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Critical Analysis of the Role of Legislation in Promoting Responsive Social Resilience in Climate Disaster Affected Areas, Focusing on Chipinge District in Zimbabwe

¹ Tapiwanashe Mafongoya, ² Takudzwa Mafongoya

^{1,2} Department of Peace Security and Society, Faculty of Arts and Humanities, University of Zimbabwe, Zimbabwe

Corresponding Author: Tapiwanashe Mafongoya

Abstract

This study critically examines the role of legislation in promoting responsive social resilience in climate disaster affected areas, focusing on Chipinge District in Zimbabwe. Observably, Chipinge District in Zimbabwe is a region severely impacted by Cyclone Idai, a climate disaster that adversely destroyed infrastructure and claimed lives. Consequently, the article interrogates the existing legal and policy framework and its influence regarding Zimbabwe's preparedness, response, and recovery efforts in the face of recurring climate-induced disasters. Employing a qualitative approach, resultantly the findings revealed that although textual legislation exists, its implementation and impact is limited by poor enforcement, inadequate funding, lack of

community awareness and inclusion, and weak institutional coordination. The study concludes that legislation is essential in guiding disaster risk reduction and resilience efforts but must be inclusive, locally informed, and adequately resourced for purpose. Therefore, recommendations from the study include policy reform, capacity building, and the integration of traditional knowledge systems to enhance social resilience in vulnerable communities in general and Chipinge in particular. Furthermore, the study exposed potential areas of further study which include suggested legal reform and capacitation of experts.

Keywords: Climate Disaster, Social Resilience, Livestock Farming

Introduction

In recent years, Zimbabwe has witnessed an increase in the frequency and intensity of climate-induced disasters, particularly in vulnerable regions like Chipinge. Chipinge District is located in Manicaland Province in southeastern Zimbabwe, close to the border with Mozambique (Dembedza *et al*, 2023). According to the 2022 Census the district's population was 375,2591. In 2019, Chipinge was afflicted by a Cyclone, known as Cyclone Idai which exposed the fragility of local communities and the inadequacies in disaster preparedness, response, and recovery mechanisms (Oxfam, 2024) ^[11]. Cyclone Idai, which struck Southeast Africa in March 2019, stands as one of the Southern Hemisphere's most devastating weather-related catastrophes (Nyahunda *et al*, 2022). Its destructive path began with extensive flooding in Malawi and Zimbabwe, culminating in a high-intensity landfall near Beira, Mozambique, where winds exceeding 190 km/h and a powerful storm surge crippled the city (World Meteorological Organization, 2019). The cyclone then stalled over the interior, unleashing torrential rains that triggered massive floods, resulting in over 1,300 fatalities (Mutasa, 2022), displacing many and decimating infrastructure and agriculture, which in turn precipitated a severe humanitarian emergency and a cholera outbreak (World Bank, 2019; IFRC). With damages estimated at \$2 billion, the disaster is often referenced as a poignant case study of the escalating severity of extreme weather (World Bank).

Considering that climate change is topical and its effects have drawn Global attention, understanding its normative scope is critical. Climate change refers to long-term, significant shifts in global temperature and weather patterns, primarily driven by human activities that amplify the natural greenhouse effect. The leading cause is the emission of greenhouse gases from burning fossil fuels like coal, oil, and gas for energy, transportation, and industrial processes, which releases vast quantities of carbon dioxide (CO₂) into the atmosphere (IPCC, 2022) ^[15]. Further significant contributions come from deforestation, which removes crucial CO₂-absorbing forests, and agricultural practices, particularly livestock farming, which is a major source of

methane emissions (IPCC, 2022) ^[15]. These human-driven actions have led to an unprecedented concentration of greenhouse gases, causing global warming, rising sea levels, and an increase in the frequency and intensity of extreme weather events, fundamentally altering the planet's climate system (NASA, 2023) ^[16].

While climate change is a global phenomenon, its impacts are felt most acutely at the local level, where social, economic, and institutional capacities often fall short. Legislation plays a vital role in shaping how societies prepare for, absorb, and recover from disasters. In the context of social resilience, laws and policies serve as both protective frameworks and instruments for empowerment. However, the mere existence of disaster-related legislation does not automatically translate into resilience on the ground. The effectiveness of such legal frameworks depends on their responsiveness, inclusiveness, enforcement, accessibility, and adaptability to the needs of affected populations. It is on the basis of the preceding analysis that this article critically analyses the importance of legislation in fostering responsive social resilience in climate disaster-affected areas, using Chipinge District as a case study. It investigates how Zimbabwe's legal and policy environment supports or undermines local capacity to withstand and recover from climate-related shocks. By examining the interface between law, governance, and community vulnerability, the study aims to contribute to the development of more robust, effective, inclusive, and sustainable disaster risk management strategies.

For decades, Zimbabwe's disaster response was governed by the Civil Protection Act of 1989, a reactive and centralized law focused on coordinating relief primarily after a crisis and not before. This outdated legal framework anchored on reaction rather than preparation and had limited focus on preventing disasters or building long-term community resilience. Gladly, Zimbabwe has recently introduced for deliberation a modern and timely Disaster Risk Management and Civil Protection Bill which is yet to be finalised and substantially represents a significant legal and policy shift. In addition, the Bill aligns with the Constitution of Zimbabwe (2013), which has an interest on protection of the Environment. The suggested Bill seems to establish a proactive framework that prioritizes risk reduction, mandates the creation of a dedicated funding mechanism (the Disaster Risk Reduction Fund), and aims to decentralize planning to provincial and district levels. In addition, the Bill aligns with modern human right trends such Section 77 of the Constitution of Zimbabwe (2013) which enshrines the right to safe, clean, and potable water as a tenet of a clean and safe environment.

Additionally, the Environmental Management Act (EMA) (Chapter 20:27) mandates Environmental Impact Assessments (EIAs) for projects, and through these Assessment exercises potential disaster risks are identified and managed. Consequently, without full compliance and awareness of these procedures, communities are not involved in the processes and such affects the protection of the environment and induces and adds to potential risks and disasters. The Water Act (Chapter 20:24) and the Zimbabwe National Water Authority Act manage water resources and addresses drought mitigation.

Disaster Management Systems and Legal Frameworks in Zimbabwe

Despite the existence of disaster risk management legislation and policy frameworks in Zimbabwe, communities in climate disaster-prone areas such as Chipinge continue to experience high levels of pre and post vulnerability, slow recovery, and limited resilience. The devastating impact of events like Cyclone Idai clarified that not only environmental risks exist but also the institutional and legal weaknesses affect the protection and post and pre-empowerment of affected populations (Oxfam, 2024) ^[11]. While national laws such as the Civil Protection Act (Chapter 10:06) and the Climate Policy are in place, there are critical gaps in enforcement, coordination, and community inclusion (Chileshe, 2022) ^[3]. These gaps hinder the development of responsive social resilience. Hence this study seeks to interrogate the relevance and utility of the current legislative frameworks and if they are adequately structured, implemented, and localized to support meaningful social resilience in climate disaster-affected areas, with specific focus on the Chipinge District.

Effective disaster risk reduction and social resilience rely heavily on a strong legislative framework. Globally, there is a growing recognition of the need to incorporate climate change adaptation into legal frameworks, moving beyond static environmental protection to dynamic resource management under changing climatic conditions (Goulder, 2018) ^[4]. In Zimbabwe, several key laws and policy instruments guide disaster preparedness, response, and resilience building.

The *Civil Protection Act [Chapter 10:06]* is the primary legislation governing disaster management in Zimbabwe. It establishes the Civil Protection Unit (CPU) and provides for the creation of national, provincial, and district civil protection committees. While the Act provides a structured response system, clearly the Statute is outdated having been enacted in 1989 and reactive in nature, lacking provisions for modern climate resilience strategies such as proactive risk reduction, adaptation, and community-driven approaches. Zimbabwe's primary disaster management legislation has long been the *Civil Protection Act of 1989*, which established a reactive, response-oriented system. However, this framework is now considered outdated, hence, the necessity to repeal the current legislation and introduction of a human rights based Statute, taking into account contemporary climate sector developments focusing on reducing risks and building resilience against hazards.

Therefore, the *Disaster Risk Management and Civil Protection Bill* currently ongoing consideration seeks to address critical weaknesses in the old system by decentralizing power and resources to local levels and creating more predictable financing mechanisms. A key driver for this modernization is to better align with international standards like the Sendai Framework and to explicitly incorporate the needs of vulnerable groups, such as children, by ensuring their protection and participation are central to all disaster management planning and activities.

Furthermore, the *Environmental Management Act [Chapter 20:27]* complements disaster legislation by addressing environmental degradation and promoting sustainable

development. However, studies from similar contexts indicate that environmental protection legislation in developing countries such as Zimbabwe often suffers from inadequate implementation despite being fairly adequate on paper (Chileshe, 2022) [3]. This is evident in Zimbabwe, where the Act's potential in mitigating climate risks, particularly in vulnerable regions like Chipinge, remains underutilized.

Internationally, Zimbabwe is a signatory to the Sendai Framework for Disaster Risk Reduction (2015–2030), which emphasizes understanding disaster risk, strengthening governance, investing in risk reduction, and enhancing preparedness (UNDRR, 2015) [13]. The Sendai Framework calls for a broader, people-centred preventive approach to disaster risk that is multi-hazard and multisectoral, inclusive and accessible. However, integration of this framework into domestic law and practice remains a challenge due to weak institutional capacity and limited funding. Globally, there is chronic underinvestment in disaster risk reduction, with less than 4% of disaster-related development assistance allocated to prevention and preparedness between 2005-2017 (UNDRR, 2023) [14].

The *Constitution of Zimbabwe (2013)* lays a foundational framework for protecting the rights of citizens in the face of disasters. Section 73(1) of the Constitution guarantees the right to an environment that is not harmful to health or well-being. While Section 77 ensures the right to sufficient food and food security - critical components of resilience during climate-induced disasters, the Supreme Law's right is subject to availability of resources and such affects the substantial relevance and protection of the rights as provided. In addition the Constitution also decentralizes disaster management responsibilities through devolution, allowing local authorities to play a more active role in disaster planning and response.

An examination of leading African disaster legislation reveals distinct yet effective pathways for balancing proactive risk reduction with robust emergency response. This analysis focuses on two seminal models: South Africa's decentralized, developmental framework established by the *Disaster Management Act of 2002*, and Morocco's centralized, strategic system, shaped by its National Strategy for Disaster Risk Reduction and decisive royal directives. A comparative assessment of their institutional governance, financing mechanisms, and integration of multi-hazard approaches yields critical insights for policymakers across Africa and the Global South.

Therefore, while Zimbabwe's legal and policy instruments provide a foundation for managing disasters, there is a growing need to align them with modern resilience-building approaches. Hence Legislative reform, especially of the Civil Protection Act, is essential to ensure inclusive, anticipatory, and community-based responses in climate-vulnerable areas like Chipinge.

Implications of the Current Frameworks

The current legislative frameworks in Zimbabwe, particularly the *Civil Protection Act* and related policies, tend to adopt a reactive rather than proactive approach to disaster management. While they enable emergency response after disasters strike, they fall short in promoting preparedness, risk reduction, and long-term resilience strategies. This reactive nature limits communities' ability to anticipate and adapt to recurring climate hazards such as

cyclones and floods in vulnerable areas like Chipinge.

Moreover, despite the *Constitution of Zimbabwe (2013)* emphasizing devolution and citizen participation, there is limited community involvement in disaster risk management processes. Research in Indigenous communities such as Chipinge has demonstrated that successful partnerships require acknowledging historical experiences, recognizing sovereignty, and utilizing Indigenous ways of knowing (LaVeaux and Christopher, 2011) [8]. This undermines the effectiveness and sustainability of interventions, as local knowledge systems and lived experiences are often excluded from planning and implementation. Without genuine grassroots engagement, resilience efforts may fail to address the real vulnerabilities experienced by communities.

Another critical implication is the fragmented coordination among institutions tasked with disaster management. Responsibilities often overlap, and local authorities may lack clarity or capacity to lead. This institutional weakness is worsened by the absence of a clear legal mandate for climate change adaptation in existing laws like the Civil Protection Act. As a result, underlying factors of vulnerability such as environmental degradation, poverty, and poor infrastructure remain unaddressed.

Furthermore, resource and capacity constraints at the local level limit the implementation of disaster risk reduction strategies. Even where frameworks exist, they are underfunded, and local personnel may lack training or tools for effective action. Lastly, Zimbabwe's limited alignment with international frameworks like the Sendai Framework reduces access to global funding and technical support for building resilience. Without modernizing the legal frameworks to integrate climate resilience and community participation, the country risks repeated cycles of disaster and recovery without long-term solutions.

Comparative Analysis of African Disaster Legislation

Scrutinizing leading African models offers practical lessons for effective disaster law. South Africa's *Disaster Management Act (2002)* establishes a decentralized, developmental model, mandating Disaster Management Centers at national, provincial, and municipal levels (Republic of South Africa, 2002) [12]. This embeds risk reduction into local governance, but its success depends on variable municipal capacity. In contrast, Morocco employs a centralized, strategic model. Following the 2004 Al Hoceima earthquake, Morocco strengthened its top-down system, coordinated by the Civil Protection Directorate and driven by royal directives and the National Strategy for Disaster Risk Reduction (2020-2030) (Kingdom of Morocco, 2020) [7]. This enables rapid, large-scale response and dedicated investment, exemplified by the post-2023 earthquake Reconstruction Program and the National Fund for Disaster Risk Management (FNRGC).

Lessons for Zimbabwe

It is worth noting that Hybrid Governance approach would be ideal and the approach relates to blending Morocco's strong central command for catastrophes with South Africa's empowered local planning for daily resilience. The approach would apply adequately for Zimbabwe in that she must initiate an inclusive legislative review process leading to a new Disaster Risk Management Act that addresses institutional coordination and sustainable financing.

Furthermore, dedicated proactive financing would be ideal such as creation of a Fund dedicated for climate issues such as the Morocco's FNRGC) alongside local risk reduction budgets. Mandatory Integration: Legislate that disaster risk assessments are required for all major development projects. In Zimbabwe the Civil Protection Fund has been established, the funds will be used to promote civil protection through research and training, the acquisition of land equipment among others (Civil Protection Act).

Conclusion and Recommendations

The current legislative frameworks governing disaster management in Zimbabwe - while foundational - are largely outdated and reactive, offering limited support for proactive, inclusive, and climate-resilient strategies. In climate disaster-prone areas such as Chipinge District, these limitations result in poor preparedness, weak coordination, minimal community participation, and inadequate integration of climate adaptation into local governance. The disconnect between policy and practice, coupled with resource constraints and institutional weaknesses, significantly hinders efforts to build long-term social resilience. Without meaningful reforms, vulnerable communities will continue to suffer from the cyclical impacts of climate-induced disasters with limited recovery capacity. Therefore, from the article the following recommendations are worth considering;

1. Legislative Reform: The Civil Protection Act should be reviewed and updated to align with modern disaster risk reduction principles, including proactive resilience building, climate adaptation, and community participation. This should include specific provisions mandating the incorporation of climate change adaptation into sectoral planning, as seen in countries like Kazakhstan that have integrated adaptation into environmental, land, and health codes (Goulder, 2018) ^[4].
2. Strengthen Local Governance and Capacity: Equip local authorities in districts like Chipinge with technical resources, training, and funding to enable them to lead localized disaster preparedness and response efforts effectively. This should include implementing risk-sensitive budget reviews and tracking prevention financing to ensure adequate investment in resilience (UNDRR, 2023) ^[14].
3. Institutional Coordination: Establish a centralized, multi-sectoral coordination mechanism to ensure that all stakeholders from government to civil society work together efficiently during all disaster phases, leveraging lessons from successful participatory models that emphasize sharing power and building trust (LaVeaux and Christopher, 2011) ^[8].
4. Mainstream Climate Change Adaptation: Climate adaptation strategies should be embedded across all sectors of development planning, supported by legal mandates and enforceable regulations. This includes creating legal provisions that allow governmental agencies to reclassify resource uses based on changing environmental conditions (Goulder, 2018) ^[4].
5. Enhance Community Participation: Integrate indigenous knowledge and local voices in resilience planning through participatory approaches that empower communities to take ownership of disaster risk reduction initiatives. Effective models include community-based participatory research (CBPR) that acknowledges historical experiences with research and utilizes Indigenous ways of knowing (LaVeaux

and Christopher, 2011) ^[8].

6. Leverage International Frameworks: Fully domesticate the Sendai Framework and other global instruments to access technical support, funding, and knowledge sharing that can strengthen national and local resilience systems. This should include overhauling regulatory environments to mainstream disaster risk into public and private investment (UNDRR, 2023) ^[14].

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