

## **Polluter Pays as an Environmental Management Principle**

A variety of principles are used in environmental management. They help guide and shape the way people interact with the environment as nations develop. These principles include:

- Polluter pays principle (PPP)
- User pays principle (UPP) (or resource pricing principle).
- Precautionary principle (PP).
- Subsidiary principle (SP)
- Intergenerational equity principle (IEP)
- Cradle to the grave principles

The principles operate either as ‘soft law’ where they act as strategic principles in environmental policies, or as ‘hard law’ where they are legislated and hence enforceable or both. The principle is also an anchor of sustainable development and ensures that the environment is not sacrificed on the altar of economic development.

### **What is the Polluter pays principle?**

The Polluter Pays Principle (PPP) calls for anyone who disturbs or spoils the environment in any way to take the necessary corrective measures to rectify the environment or pay for the cost of remediation. It is based on the moral basis of responsibility bearing in mind that the environment has so many uses to different people hence their ability to meet their needs must not be compromised by other peoples activities. The PPP promotes economic efficiency in the implementation of pollution control policies and encourages business to control pollution in their activities.

The PPP is one of the core [principles](#) of sustainable development, and recognises that the polluter should pay for any environmental damage created, and that the burden of proof in

demonstrating that a particular technology, practice or product is safe should lie with the developer, not the general public. For example, if a company pollutes a river which is a source of domestic, agricultural or recreational water for a given community then that company y should either pay for the cost of cleaning up the river or the cost of the provision of the substitute sources of water such as the drilling of boreholes in the affected community.

### **How is it being used in other countries?**

A number of developing countries have recently extended this principle to create an obligation on the companies and individuals to compensate the victims of environmental harm. One way to adequately implement the polluter pays principle is to makes use of assurance bonds. Money put up by the "polluter" to insure against a worst case environmental impact, the bond would be recovered only if after sufficient time it had been demonstrated that the technology, process or product in question had been deemed to be safe as was reasonably acceptable. Alternatively, if damage occurred, the bond would be used for environmental restoration, and to pay damages to anyone who had been harmed. By allowing the bond to accrue interest, the "polluter" receives an incentive to ensure that best environmental practice is followed, and to demonstrate that the technology, process or product is as safe as is practicably possible, without involving excessive cost.

### **How do communities benefit from the polluter pays principle?**

The purpose of the principle, as initially envisioned is to make industries absorb the negative externalities they create. Both industry and society benefit from the principle because it takes into account collective choices that societies make to undertake dangerous activities and thus the benefits and costs emanating from such activities. For it to work, industry must not be able to pass the costs that come from its activities to

consumers. The principle prioritises the maintenance of the environment in an acceptable state which in turn fulfils citizens' rights to live in a clean, safe and healthy environment. The polluter pays principle is meant to protect society from dangerous activities that will affect the environment and hence their livelihoods.

### **Industry and the Polluter Pays Principle**

Industry is supposed to ensure that its activities do not present serious pollution threats to the environment by introducing new pollution control technologies, switching to more efficient production process and installing treatment plants before waste is discharged into sewer systems.

### **PPP and Environmental legislation in Zimbabwe**

The Environmental Management Act (Chapter 20:27) prohibits the discharge of pollutants into the environment. In line with the Polluter Pays Principle, the law compels the polluter to meet of the cost of decontaminating the polluted environment. A statutory instrument on the polluter pays principle is being drafted which compels all persons responsible for pollution, damage or degradation to the environment, directly through their action or inaction/omission or by allowing or enabling any other person to commit such offence, either through the release of any toxic or noxious gas, hazardous substance or waste, effluent into the environment or through the degradation of the environment; either through extraction, drilling, tunnelling, digging or breaking up the surface of any land, the bed of any water course or rock formation to be responsible:-

- For the carrying out or construction of works and the cost of returning or rehabilitating the polluted or damaged environment to its previous state before such pollution or damage took place; and
- For the construction of any temporary measures to alleviate the continued impact on any and those persons, communities, wildlife, projects and

ecosystems affected by the pollution or degradation whilst rehabilitation takes place;

- For the compensation of third parties who suffer loss of goods, services or benefits as a result of pollution.

As the country moves towards a green economy in tandem with the global trends, growth in income and employment should be driven by public and private investments that reduce carbon emissions and pollution enhance energy and resource efficiency and prevent the loss of biodiversity and ecosystem services.

*Please talk to us we are always ready to listen. Email: [eep@ema.co.zw](mailto:eep@ema.co.zw) or 04 305543 / Toll free 08080028, sms/whatsapp 0779 777 094, Like our Facebook Page- Environmental Management Agency or follow us on Twitter @EMAeep.*