

CLIMATE CHANGE LEGISLATION IN

JAMAICA

AN EXCERPT FROM

The 2015 Global Climate Legislation Study

A Review of Climate Change Legislation in 99 Countries



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Jamaica

Legislative Process

Jamaica is a constitutional monarchy and a parliamentary democracy, which has been independent since 1962. It is a member of the Commonwealth and has a Governor General as the representative of the British Monarch. The role is largely ceremonial, and is appointed on the recommendation of the Jamaican Prime Minister.

Parliament is bicameral, featuring a House of Representatives and a Senate. Members of the House of Representatives are directly elected, while the 21 members of the Senate are appointed by the Governor-General; of these, 13 are appointed on the advice of the Prime Minister; and eight on the advice of the Leader of the Opposition. Under the 1962 constitution, Parliament has the power to make laws. The Senate largely serves as a review chamber for legislation developed by the cabinet. The Cabinet is the main instrument of government policy, and consists of the Prime Minister and at least 13 other members of the House. The latest elections in Jamaica were held in December 2011 and the next one is due between 29 December 2016 and 16 March 2017.

Approach to Climate Change

As a tropical island state, Jamaica is vulnerable to a series of risks that are predicted to worsen due to climate change. It will need to adapt to changes in sea level and an increase in the intensity of tropical storms and hurricanes. At the national level, it has implemented several projects to develop capacity for climate change adaptation, mitigation and disaster risk reduction. This includes the Project on Community Based Adaptation to Climate Change, a pilot project funded by the Global Environment Facility; the Pilot Project for Climate Resilience (PPCR) funded by the Carbon Investment Fund (Inter-American Development Bank and the World Bank); and projects by the USAID, DFID, the German Government and others. The EU has funded Jamaica's Climate Change Adaptation and Disaster Risk Reduction Project, which involves rehabilitation of watersheds through reforestation; improving coastal ecosystems; maintaining forest resources; and improving climate change awareness.

In addition there has also been a great deal of work done with and by several non-governmental organisations, which have actively engaged with the donors mentioned above. The Global Environment Facility Small Grants Programme is focussing on two priority areas of Sustainable Livelihoods and Conservation Areas and Species. The Nature Conservancy helped to create the Blue and John Crow Mountain National Park for which it brokered a Debt for Nature Swap. This converted USD16m debt into a USD1.5m Forest Conservation Fund. The organisation CaribSave has also been active here, for instance producing a climate change risk profile in their risk atlas.

Jamaica has actively engaged with regional initiatives addressing climate change. The Caribbean Community (CARICOM) has been particularly important. Jamaica participated in the 2001 Caribbean Planning for Adaptation on Climate Change Project (CPACCP), established to improve capacity building for adaptation across the region. This was followed by The Adaptation to Climate Change in the Caribbean (ACCC) Project, which ran between 2001 and 2004 and aimed to continue activities developed during the CPACCP, in addition to the development of further adaptation activities. The 'Mainstreaming Adaptation to Climate (MACC) Project' between 2004 and 2007, designed to mainstream adaptation activities into CARICOM states' national and sectoral planning, followed. As a result, Jamaica is revising or preparing new Development Orders of 11 of its high risk coastal zones to include climate change considerations.

Jamaica's National Development Plan, "Vision 2030 Jamaica", offers a comprehensive planning framework in which the economic, social, environmental and governance aspects of national development are integrated. The Plan aims to put Jamaica in a position to achieve developed country status by 2030 and in the process, make it: "... the place of choice to live, work, raise families, and do business". The Plan presents adaptation to climate change as one of 15 national outcomes. It states that climate change is a cross-cutting issue that should be integrated into all future national economic and social policies, legislation and other plans. Under this national outcome, two national strategies should be created: 1. Develop measures to adapt to climate change, and 2. Contribute to the effort to reduce the global rate of climate change.

The Climate Change Advisory Committee was appointed in 2012. In 2013, the Ministry of Water, Land, Environment and Climate Change established the Climate Change Division, whose role is to mainstream climate change activities in government. Nonetheless, the Air Quality Regulations 2002 appears to be the only legislation that addresses climate change, since it regulates GHG emissions. Otherwise, the response is integrated into broader policy development, supported by some historic environmental regulations that could incidentally support adaptation and mitigation actions. This could change in the immediate future however, since The National Climate Change Policy Framework and Action Plan was approved as a Green Paper by Cabinet and tabled in Parliament in 2013. Extensive public consultations were held on the Green Paper in early 2014 and amendments made accordingly to the Green Paper. This was developed by the Ministry of Water, Land, Environment and Climate Change, with support from the government, the EU, UNEP's Climate Change Adaptation and Disaster Risk Reduction Project (CCADRRP) in collaboration with USAID. The Ministry is finalising amendments to the draft document for submission to Cabinet for approval as a White Paper.

Energy supply

In 2012, The Ministry of Science, Technology, Energy & Mining (STEM) launched the Energy Efficiency & Conservation Programme. This is intended to improve energy efficiency, mainly within the public sector by strengthening the Ministry's institutional capacities to implement energy efficiency and conservation, in addition to designing and implementing cost-saving energy efficiency and conservation measures in the public sector. The programme is intended to increase awareness among both public and private sector stakeholders of energy efficiency issues, in conjunction with demand-side energy management. Jamaica's National Energy Policy 2009 – 2030 was promulgated in 2010.

The Policy is designed to achieve by 2030 “a modern, efficient, diversified and environmentally sustainable energy sector providing affordable and accessible energy supplies with long-term energy security and supported by informed public behaviour on energy issues and an appropriate policy, regulatory and institutional framework”.

This policy relates directly to climate change through concerns over energy supply and demand. The recognition that as much as 87% of foreign exchange earnings are spent on fossil fuel imports has led to a drive to diversify the energy mix and look toward sustainable energy sources. Currently, Jamaica has 11% renewables in its energy mix. Activities set out in this policy range from advocating the incorporation of energy conservation measures into behaviour to modernising energy infrastructure and increasing the amount of renewables to 20% by 2030.

Strategies related to climate change mitigation and adaptation mentioned within this policy include carbon trading and auctions; and energy conservation and efficiency through technology transfer (including technologies relating to the development of renewable energy sources). As a potential policy linkage, the Forest Policy of 2001 states that sustainable wood-based energy programmes will be fostered, facilitated and encouraged to provide more biomass energy. National Carbon Credit Policy 2010-2013 (a sub-policy under the National Energy Policy) sets up a regulatory framework for carbon credits trading, institutional and governance framework, to support and regulate diverse initiatives.

The Air Quality Regulations 2002, which impose fees for pollutants and GHG emissions from industrial sources, provide exemptions for emissions from the combustion of renewable energy sources, such as bagasse and gas from landfill. Finally, Vision 2030 promotes energy diversification in the transportation sector to include renewable fuels such as ethanol for cars.

REDD+ and LULUCF

Jamaica was once covered by forest but only small fragments of the original ecosystem remain relatively undisturbed, covering around 8% of the land area. However, 30% of the island is still classified as forest of varying types. In the mountainous regions, forests provide critical ecosystem services such as

watershed protection, most noticeably against accelerated rates of erosion and the maintenance of fresh water quality.

The Forest Act of 1996 allows for the reforestation and afforestation of degraded lands, an activity with funding potential under the mitigation strategy REDD+. The Forestry Department in the Ministry of Water, Land, Environment and Climate Change implements an annual reforestation programme on state lands. Additional reforestation activities include the Private Forestry Programme and the annual National Tree Planting Day, which encourages social participation and raises awareness.

The Forest Regulations (2001) state that “the Minister may establish a Forestry Management and Conservation Fund which shall be used exclusively in support of the following activities on both public and privately owned lands: Reforestation, Carbon Conservation projects” among others. It also states that “the fund may be capitalised from local and international sources by a combination of (1) carbon credits, 2) bilateral and multilateral funds 3) debt reduction agreements”. There is no explicit reference to climate change in this document. The Regulation pre-dates the development of REDD+ negotiations.

Other policies and plans that could support climate change mitigation and adaptation include the National Forest Management and Conservation Plan; the National Land Policy; the Watersheds Policy; the National Biodiversity Strategy and Action Plan; and the National Hazard Mitigation Policy. However, probably the most influential plan will be the National Forest Policy 2012, draft versions of which refer to essential climate resilience and adaptation functions of forests, in addition to vital ecosystem services. The Policy also refers to innovative financing mechanisms to achieve these goals, such as the issuance of reforestation bonds.

Adaptation

Key adaptation activities include the Project on Community Based Adaptation to Climate Change; and the Pilot Project for Climate Resilience (PPCR). However additional impetus and finance has come from The Adaptation Fund. This was established to finance adaptation projects and programmes in developing countries that are parties to the Kyoto Protocol and are particularly vulnerable to the adverse effects of climate change. Jamaica was the third country and the first small island developing state to have its National Implementing Entity (the Planning Institute of Jamaica) approved under the Adaptation Fund. The project “Enhancing the Resilience of the Agriculture Sector and Coastal Areas to Protect Livelihoods and Improve Food Security” is now under way.

Another key programme is the Strategic Programme for Climate Resilience (SPCR), under the Pilot Programme for Climate Resilience (PPCR). The objective of this pilot is to help climate-proof the country’s development. Under the PPCR, the 2012 State of the Jamaican Climate report and a Summary for Policy Makers were prepared by the Climate Studies Group, Mona, University of the West

Indies for the Planning Institute of Jamaica and tabled in Parliament in 2013 by the Minister of Water, Land, Environment and Climate Change.

Jamaica: Legislative Portfolio

Name of law	The Natural Resources Conservation Authority (Air Quality) Regulations
Date	2002
Summary	Regulates the emissions of particulates and substances deleterious to human health. This includes the licensing of premises and plants which produce such polluting substance; fees for discharge; and inspection.

The Natural Resources Conservation Authority Act enabled the implementation of the Air Quality Regulations and these regulations legislate for the licensing, monitoring, and collection of fees for emissions. These emissions specifically include the term GHGs, and name these. The regulations seem to refer only to industrial sources, specifying facilities and stack emissions. The implication of these regulations is that industrial emissions will be licensed, monitored and have fees levied against them.

Every owner of a major facility must apply for an air pollutant discharge licence and licensees must submit emissions reports for each calendar year. This report should contain estimates of the emissions for the year, based on the following details:

- Continuous emission monitoring data
- Calculation of SO₂ emissions based on fuel use and sulphur content data (combustion processes in which exhaust gases do not come in contact with products)
- Most recent and representative stack monitoring measurements conducted in the previous five years and activity data for the year for which emissions are estimated
- AP42 emission factor or equivalent methods and activity data for the year
- AP42 emission factor or equivalent methods and plant capacity data
- Mass balance (including fuel use data) based on the two previous years or the most recent representative year
- Other approved methods supported by calculation and documentation

Further, the Regulations impose Discharge Fees on Licensees. Crucially, these fees are waived for emissions derived from the burning of renewable fuels, such as landfill gas and agricultural waste.

Where the regulations are not adhered to, sanctions may be applied to the licence holder. The management Authority (individual or body authorised under the regulations) may then:

- Issue a control order
- Impose administrative penalties
- Suspend or revoke any licence
- Refuse an application for renewal of any licence
- Apply to the Supreme Court for an injunction to prohibit the operation of the facility or any source at the facility

The regulations also mandate the development of a National Emissions Inventory to track air quality, which should be made available to the public and reported to the House of Representatives at least once every three years.

Jamaica: Executive Portfolio

Name of policy	Ministry of Energy and Mining long-term National Energy Policy 2009–2030
Date	2010

Summary Developed in parallel with the Vision 2030 Jamaica document, the overarching goal of the National Energy Policy is to develop: “a modern, efficient, diversified and environmentally sustainable energy sector providing affordable and accessible energy supplies with long-term energy security and supported by informed public behaviour on energy issues and an appropriate policy, regulatory and institutional framework”.

The Strategic Framework underpinning the policy addresses both the supply and demand energy issues Jamaica faces. It prioritises seven key areas:

- Security of energy supply through diversification of fuels as well as development of renewable energy sources
- Modernising the country’s energy infrastructure
- Development of renewable energy sources
- Conservation and efficiency in energy use
- Development of a comprehensive governance/regulatory framework for the energy sector
- Enabling government ministries and agencies to be models/best practice for the rest of society in terms of energy management
- Eco-efficiency in industries

Finding environmentally sustainable energy solutions is central to the document. It seeks to facilitate cultural, institutional and technological change in a way that supports “aggressive” advances in energy efficiency and conservation, minimises greenhouse emissions and ultimately provides green growth. These energy efficiency and conservation goals are seen as “no regrets” mitigation actions that can have positive impacts on society and the economy, principally by reducing costs and dependency on fossil fuel imports.

Among stated goals of the policy is that Jamaica realises its energy resource potential through the development of renewable energy sources and enhances its international competitiveness and energy security while reducing its carbon footprint.

Five sub-policies exist to support the National Energy Policy, namely:

- A Carbon Emissions Trading Policy developed to address Jamaica’s participation in the Clean Development Mechanism
- National Renewable Energy Policy 2010–2030
- National Energy from Waste Policy 2010–2030
- Energy Conservation and Efficiency Policy
- Biofuels Policy

Overall the policy propose to reduce the percentage of petroleum in the country’s energy supply mix from the current 95% (does not state to what level) and increase the percentage of renewables in the energy mix with proposed targets of 11% by 2012, 12.5% by 2015 and 20% by 2030.

The Policy document itself contains a section “Proposed Energy Sector Indicators and Targets” on electricity supply, efficiency targets etc. However, the section does not provide the actual indicators and targets.

Name of policy	Vision 2030 Jamaica
Date	May 2009
Summary	<p>Vision 2030 offers a comprehensive planning framework in which the economic, social, environmental and governance aspects of national development are integrated. The Plan aims to put Jamaica in a position to achieve developed country status by 2030 and in the process, make it: "... the place of choice to live, work, raise families, and do business".</p> <p>This is Jamaica's first long-term national development plan and covers a 21-year period. It provides a framework to ensure that the management of natural hazards, which are predicted to increase in frequency and severity under climate change, is integrated into Jamaica's development and that hazard considerations are systematically incorporated into development policy.</p> <p>Vision 2030 Jamaica has four national goals, aligned to 15 National Outcomes. Following from the national outcomes are 82 National Strategies, with sector strategies and actions. Climate change is positioned under the goal of Jamaica having a healthy natural environment. Another goal is "Hazard Risk Reduction and adaptation to climate change". There are four specific National Strategies here:</p> <ul style="list-style-type: none">• Improve resilience to all forms of hazards• Develop measures to adapt to climate change• Contribute to the effort to reduce the global rate of climate change• Improve emergency response capability <p>There is also a sector plan on Climate Change, whose National Strategies include diversification of the energy supply and the promotion of energy efficiency and conservation. The Vision sees this as a "win-win" opportunity, reducing spending on imported oil, pollution and pollution-related illness. Finally, reforestation efforts are seen as a means to mitigate climate change and improve watersheds and reduce landslides and erosion.</p>

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