 258/19)

150 Environmental Management Act [Chapter 20:27], Section 108

151 The Constitution of Zimbabwe Amendment (No. 20) Act, 2013, Section 62.

152 Harare Wetlands Trust v University of Zimbabwe, Environmental Management Agency, City of Harare & Upper Manyame Subcatchment Council (HC 7043/18).

through a consent order halting the development pending full compliance with all statutory environmental requirements.

3.3 Key Trends and Emerging Themes Arising from ZLHR’s Wetland Protection Litigation in Zimbabwe

The case analysis of ZLHR’s litigation interventions concerning the protection and conservation of wetlands in Zimbabwe reveals several recurring and deeply entrenched patterns of environmental governance failure. Most significantly, the jurisprudence demonstrates that unlawful development activities on wetlands frequently proceed in direct violation of existing environmental obligations which have necessitated litigation as a corrective and enforcement mechanism. Across the cases examined above, a common feature is the commencement or continuation of development activities in ecologically sensitive wetland areas without prior compliance with mandatory EIAs requirements, water permits, development permits, and other statutory approvals prescribed under various domestic legislation including the Constitution of Zimbabwe, the EM Act and the Water Act.¹⁵³ This persistent disregard for environmental regulatory procedures reflects broader weaknesses in environmental compliance.

ZLHR’s caselaw further reveals the central role played by private actors in driving wetland degradation, often through commercially motivated housing, infrastructure, recreational, or institutional developments undertaken without lawful authorisation.¹⁵⁴ Particularly concerning is the recurring involvement and complicity of local authorities, especially municipal entities, which in several instances allocated, leased, or otherwise facilitated the commercial use of wetlands despite their ecological sensitivity and the existence of statutory protections governing wetlands. The litigation demonstrates that local authorities have, at times, prioritised revenue generation, land allocation, and urban expansion over environmental sustainability and statutory compliance which has in turn undermined the objectives of environmental governance and sustainable development in Zimbabwe.¹⁵⁵ In several matters, local authorities proceeded to issue leases, development permits, or planning approvals in circumstances where no valid EIA certificates or water permits had been obtained, exposing significant institutional fragmentation and regulatory incoherence between planning authorities and environmental regulators.¹⁵⁶

An equally troubling trend emerging from the case analysis is the repeated non-compliance and circumvention of court orders and environmental regulatory directives. In some of the cases, developers continued or resumed construction activities notwithstanding the existence of interim interdicts,

153 As above.

154 As above.

155 See also Business Times, “Residents lament over Wetlands invasion” available at <https://businesstimes.co.zw/residents-lament-over-wetlands-invasion/> [Accessed on 18 May 2026].

156 No licensing authority may issue a licence for listed projects in the absence of an Environmental Impact Assessment certificate. Accordingly, local authorities, including city councils, are prohibited under section 97(5) of the Environmental Management Act [Chapter 20:27] from granting development approvals or permits without prior issuance of an EIA certificate.

provisional orders, or pending appeals before superior courts.¹⁵⁷ This pattern is particularly concerning as the conduct not only undermines the authority of the courts and the rule of law, but also creates a significant risk of irreversible environmental harm pending the outcome of legal proceedings.¹⁵⁸ Closely related to this is the strategic use of appeals and procedural delays by developers and public authorities, which in practice may frustrate timely environmental protection while litigation remains unresolved. Consequently, the cases expose the limitations of reactive environmental enforcement mechanisms in circumstances where ecological degradation may occur faster than judicial processes can effectively respond. In many instances, conservationists have relied on this position to justify the establishment of specialised and dedicated environmental courts and tribunals.¹⁵⁹

A further challenge emerging from ZLHR's wetland litigation is the existence of significant procedural and institutional barriers that limit the accessibility and effectiveness of environmental litigation in Zimbabwe. As noted by Iliff and Mafo, environmental disputes are often fragmented across multiple legal forums, creating procedural complexity for litigants.¹⁶⁰ For instance, appeals relating to EIA decisions are initially directed to the Minister and may subsequently proceed to the Administrative Court, while disputes involving development permits may also fall within the jurisdiction of the Administrative Court, and urgent interdict applications are generally brought before the High Court.¹⁶¹ This fragmented dispute resolution framework increases costs, delays proceedings, and creates uncertainty for litigants seeking urgent environmental protection.¹⁶² A particularly significant challenge is that the lodging of appeals does not automatically suspend development activities, requiring affected parties to pursue separate interdict applications to halt construction.¹⁶³

ZLHR's jurisprudence also reveals that courts have at times been more inclined to dispose of environmental matters on procedural or technical grounds rather than engaging substantively with constitutional environmental rights, limiting the development of robust environmental jurisprudence in Zimbabwe.¹⁶⁴ Additional barriers, including restrictive approaches to locus standi in some cases, have further constrained access to environmental justice.¹⁶⁵

157 Glorious All Time Functions (Private) Limited v Hillside Park Association.

158 As above.

159 Okongwu J & Okposin A, "Specialised Environmental Courts and Tribunals as Legal Instruments for Sustainable Environment Justice", available at https://www.researchgate.net/publication/360140877_SPECIALISED_ENVIRONMENTAL_COURTS_AND_TRIBUNALS_AS_LEGAL_INSTRUMENTS_FOR_SUSTAINABLE_ENVIRONMENT_JUSTICE [Accessed on 18 May 2026]. See also ZELO, "MOMENTUM FOR THE ESTABLISHMENT OF ENVIRONMENTAL COURTS / SPECIALISED TRIBUNALS GATHERS PACE IN AFRICA", available at <https://zela.org/momentum-for-the-establishment-of-environmental-courts-specialised-tribunals-gathers-pace-in-africa/> [Accessed on 18 May 2026].

160 Zimbabwe Lawyers for Human Rights, Public Interest Litigation and Social Change in Zimbabwe (2022) 159–160, available at <https://www.zlhr.org.zw/wp-content/uploads/2022/08/Public-Interest-Litigation-and-Social-Change-In-Zimbabwe.pdf> [Accessed on 19 May 2026].

161 As above.

162 As above.

163 See Glorious All Time Functions (Private) Limited v Hillside Park Association, City of Harare, Environmental Management Agency & Upper Manyame Subcatchment Council [Ref: HC 8817/18] [SC 327/19].

164 Trustees for the Time being of Harare Wetlands Trust & another v Tonderai Nhende & 4 others.

165 See The COSMO Trust, Margaret Soper and Linda Bromley v City of Harare, Sharadkumar Patel, Meadows (Pvt) Ltd, and 2 others (ACC 81/18), and The COSMO Trust (Org) v Minister of Environment, Water and Climate, Environmental Management Agency, Sharadkumar Patel and Meadows (Pvt) Ltd (ACC 63/18) (Consolidated Appeals).

Beyond these legal and procedural constraints, the practical realities of pursuing environmental litigation are equally significant. Several of the wetland protection matters undertaken by ZLHR have extended for four years or more, involving proceedings before multiple courts and administrative forums, with some matters requiring parallel litigation strategies to secure interim protection while substantive issues remain unresolved.¹⁶⁶ The prolonged nature and complexity of these cases require considerable financial and technical resources, including the commissioning of expert environmental assessments, preparation of specialist evidence, and sustained legal representation throughout extended proceedings. These resource demands reflect the intensive nature of environmental litigation and highlight the need for sustained support to ensure effective challenges to unlawful environmental harm and advance environmental justice.¹⁶⁷

It's imperative to note that, while sustainable development remains an important national objective in Zimbabwe, ZLHR's case analysis reveals that the concept of the "wise use" of wetlands has, in certain instances, been interpreted in a manner that prioritises development interests at the expense of ecological integrity. As demonstrated by some of the cases examined above, reliance on the principle of wise use has sometimes been invoked to justify developments that threaten the ecological character and environmental functions of wetlands.¹⁶⁸ Such interpretations are inconsistent with the objectives of the Ramsar Convention, which conceives wise use as the conservation and sustainable utilisation of wetlands in a manner that maintains their ecological character for present and future generations.¹⁶⁹ They are equally inconsistent with the principles of environmental management embodied in the EM Act, which require that development be environmentally sustainable.¹⁷⁰

Over and above that, the emerging jurisprudence also reflects the gradual constitutionalisation of environmental protection in Zimbabwe. ZLHR's litigation interventions increasingly invoke sections 73 and 77 of the Constitution, linking wetland degradation not merely to environmental harm in the abstract, but to broader constitutional rights relating to a safe, clean, and healthy environment, access to water, public participation, and administrative justice.¹⁷¹ ZLHR's litigation therefore reflects an evolving recognition of an earlier established notion that wetlands are indispensable ecological systems directly connected to water security, climate resilience, biodiversity conservation, and the realisation of socio-economic rights in Zimbabwe.¹⁷²

166 As above.

167 See, ZELA, "Public Interest Litigation: The pain of litigating environmental issues in Zimbabwe" available at <https://zela.org/public-interest-litigation-the-pain-of-litigating-environmental-issues-in-zimbabwe/> [Accessed on 18 May 2026]

168 The COSMO Trust, Margaret Soper and Linda Bromley v City of Harare, Sharadkumar Patel, Meadows (Pvt) Ltd, and 2 others (ACC 81/18), and The COSMO Trust (Org) v Minister of Environment, Water and Climate, Environmental Management Agency, Sharadkumar Patel and Meadows (Pvt) Ltd (ACC 63/18) (Consolidated Appeals).

169 Adopted by the Conference of the Parties in Resolution IX.1 Annex A (2005): A Conceptual Framework for the Wise Use of Wetlands and the Maintenance of their Ecological Character, available at <https://www.ramsar.org/document/resolution-ix-1-annex-conceptual-framework-wise-use-wetlands-maintenance-their-ecological> [Accessed on 19 May 2026].

170 Environmental Management Act [Chapter 20:27]

171 As above.

172 See chapter 1.

3.4 Conclusion

In sum, this chapter demonstrates that ZLHR's case law shows litigation increasingly functioning as both a defensive and transformative conservation tool. Despite its challenges, it has not only halted unlawful development but also strengthened environmental governance, reinforced accountability, and advanced wetland protection in Zimbabwe.

Chapter 4

CONCLUSION AND RECOMMENDATIONS

4.1 Conclusion

The discussion above has demonstrated that wetlands are indispensable ecological systems that underpin biodiversity conservation, water security, climate resilience, and sustainable socio-economic development in Zimbabwe. As established throughout this publication, these ecosystems perform critical environmental functions, including groundwater recharge, water purification, flood regulation, and the maintenance of ecological balance, while simultaneously supporting livelihoods. Yet despite their immense ecological and socio-economic value, Zimbabwe's wetlands continue to experience significant degradation arising from urban expansion, infrastructure development, mining, pollution, and weak environmental governance.

The study has shown that Zimbabwe possesses an extensive legal and normative framework for wetland protection, comprising constitutional environmental rights, national legislation, subsidiary regulations, policy instruments, and international environmental obligations. Collectively, these instruments establish a comprehensive foundation for the conservation and sustainable management of wetlands if implemented in good faith. However, the persistence of wetland degradation demonstrates that the principal challenge lies not in the absence of legal protections, but rather in challenges relating to implementation, enforcement, institutional coordination, accountability, and policy coherence. Consequently, the gap between law and practice remains one of the most significant obstacles to effective wetland governance in Zimbabwe. This gap could be narrowed through full domestication of the Ramsar Convention to strengthen enforceable obligations on wetland management and ensure direct applicability within domestic law. It may also require updating and harmonisation of EIA legislation and regulations to better reflect cumulative impacts, sensitive ecosystem thresholds, and best practices. Further, conferral of explicit protected legal status on Ramsar Sites and ecologically significant wetlands would strengthen preventive safeguards against ad hoc development approvals. Moreover, improved integrated and publicly accessible spatial planning systems, incorporating the National Wetlands Inventory and geospatial mapping tools, would enhance coordination across planning, environmental, and water authorities and support evidence-based decision making.

Against this backdrop and in light of the foregoing institutional and regulatory gaps, litigation has emerged as an important mechanism for advancing environmental protection and strengthening compliance with environmental laws. The cases examined in this publication illustrate how strategic legal interventions have been utilised to challenge unlawful developments, enforce environmental safeguards, promote accountability, and protect critical water sources and ecologically sensitive areas in Zimbabwe. The growing reliance on constitutional environmental rights and principles of sustainable

development further reflects the increasing recognition of wetlands as resources that are essential not only for environmental conservation but also for the realisation of fundamental human rights.

Ultimately, the long-term protection of Zimbabwe's wetlands requires more than legal intervention alone. Effective conservation will depend upon strengthened regulatory enforcement, improved institutional collaboration, meaningful public participation, enhanced environmental awareness, and sustained commitment to sustainable development. While litigation remains an indispensable tool for conservation, its greatest value lies in complementing broader environmental governance efforts aimed at ensuring that wetlands are protected, conserved, and sustainably managed for the benefit of present and future generations in Zimbabwe.

4.2 Recommendations

In light of the foregoing discussion and findings, the Zimbabwe Lawyers for Human Rights makes the following recommendations:

A. To the Government of Zimbabwe

- Enact dedicated wetlands legislation to harmonise existing fragmented legal provisions across environmental, water, planning, and local government frameworks, in line with Zimbabwe's obligations under the Ramsar Convention and the Convention on Biological Diversity, which requires state parties to promote the conservation and maintenance of ecological character of wetlands through appropriate national planning and legal measures.
- Mainstream Wetlands into National Development Planning to ensure their effective recognition and implementation as critical natural infrastructure for water security, biodiversity conservation, and climate change resilience. This will support Zimbabwe's commitments under the Convention on Biological Diversity and SDG 6, particularly Target 6.6, which calls for the protection and restoration of water-related ecosystems.
- Domesticate and Strengthen the Implementation of the Ramsar Convention by incorporating its principles and obligations into domestic legislation and establishing clear, legally binding management frameworks for Ramsar Sites and other wetlands of ecological importance.
- Strengthen public custodianship of wetlands by prohibiting further alienation of public wetland areas to private ownership and establishing legal and financial mechanisms, including buy-back arrangements and targeted incentives, to restore strategically important wetlands to public stewardship where necessary.
- Establish specialised environmental courts or tribunals to ensure the prompt resolution of environmental disputes, particularly those involving wetlands and other ecologically sensitive ecosystems where delays may result in irreversible harm. This approach is consistent with

regional best practice, including Kenya's Environment and Land Court, which has enhanced access to environmental justice and strengthened environmental governance.¹⁷³

B. Environmental Management Agency (EMA)

- Strengthen oversight mechanisms through enhanced monitoring, inspections, and enforcement actions to address unlawful activities affecting wetlands. Robust compliance and oversight systems are essential to give practical effect to section 73 of the Constitution and relevant domestic legislation, regional and international environmental law.
- Develop a National Wetlands Inventory to maintain a comprehensive and publicly accessible database of wetlands, consistent with best practices (*Ramsar COP Resolution VIII.6 (2002) A Ramsar Framework for Wetland Inventory*) which outline the need for wetland identification, monitoring, and assessment as essential prerequisites for effective conservation and management.¹⁷⁴
- Ensure that EIA certificates are issued strictly in accordance with legal requirements, with full compliance to procedural safeguards, including meaningful community participation and consultation, prior to approval of any development affecting wetlands or other ecologically sensitive areas.
- Ensure that all ecological assessments and environmental impact assessments conducted by the EMA and any other public bodies are made freely available to the public, preferably through publication on a publicly accessible online database.
- Widely disseminate information on wetlands across the country to enhance public awareness of their location, ecological functions, and socio-economic value to promote informed public participation, strengthen compliance with environmental laws, and support the sustainable conservation of wetland ecosystems.
- Impose a moratorium on wetland development by suspending the issuance of development permits, land-use approvals, and mining claims within wetland areas across public and private land.

C. Ministry of Environment, Climate and Wildlife

- Prohibit development on wetlands except in the most exceptional circumstances, with the onus placed on the developer to approach the courts and demonstrate that such development

¹⁷³ Ojo O, Agelebe D, "The emergence of environmental courts and tribunals in Africa: Kenya's environment and land court as a case study", Environmental justice in Africa: Cultural and economic impacts on the legal systems, available at "https://www.pulp.up.ac.za/images/edocman/edited-collections/environmental_justice_in_africa/Chapter%209%20EJ.pdf" [Accessed on 22 May 2026].

¹⁷⁴ Ramsar COP Resolution VIII.6 (2002); Ramsar COP Resolution IX.1 Annex A (2005).

is in the overriding public interest, consistent with principles of environmental protection and sustainable development.

- Review the prescribed EIA process in the EM Act and regulations to provide meaningful environmental protection, including strengthening safeguards for wetlands through mandatory comprehensive EIAs, improved regulatory independence and robust assessment of environmental and social impacts in approval processes.
- Modify the process of appeal of EIA certificates to require that appeals are determined by a judicial or quasi-judicial body (such as an Environmental Tribunal), with development projects suspended pending determination of the appeals, with appeal determined on the basis of objective criteria and ecological studies, with reasons to be provided for any decision, not in terms of the Minister's unilateral discretion.
- Amend municipal laws, including the Regional, Town and Country Planning Act, the Urban Councils Act, and relevant by-laws, to strengthen environmental and administrative justice and to ensure that wetlands are designated and retained as protected public open spaces.
- Ensure that comprehensive and meaningful stakeholder consultation is conducted for all development applications or changes of land use, particularly those affecting wetlands, as a prerequisite for lawful and environmentally sound decision making.
- Strengthen inter-agency coordination on wetlands management between the Ministry of Local Government, the Ministry of Environment, Climate and Wildlife, the Ministry of Lands, local planning authorities, catchment councils, the Zimbabwe National Water Authority and the Environmental Management Agency.
- Advocate for adequate budgetary allocations to environmental institutions to ensure effective wetlands management, biodiversity conservation, and environmental enforcement.
- Amend the ESA General Notice gazettes to confer formal protected status on mapped wetlands and prohibit development, mining, and other harmful activities within these areas.
- Expand the gazetting of wetlands nationwide, with priority given to all designated Ramsar sites, to strengthen legal protection and ensure consistent conservation of ecologically sensitive wetland ecosystems.
- Strengthen penalties for environmental infringements to ensure they serve as effective deterrents, including through higher fines, stricter enforcement, and penalties proportionate to the scale of environmental harm and the financial capacity of offenders.

D. Local Government Authorities

- Cease the issuance of development permits in the absence of a valid Environmental Impact Assessment (EIA), in strict compliance with section 97(5) of the EM Act.
- Integrate wetland conservation into development plans, master plans, and zoning schemes, recognising wetlands as protected ecological infrastructure rather than land available for allocation or development, in line with ecosystem-based urban planning best practice.
- Strengthen public participation in land-use decision making by requiring municipal authorities to institutionalise meaningful, early-stage public consultation prior to approving developments affecting wetlands or vital water sources.

E. The Judiciary

- Strengthen access to timely environmental justice by ensuring the prompt determination of environmental disputes, given the risk of irreversible ecological harm.
- Integrate regional and international environmental standards in judicial decisions by consistently taking cognisance of and giving effect to Zimbabwe's obligations under relevant environmental instruments, and noting the direct applicability of customary international law under section 326 of the Constitution, to ensure consistency with international best practice in wetlands protection.
- Reject interpretations of "wise use" that permit the encroachment or destruction of wetlands, and ensure alignment with the Ramsar Convention's object and purpose in protecting wetland ecosystems and maintaining their ecological character.
- Adopt a more substantive and rights based approach in environmental adjudication by moving beyond procedural and technical considerations to engage meaningfully with constitutional environmental rights, including the rights to a safe, clean, and healthy environment and access to water.

F. Civil Society Organisations and Community-Based Organisations

- Increase public awareness of wetlands and vital water sources across Zimbabwe, including non-Ramsar sites, as well as the legal and normative framework governing their protection to strengthen public understanding, participation, and support for wetland conservation.
- Promote strategic environmental litigation and advocacy to advance protection and management of wetlands in Zimbabwe.
-

G. Private Sector

- Undertake comprehensive environmental due diligence prior to land acquisition or development and integrate environmental considerations into all early-stage project planning, particularly where wetlands or water resources may be affected.
- Fully comply with all environmental, planning, and water regulatory requirements, ensuring that no development affecting wetlands or water resources commences without the requisite legal approvals and authorisations, including EIAs.
- Exercise corporate social responsibility by entering into Public-Private Partnerships sponsoring the protection of wetlands.

MONAVAL VLEI WETLAND

Monavale Vlei is a wetland of international importance located in Harare, Zimbabwe, and is designated as a Ramsar Site in recognition of its significant ecological value and role in biodiversity conservation.



Football field (Sudbury side)



Golden grass and mist



Graded area near football field



Monavale wetland



Monavale wetland



Monavale vlei Meadows looking towards the stadium

Picture credit: Jill Roberts

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