

IN THE CONSTITUTIONAL COURT OF ZAMBIA
HOLDEN AT LUSAKA
(Constitutional Jurisdiction)

2025/CCZI.0025

IN THE MATTER OF: The Constitution of Zambia, Chapter 1 of the Laws of Zambia

IN THE MATTER OF: Article 2, Article 128(3)(b) and (c) and Article 257(g) of the Constitution of Zambia Act, Chapter 1 of the Laws of Zambia

IN THE MATTER OF: Alleged contravention of Article 257(g) of the Constitution of Zambia Act, Chapter 1 of the Laws of Zambia

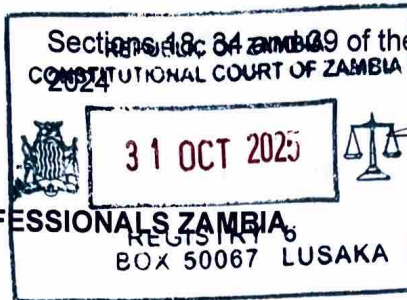
IN THE MATTER OF: Sections 18, 34 and 39 of the Climate Change Act, No. 18 of 2024

BETWEEN:

CLIMATE ACTION PROFESSIONALS ZAMBIA,

AND

THE ATTORNEY GENERAL



PETITIONER

RESPONDENT

PETITION

(Pursuant to Order IV Rule 1(1) of the Constitutional Court Rules, Statutory Instrument No. 37 of 2016 as read together with Article 128(1)(b) of the Constitution of Zambia Act, Chapter 1 of the Laws of Zambia and Section 8(1)(b) of the Constitutional Court Act, No. 8 of 2016)

THE CONSTITUTIONAL COURT;

The Petition of **Climate Action Professionals Zambia** of House No. 95 Kombe Avenue, Mufulira, in the Copperbelt Province of the Republic of Zambia, showeth that:

ABOUT THE PETITIONER AND THE RESPONDENT

1. The Petitioner is a company limited by guarantee whose objectives are to conduct climate change advocacy and awareness.
2. The Respondent is the Chief Legal Advisor to the Government of the Republic of Zambia, appointed under the provisions of Article 177 of the Constitution of Zambia, Chapter 1 of the Laws of Zambia and has authority to represent the Government of the Republic of Zambia in civil proceedings in line with Section 12 of the State Proceedings Act, Chapter 71 of the Laws of Zambia.

FACTS RELIED UPON

1. The Petitioner will show that that on or about the 20th of December 2024, the Parliament of Zambia enacted the **Green Economy & Climate Change Act, No. 18 of 2024** ("the Climate Change Act").
2. The Petitioner states that followings its enactment, the Climate Change Act was published in Government Gazette No. 7692 on or about the 26th of December 2024.
3. The Petitioner will show that as at the date of publication in the Government Gazette, the Climate Change Act was not operational as it required the issuance of a commencement order.
4. The Petitioner states that the Climate Change Act provides for various mechanisms, among them:
 - (i) establishment of the Green Economy and Climate Change Council as per Section 6,
 - (ii) establishment of the Green Economy and Climate Change Technical Committee as per Section 8,
 - (iii) preparation of a National Adaptation Plan and a National Mitigation Plan, as per Section 10
 - (iv) establishment and maintaining of the Greenhouse Gas Inventory Management System as per Section 14,
 - (v) establishment and maintaining of the Integrated Measuring Reporting & Verification System as per Section 18,
 - (vi) establishment of a Green Economy and Climate Change Fund, as per Section 34, and
 - (vii) keeping and maintaining of a Climate Change Register, as per Section 39.
5. The Petitioner further states that on 6th of October 2025, about ten (10) months after the Climate Change Act was enacted and published, the Minister of Green Economy and Environment ("the Minister") issued the **Green Economy and Climate Change (Commencement) Order, Statutory Instrument No. 67 of 2025** which instrument was published in Government Gazette No. 7820 dated 10th October 2025.

6. The Petitioner will show that at the time the Climate Change Act was commenced on 10th October 2025, the following mechanisms were not established and/or implemented:

- (i) the Integrated Measuring Reporting and Verification System,
- (ii) the Green Economy and Climate Change Fund, and
- (iii) the Climate Change Register.

7. The Petitioner will show that the mechanisms stated above have still not been established and/or implemented.

CONSTITUTIONAL PROVISIONS ALLEGEDLY VIOLATED

8. The Petitioner avers that the omission by the State to establish and/or implement the mechanisms highlighted in paragraph 6 above contravenes **Article 257(g) of the Constitution** which makes it mandatory for the State to, in the utilization of natural resources and management of the environment, *establish and implement* mechanism that address climate change.

RELIEFS SOUGHT

9. The Petitioner humbly prays that the reliefs hereunder be granted, that is:

- (i) A declaration that by virtue of **Article 2, Article 128(3)(b) and (c) and Article 257(g) of the Constitution of Zambia**, every person has a right to petition the Constitutional Court for redress where the State fails or is alleged to have failed to establish and/or implement mechanisms that address climate change,
- (ii) A declaration that the State has contravened **Article 257(g) of the Constitution** by failing to establish and/or implement the mechanisms outlined in **Section 18, 34 and 39 of the Climate Change Act**,
- (iii) An order that the State, within ninety (90) days or within such period as this Court may determine to be reasonable, establishes and/or implements the mechanisms outlined in **Section 18, 34 and 39 of the Climate Change Act**,
- (iv) Any other relief the Court may deem fit.

AND Your Petitioner will forever pray.

Dated this

31


day of

October

2025


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PETITIONER

This Petition was drawn and filed by:


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