

CLIMATE CHANGE LEGISLATION IN
TRINIDAD AND TOBAGO
AN EXCERPT FROM
The 2015 Global Climate Legislation Study
A Review of Climate Change Legislation in 99 Countries



Michal Nachmany, Sam Fankhauser, Jana Davidová, Nick Kingsmill, Tucker Landesman, Hitomi Roppongi, Philip Schleifer, Joana Setzer, Amelia Sharman, C. Stolle Singleton, Jayaraj Sundaresan and Terry Townshend

www.lse.ac.uk/GranthamInstitute/legislation/



**Grantham Research Institute on
Climate Change and
the Environment**



G L O B E
The Global Legislators Organisation



Inter-Parliamentary Union
For democracy. For everyone.

Republic of Trinidad and Tobago

Legislative Process

Trinidad and Tobago is a unitary republic, which gained independence from the United Kingdom in 1962. Legislative power is vested in the bicameral Parliament, which is based on the Westminster system and consists of the Senate (Upper House) and the House of Representatives (Lower House). Among the 31 members of the Senate, 16 are appointed on the advice of the Prime Minister, 6 on the Opposition Leader's advice, and 9 Independent Senators are appointed by the President to represent other sectors of civil society. The 41 members of the House of Representatives are elected every five years by the public. The last national level election for the House of Representatives took place in 2010 and the next election is expected to take place in 2015. The President is both the Head of State and Commander in Chief of the Armed forces. The President is elected for a five-year term by secret ballot of the Electoral College, which consists of all Members of Parliament. The responsibility of the President includes the assenting to bills and appointment of the Prime Minister, Senators and other officials. The last presidential election took place in 2013, and the next election is expected to take place in 2018.

The Ministry of Local Government oversees municipal implementations to "convey the policy perspectives and guidelines of the central government". In Trinidad, there are 14 Municipal Corporations (2 city, 3 borough and 9 regional corporations) responsible for local affairs and implementations within the island. The Tobago House of Assembly (THA) is the local government body created by the Constitution for the "purpose of making better provision for the administration of the Island of Tobago and for matters connected therewith", which carries out some responsibilities of the central government. Tobago is administered as a single county and it consists of 12 local electoral districts with each district electing one member to the THA.

The draft of a legislative proposal is called a Bill, and there are two types of Bills: private Bills, related to private rights or interest of particular persons; and public Bills, also known as government Bills, which are related to public interest. A government Bill can be introduced by either house, and must be approved by the Cabinet prior to its introduction in Parliament. Bills should be approved by each House by majority of those present and voting; for constitutional amendments, three quarters or two thirds of the votes of the Members are required in each House, depending on the nature of the Constitutional amendment required. Once the Bill passes both Houses, it is presented to the President for assent or approval. Assent of the President formally converts the Bill into an Act of Parliament.

Approach to Climate Change

Trinidad and Tobago signed the UNFCCC in 1992, and ratified the Convention in 1994. It ratified the UNFCCC and Kyoto Protocol as a non-Annex-I Country in 1999. The First National Communication was submitted in 2001 and the Second National Communication in 2013. The country is in the process of preparing its Third National Communication.

In 1990 the government established a Working Group to Determine the Implications of Global Warming, Climate Change and Sea Level Rise. The Working Group has representation from relevant government ministries, NGOs and the private sector, and is currently chaired by the Environmental Management Authority (EMA). The EMA is a statutory body under the Ministry of the Environment and Water Resources. The Ministry of the Environment and Water Resources is responsible for implementing the UNFCCC and Kyoto Protocol responsibilities and is also the focal point and implementing body for the multilateral environmental agreements to which Trinidad and Tobago is party.

While Trinidad and Tobago does not have a law dedicated to carbon reductions, the country recognises the importance of climate change issues and has a number of arrangements and measures to mitigate and adapt to climate change. As per the obligations assumed under the UNFCCC and the Kyoto Protocol, the Government established a Carbon Reduction Strategies (CRS) Task Force and a National Climate Change Policy (NCCP), both under the responsibility of the Ministry of Environment and Water Resources.

The CRS Task Force was launched in 2010. It aims to create a national carbon reduction strategy; develop a regulatory and policy environment for carbon capture, storage, utilisation and credit trading; and recommend suitable projects and incentives to attract corporate investments and researchers interested in the carbon reduction initiatives. The project to develop the National Carbon Reduction Strategy is expected to be completed between 2015 and 2016. The Strategy will involve a capacity building programme designed for Government ministries and agencies, and a feasibility study of intervention options to identify greenhouse gas reduction opportunities.

The NCCP is the overarching climate policy that provides administrative and legislative framework for climate change mitigation and adaptation and guidance for low-carbon development in the country. The NCCP, an executive policy approved by the Cabinet in 2011, and it summarises key climate change objectives and sets the necessary actions to achieve them.

In addition to these two policies, the National Environmental Policy (2006) addresses climate mitigation, mandating the inventorying of GHG emissions, the maintenance of stakeholder involvement to develop technologies to curtail GHG emissions, and the conservation of forests (along with coastal and marine ecosystems) that act as sinks of GHGs. Climate change is also recognised as a central concern in national planning documents. Both the 2006 Comprehensive Economic Development Plan for Tobago and the 2011 Medium Term Policy Framework note the importance of low carbon technologies and management of climate risks within development planning efforts.

At the regional level, the Caribbean Community Climate Change Centre (CCCCC) co-ordinates the Caribbean Community's (CARICOM) response to climate change. Established in 2005, the Centre is the key node for information on climate change issues and on the region's response to managing and adapting to it. It is the official repository and clearing house for regional climate change data, providing climate change-related policy advice and guidelines to CARICOM member States through the CARICOM Secretariat. In this role, the Centre is recognised by the UNFCCC, UNEP, and other international agencies as the focal point for climate change issues in the Caribbean Community.

Energy supply

Trinidad and Tobago is the largest producer of oil and gas in the Caribbean. According to the BP Statistical Review, oil reserves as of 2013 are estimated at 0.8bn barrels (daily production of 118,000 barrels) and natural gas reserves are estimated at 0.4trn cubic metres (produced 42.8bn cubic metres). The Government has launched a major project in the energy sector to recover 44m barrels of heavy oil reserves, principally funded by the Inter-American Development Bank (IDB). The electricity price (USD0.03 per kWh) is the lowest in the Caribbean (compare this to USD0.35 in Barbados and USD0.38 in Antigua and Barbuda).

The NCCP establishes a policy directive for the government to develop a renewable energy policy and standards and fiscal incentives for domestic renewable energy production. Prior to the NCCP, a Renewable Energy Committee (REC) was established in 2008 to: review the energy balance and conduct a current state assessment of renewable energy application; identify feasible and practical renewable energy technologies; to set realisable targets and timeframes for renewable energy; to make recommendations of incentives; and to identify appropriate research and development,

opportunities for linkages between industrial plants and renewable energy producers, mechanisms and strategies to finance renewable energy projects, and legislation and regulations necessary to develop the use of renewable energy.

A renewable energy policy is under development, and the framework report to the Renewable Energy Committee (2011) identified the need for measures in the following sectors: training and education; electricity sector; residential, commercial and other establishments; industry; and transportation. The primary objective is to identify and examine strategies and make recommendations to introduce renewable energy into the local energy mix. The proposed energy supply actions to achieve this goal are: to promote the use of renewable energy through education, training and capacity building; to pursue research and development in renewable energy technologies; to encourage private sector participation and investment in renewable energy; and to develop industrial capacity to move forward with the appropriate plans and programmes. Recommendations include educating the public on renewable energy, introduction of government-sponsored renewable energy grant and scholarship schemes, introduction of tax deductions and grants for the use of renewable energy, and developing a register of local renewable energy business and technology providers. The report also indicates that creating a renewable energy and energy efficiency agency is essential to assess and audit local energy market and implementation measures.

Energy demand

The NCCP also stresses the importance of energy efficiency in buildings and in all GHG-emitting sectors. Additionally, the 2011 framework report to the Renewable Energy Committee identified measures for the promotion of energy efficiency along the same lines as for energy supply: through education, training and capacity building; pursuing research and development in energy efficiency technologies; encouraging private sector participation and investment in energy efficiency; developing industrial capacity to implement the appropriate plans and programmes. The framework report also recommends educating the public about energy efficiency, and including local energy efficiency business and technology providers and experts in green building design and construction in the registry of local energy businesses (discussed above for energy supply).

REDD+ and LULUCF

The National Forest Policy (2011) addresses the role of forests in the reduction of GHGs. It aims to promote reforestation and conservation of forests to increase the carbon sink contribution of forests and to utilise forests as an early warning system to detect the impacts of climate change. The National Forest Policy recognizes that the ecological sustainability and economic viability of so-called production forestry is not well understood and therefore needs to be studied.

Transportation

According to the Second National Communication to the UNFCCC, GHG emissions from the transportation sector quadrupled between 1999 and 2005, which is correlated with the increase in the total number of registered vehicles. Current improvement efforts include a project to “green” the dedicated bus transportation route running between the most densely populated areas of the country, called the Priority Bus Route. Changing diesel-fuelled buses to compressed natural gas (CNG) and replacing conventional grid-powered street and traffic lights with solar power are included in the project. The Government has declared in the NCCP that the country will increase the use of CNG as an alternative fuel for motor vehicles.

Adaptation

Trinidad and Tobago consists of two islands, and is vulnerable to changes in precipitation, temperature and sea level. Rainfall variability is influenced by the El Niño Southern Oscillation (ENSO) and the average precipitation of wet season (June to August) since 1960 has decreased by 6.1 mm per month (2.6%) per decade. The country has observed a temperature increase of 1.7°C between 1961 and 2008. Sea level is reported to have increased by 1.6mm to 3mm annually

between 1984 and 1992, and is projected to increase by a further 13cm to as much as 56cm by 2100. The NCCP lists adaptation as one of the six pillars of climate policy directives and strategies, which are to be integrated into the national development agenda. Beyond national efforts, Trinidad and Tobago has also been participating in regional responses through the climate change and adaptation projects in the Caribbean Community (CARICOM). One of the project series aimed at building capacity for climate change adaptation involved three phases: Caribbean Planning for Adaptation to Climate Change (CPACC), Adaptation to Climate Change in the Caribbean (ACCC) and Mainstreaming Adaptation to Climate Change (MACC). These projects established the basis of financial self-sustainability for the CCCCC, the repository and clearing house for climate change related data and information, developed a draft regional public education and outreach strategy, developed a guide to assist environmental impact assessment practitioners in CARICOM countries, launched a Masters programme in climate change and statistically downscaled climate scenarios development.

Trinidad and Tobago: Legislative portfolio

Name of law	Miscellaneous Tax Act, Chapter 77:01 (Act 13 of 1963 last amended by Act 46 of 2013)
Date	2000 (version with the Green Fund was established)
Summary	<p>This Act establishes the Green Fund to financially assist organisations and community groups that are engaged in activities related to remediation, reforestation and conservation of the environment. Effect from 1 January 2001, the 0.1% Green Fund Levy applies on gross sales or receipts of a company carrying on business in Trinidad and Tobago. The Green Fund is the National Environmental Fund of the Republic of Trinidad and Tobago. The detailed definition of the relevant activities are as follows:</p> <ul style="list-style-type: none"> • Remediation: remedying and restoring the functional capacity of an environmental resource damaged by both natural or man-made causes (e.g. wetland or watershed restoration after a storm, land restoration of abandoned oilfields after quarrying or mining) • Reforestation: replanting a previously forested area mainly with seedlings of indigenous forest tree species • Conservation: wise use of natural resources for the benefit of present and future generations (e.g. ecotourism, national parks, renewable energy, reducing pollution (e.g. greenhouse gas emission), sustainable fishery, protecting biodiversity and ecosystems, green technologies and practices) <p>Activities financed by the Green Fund shall be managed by the Minister responsible for finance. The Minister responsible for the environment shall appoint a committee called the Green Fund Advisory Committee to advise on the certification of activities. The Committee comprises of a minimum of five but no more than nine members, selected among persons with experience and relevant qualifications in the areas of finance, environmental management, law or forestry that have demonstrated interest in remediation, reforestation, environmental education and public awareness of environmental issues or conservation. The members of the Committee holds office for two years and renewed by no more than two consecutive terms.</p> <p>All accounts of the Green Fund are kept separately by the Comptroller of Accounts, and shown to Parliament in the general accounts. The Auditor General, in accordance with the Exchequer and Audit Act, audits them annually. The Minister may make Regulations for:</p> <ul style="list-style-type: none"> • The management and control of the Green Fund • The accounts, books and form to be used in the management of the Green Fund • The projects and other activities which advances are made from the Green Fund • The general operations of the Green Fund.

Trinidad and Tobago: Executive portfolio

Name of Policy	Innovation for Lasting Prosperity: Medium Term Policy Framework (MTPF) 2011-2014
Date	October 2011
Summary	<p>This Policy outlines the government's intent on the socio-economic transformation that needs to take place in order to commit for the "Prosperity for All". The seven development pillars for sustainable development are:</p> <ul style="list-style-type: none"> • People-centred development • Poverty eradication and social justice • National and personal security • Information and communication technologies • A more diversified, knowledge intensive economy • Good governance • Foreign policy <p>Under the "Sustaining the Transformation" section, climate change is recognized as the key environmental issue. Following initiatives will be undertaken by the MTPF:</p> <ul style="list-style-type: none"> • 'greening' of the Priority Bus Route • Outfit the police surveillance bays along the Churchill Roosevelt Highway with green technology such as solar lighting • Mainstream the climate policy into the national development policy framework • Equip the government offices by the Properties and Real Estate Divisions with green technologies • Develop Green Government Policy <p>Within the same section, below initiatives are proposed for risk management and adaptation to disasters:</p> <ul style="list-style-type: none"> • Install a culture of safety, public education and awareness • Develop a Comprehensive Disaster Management Policy Framework • An Inter-Ministerial Committee established in 2010 to address the issues of flooding and drainage

Name of Policy	National Climate Change Policy
Date	July 2011
Summary	<p>The National Climate Change Policy provides policy guidance to develop administrative and legislative framework for the pursuance of the country's low carbon development through suitable and relevant climate strategies including sectoral and cross sectoral adaptation and mitigation measures. The Policy will be revised every five years with public review to determine effectiveness in achieving the objectives. Implementation is done through stakeholder networks designed to facilitate self-monitoring and reporting.</p> <p>The Policy is constructed to achieve the following objectives:</p> <ul style="list-style-type: none"> • To reduce or avoid GHG emission from all emitting sectors • To enhance carbon sinks • To protect the natural environment and human health • To conserve and build resilience of human and natural systems to adapt to impacts of climate change (including capacity building, application of clean technologies, R&D) • To enhance agricultural production and food security • To educate the public on climate change impacts and adaptation strategies; and • To conserve and guarantee a sustainable supply of potable water <p>Following specific measures are mentioned in the Policy</p> <ul style="list-style-type: none"> • Increase the use of renewable energy: developing renewable energy policy and standards; introducing fiscal incentives; and replacement of street lighting with solar powered Light Emitting Diodes (LEDs) • Provide guidance to increase energy efficiency in commercial and residential buildings • Increase use of alternative fuels and fuel switching in the transportation sector • Increase the use of cleaner technology in all GHG-emitting sectors • Enhance natural carbon sinks • Strengthen existing institutional arrangement for synthetic observation, research and climate change modelling including through co-operation with academia, non-governmental organizations and the private sector

- Assess sectoral vulnerability to climate change by conducting vulnerability analysis and formulate adaptation options
- Revise sectoral policies to include consideration of climate change impacts derived from vulnerability analyses
- Revise national development plans to incorporate climate change vulnerability, impacts and adaptation options with a view to climate proofing new developments and retrofitting existing infrastructure
- Enhance the resilience of natural biophysical systems so as to maximize ecosystem services (e.g. natural coastal defence properties of coral reefs and mangrove system through national protected areas)
- Promote community-based adaptation through expanded use of the Green Fund for capacity building and enhancing resilience
- Participatory approach to climate change
- Communication strategy to ensure public awareness

Adaptation measures include sectoral assessment of climate change vulnerabilities, strengthening of institutional arrangements, revision of national development plans, enhancement of resilience and promotion of community-based adaptation using Green Fund.

Education, awareness raising, capacity building and institutional strengthening are described as one of the critical pillars of successful implementation, which will be directed in cooperation with non-governmental organizations and community-based organizations. The importance of information, data sharing and financial support of implementation is mentioned in the plan.

Name of Policy	National Forest Policy
Date	February 2011
Summary	<p>This Policy addresses the need for new legislation and revisions of the following legislation to put the National Forest Policy into effect:</p> <ul style="list-style-type: none"> • Environmental Management Act • Forest Act • Sawmills Act • Conservation of Wildlife Act • other key relevant laws and regulations <p>This Policy is formulated based on the understanding of relationship between deforestation and climate change. It recognises the important linkage between forest conservation and management, and climate change adaptation. Key aims of the new legislation include establishment of Forest and Protected Areas Management Authority and Forest and Protected Areas Fund, institutionalisation of participatory forest management and obligations in line with multilateral agreements and to enable revenue generation through payments for ecosystem services based on appropriate fee systems.</p> <p>While this Policy is not dedicated to tackle climate change issues, it recognises forests as important sinks of GHGs that need to be conserved and reforested. The goals of the National Forest Policy are as follows:</p> <ul style="list-style-type: none"> • Sustainable management of forest resources to provide social, economic, ecological, cultural and spiritual needs of present and future generations • Contribution to the sustainable development of the country, • Enhancement of the quality of human life • Protecting biological diversity and ecological processes. <p>Both private and state forests are subject for this Forest Policy. The government addresses land use and physical development planning implementation through the following:</p> <ul style="list-style-type: none"> • Formulation and adoption of a National Forests System Plan to manage forests • Showing zero tolerance for squatting on forest lands, forest reserves and other protected areas • Taking into account the value of ecosystem services • Integrating forest-related issues and forest management into national land use and physical development policies by integrating the National Forest Policy into the National Physical Development Plan, local land use plans, permitting processes (e.g. Certificate for Environmental Clearance and planning approval processes of the Town and Country Planning Division) and other relevant national socio-economic development policies and processes (e.g. Tourism

Policy, Energy Policy, Transport Policy Water Resources Policy and poverty alleviation strategies).

Name of Policy	National Environmental Policy
Date	2006
Summary	<p>The National Environmental Policy focuses on GHG mitigation, particularly due to the country being a hydrocarbon producing country. It recognises the vulnerability of Trinidad and Tobago to climate change as a small island state. The Policy advocates the implementation of commitments under the UNFCCC as follows:</p> <ul style="list-style-type: none"> • Conservation and enhancement of natural ecosystems that serve as sinks or reservoirs of GHG (such as forests, coastal and marine wetland ecosystems) • implementation of energy consumption tax and fuel tax on diesel • Deposit or refund taxes for recycled beverage containers, tyres, batteries, fluorescent bulbs, appliances used oil and automobiles • Introduction of solar PV and wind energy for domestic electricity generation in remote areas and communities • Domestic water heating using solar thermal applications • Assessment of the use of available renewable resources • Introduction and application of appropriate standards to guide users of energy efficient technologies and energy regulations • Implementation of regular GHG inventories • Reuse of farm wastes (e.g. animal dung, post-harvest vegetative matter) in bio-gasification systems for the generation of electricity • Development of air pollution legal regime <p>As stipulated in the Environmental Management Act, National Environmental Policies are prepared by the Board of Directors of the Environmental Management Authority. This is the second National Environmental Policy after the 1997 draft (approved 1998). The Policy recognises the role of forestry and energy sector in the absorption and emission of CO₂. Listed initiatives to manage GHGs include the following:</p> <ul style="list-style-type: none"> • Development and application of institutional mechanisms to support research and development of renewable energy resources • Introduction and application of standards to guide users of technologies, energy regulations and environmental regulations • Development of efficiency standards for technology to acceptable levels of pollution.

Name of Policy	Comprehensive Economic Development Plan for Tobago: Clean, Green, Safe and Serene
Date	2006
Summary	<p>The Plan sets out the strategies and development initiatives for Tobago for a period of four years. Proposals include the following:</p> <ul style="list-style-type: none"> • Full devolution of national agencies such as the Environmental Management Authority and the Town and Country Planning Division to the THA • Establishment of electricity generation plant to produce ultra-high quality and reliable electricity from natural gas • Promote low carbon transport with a target of 6 in 10 vehicles powered by CNG • Construct additional fuel and service stations with facilities for CNG fuelling and modification to existing stations to allow CNG fuelling and promotion of CNG powered vehicles • Conduct an island wide inventory of natural resources in Tobago • Conduct a disaster vulnerability assessment of public buildings, infrastructure, facilities and other physical components supporting economic activities in Tobago • Develop a Policy on Utilisation of Environmentally Friendly Energy Sources and Technology • Achieve recycling rate of 35% • Reduce solid waste by 50% • Develop an Integrated Physical Development Plan for Tobago • Develop physical development plans for South West and Middle Tobago.

Sources

- BP Statistical Review of World Energy, BP Statistical Review of World Energy 2014, 2014. [URL: <http://www.bp.com/content/dam/bp/pdf/Energy-economics/statistical-review-2014/BP-statistical-review-of-world-energy-2014-full-report.pdf>]. Accessed 24 September 2014.
- Caribbean Community Climate Change Centre (CCCCC), Official Website, 2014. [URL: <http://caribbeanclimate.bz/>]. Accessed 24 September 2014.
- Caribbean Community (CARICOM) Secretariat, CARICOM - Projects, 2011. [URL: http://www.caricom.org/jsp/projects/projects_index.jsp?menu=projects]. Accessed 24 September 2014.
- Food and Agriculture Organization of the United Nations (FAO), Legal Office FAOLEX. n.d. [URL: <http://faolex.fao.org/>]. Accessed 24 September 2014.
- FAO, International Union for Conservation of Nature (IUCN) and United Nations Environmental Programme (UNEP), ECOLEX: the gateway to environmental law. n.d. [URL: <http://ecolex.org/>]. Accessed 24 September 2014.
- Global Carbon Capture and Storage (CCS) Institute, Carbon Capture and Storage Regulatory Review for Trinidad and Tobago, 2012. [URL: <http://decarboni.se/sites/default/files/publications/54126/ccs-regulatory-review-trinidad-tobago.pdf>]. Accessed 24 September 2014.
- Government of Trinidad and Tobago, News: Implementation of the National Carbon Reduction Strategy, 20 April 2012. [URL: <http://www.news.gov.tt/archive/index.php?news=10775>]. Accessed 24 September 2014.
- Government of Trinidad and Tobago, National Climate Change Policy, 2011. [URL: www.ema.co.tt/new/images/policies/climate_change_2011.pdf]. Accessed 24 September 2014.
- Government of Trinidad and Tobago, National Environmental Policy, 2006. [URL: www.ema.co.tt/docs/legal/pol/NEP_19SEP05.pdf]. Accessed 24 September 2014.
- Government of Trinidad and Tobago, National Forest Policy, 2011. [URL: www.ema.co.tt/new/images/policies/forest.pdf]. Accessed 24 September 2014.
- Ministry of Energy and Energy Affairs, Framework for Development of a Renewable Energy Policy for Trinidad and Tobago: A Report of the Renewable Energy Committee, 2011. [URL: <http://energy.gov.tt/wp-content/uploads/2013/11/266.pdf>]. Accessed 5 November 2014.
- Ministry of Legal Affairs, Revised Laws of Trinidad and Tobago: Now Updated to June 2013, 2013. [URL: <http://www.legalaffairs.gov.tt/lrcREVISED.html>]. Accessed 24 September 2014.
- Ministry of Legal Affairs, Miscellaneous Taxes Act, 2013. [URL: rgd.legalaffairs.gov.tt/laws2/alphabetical_list/lawspdfs/77.01.pdf]. Accessed 24 October 2014.
- Ministry of Local Government, About the Ministry, 2013. [URL: <http://www.localgov.gov.tt/About%20the%20Ministry/A%20History.aspx#.VFpMV8mBKGW>]. Accessed 5 November 2014.
- Ministry of Planning, Innovation for Lasting Prosperity: Medium Term Policy Framework 2011-2014, 2011. [URL: http://www.planning.gov.tt/sites/default/files/content/mediacentre/documents/Innovation_for_Lasting_Prosperty_web.pdf]. Accessed 24 October 2014.
- Parliament of Trinidad and Tobago, Official website, 2012. [URL: <http://www.ttparliament.org/>]. Accessed 24 September 2014.
- US Department of Energy, International Energy Statistics, 2014. [URL: <http://www.eia.gov/cfapps/ipdbproject/IEDIndex3.cfm>]. Accessed 24 September 2014.