

Environmental Management (Environmental Liability: Polluter Pays) Regulations, 2026

IT is hereby notified that the Minister of Environment, Climate and Wildlife has, in terms of section 140 of the Environmental Management Act [Chapter 20:27], and in consultation with the Environmental Management Agency, made the following regulations:—

Title

1. These regulations may be cited as the Environmental Management (Environmental Liability: Polluter Pays) Regulations, 2026.

Environmental liability under Polluter Pays Principle

2. (1) In these regulations—

“competent authority” means any ministry, department, agency, local authority, or other public body charged with the administration of any written law relating to the environment;

“polluter pays principle” means the principle that a person who causes pollution or environmental degradation shall bear the costs of preventing, controlling, abating, or remedying such pollution or degradation.

(2) The Polluter Pays Principle is hereby established as a binding principle of environmental law in Zimbabwe.

(3) The principle referred to in subsection (1) shall be observed by every competent authority in the exercise of any function conferred or imposed upon it under the Act or any law relating to the environment, including but not limited to—

- (a) environmental decision-making;
- (b) permitting processes;
- (c) regulatory actions; and
- (d) enforcement proceedings.

(4) Any person who causes environmental damage or creates an imminent threat of such damage shall be liable for—

- (a) remediation, being the taking of any measure necessary to restore the damaged environment to its baseline condition, including the removal of pollutants, the rehabilitation of affected land, water, or ecosystems, and the replacement or restoration of any natural resource that has been damaged or destroyed;
- (b) restoration, being the implementation of preventive or mitigating measures to avert, minimise, or arrest further environmental damage where an imminent threat of damage exists, whether or not the damage has yet materialised; or
- (c) compensation, being the payment of an amount equivalent to the value of the natural resources damaged, the loss of ecosystem services, and any consequential loss or damage suffered by any person or community as a result of the environmental damage; and
- (d) any other measure that may be prescribed by regulations made under this Act or required by a competent authority by way of directive, notice, or order, including the provision of financial security, performance bonds, or environmental insurance sufficient to guarantee the discharge of the liability arising under paragraphs (a), (b) and (c).

(5) Environmental liability under subsection (2) shall arise regardless of—

- (a) whether the polluter held a permit, licence, or authority to carry out the activity giving rise to the pollution;
- (b) whether the pollution or degradation was the result of a single event or of cumulative, continuous, or historic activities; or
- (c) whether the harm to the environment or to affected persons was immediate or manifested over time.

Reporting obligations

3. Any person who causes or becomes or becomes aware of the environmental damage or an imminent threat shall—

- (a) immediately notify the Agency;
- (b) take all reasonable measures to contain and prevent further damage;
- (c) within fourteen days, submit a remediation plan to the Agency for approval.

Non-compliance

5. (1) Any person who fails to comply with any provision of these Regulations shall be liable to the penalties prescribed under the Environmental Management Act [*Chapter 20:27*] and any other relevant law.

(2) Without limiting the generality of subsection (1), non-compliance with these Regulations may result in—

- (a) the imposition of administrative fines by the Agency;
- (b) criminal prosecution leading to a fine or imprisonment, or both;
- (c) civil liability for the costs of remediation and restoration;
- (d) the suspension or revocation of any environmental permit or license held by the operator; or
- (e) any combination of the measures referred to in paragraphs (a) to (d).

(3) The Agency shall, upon establishing non-compliance, refer the matter for the appropriate legal action in accordance with the applicable law.

