

CLIMATE CHANGE LEGISLATION IN

CUBA

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The 2015 Global Climate Legislation Study A Review of Climate Change Legislation in 99 Countries



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Cuba

Legislative Process

The Republic of Cuba is, according to its constitution, a socialist state organised as a Republic. The Constitution (adopted in 1976, amended 1992 and 2002) ascribes the Cuban Communist Party the role of the “highest leading force of society and of the state”. The President of the Council of State is the head of the government and presides over the Council of Ministers, the legislative branch is formed by the National Assembly of People's Power; the People's Supreme Court is the highest judicial body.

Members of the National Assembly are elected by direct and proportional vote for a period of five years that can be extended under special circumstances. Some National Assembly members are elected to form the Council of State, which is the highest representative body of the state. The Constitution is the supreme law of the country, followed by Acts (adopted by the National Assembly) and decree-laws (issued by the Council of State between the sessions of the National Assembly and subject to subsequent ratification by the latter), and implementing legislation – decrees and agreements of the Council of Ministers, regulations, resolutions and other general provisions of the national state bodies. Climate legislation can be proposed by members of the National Assembly; the Council of State; the Council of Ministers; the commissions of the National Assembly of People's Power; the Central Organisation of Cuban Trade Unions and the national offices of the other social and mass organisations; and at least 10, 000 citizens eligible to vote. Laws and resolutions (excluding Constitutional reforms) are adopted by the National Assembly by a simple majority vote and go into effect on the date determined by those laws, after signature by the president of the National Assembly. They are published in the Official Gazette of the Republic.

Approach to Climate Change

Cuba ratified the UNFCCC in 1994 and the Kyoto Protocol (non-Annex I country) in 2002. It submitted its first National Communication to the UNFCCC in 2001. The next National Communication is under preparation. According to the World Resource Institute, Cuba's total GHG emissions (excluding LULUCF) decreased by 17.43% between 2011 and 1990, mainly due to structural economic changes.

In Cuba, environmental issues are concentrated under central government jurisdiction, with the Ministry of Science, Technology and Environment as the main authority. In 1991, the Institute of Meteorology and the Academy of Sciences first assessed the impacts of climate change in Cuba. In 1997, the Ministry of Science, Technology and Environment created the National Climate Change Group, co-ordinated by the Institute of Meteorology, now under its authority. This Group integrates national actions related to climate change, and assists in implementing the technical aspects arising from the UNFCCC. Currently the responsibility for co-ordination lies with the Department of Environment.

Cuba relies mainly on soft-law instruments and mainstreaming of climate change-related provisions into existing environmental legislation to regulate climate change mitigation and adaptation. The key policies and strategies on climate change are detailed in the National Environment Strategy 2011-2015 and in a set of agreements approved by the Government in 2007, the National Programme to Face Climate Change, which is run by the Ministry of Science, Technology and Environment and concerns mainly adaptation measures. The Guidelines of the Economic and Social Policy of the Party and the Revolution (2011) give way to new policies and strategies, including tackling climate change and disaster risk reduction. Guideline 133 calls for prioritising studies aimed at tackling climate change and sustainable development of the country. Guideline 247 supports the use of various renewable energy sources, primarily biogas, biomass, and solar, wind and hydro.

Cuba also participates in Clean Development Mechanism (CDM) projects, ranging from development of combined-cycle gas facilities to landfill gas capture projects and development of renewable electricity generation facilities.

Energy supply

Apart some concern for climate change, the primary driver of energy-related legislation is the need to save energy in the context of economic blockade by the US and rising oil prices on the international market, both of which have receded somewhat. In addition, energy management is part of the adaptation to frequent extreme weather events (hurricanes, tropical cyclones) that often damage the energy and electricity infrastructure.

Thus, Cuba aims to develop a robust and reliable energy generation and distribution system through local sustainable energy. Primary energy generation has been dominated by fossil fuels (96%). Excluding biomass, less than 1% of electricity generation comes from renewables (mini-hydropower 0.7%, wind and solar 0.13%). In 2007 a National Group to support and accelerate development of renewable energy and energy efficiency was created and renewable energy remains one of the key energy policy orientations. Biomass energy sources are being successfully developed (biomass-sugar cane 19.3%; firewood 3.4%) and a number of biomass development projects have been launched, such as the 'Biomass as renewable energy source in rural areas' project, which implements strategies for local biomass production in six municipalities as part of the 2011-2016 Co-operation Strategy between Cuba and Switzerland.

As early as 1993, Cuba adopted the National Energy Sources Development Programme, which aimed to provide electricity to the those parts of the country without access to power (almost 96% of the country electrified in 2011) especially through local solar power installations on rural schools and hospitals, and support to energy efficiency improvements, while providing support to rural schools. Further stimulation of renewables development came from the Energy Revolution, launched in 2005. This set an ambitious goal of 24% share of renewable energy in gross energy generation by 2030 and aims to increase energy efficiency and reduce demand. In addition, the newly adopted Law on Foreign Investment (2014) mandates the increased use of renewable energy.

Energy demand

Despite some energy efficiency provisions introduced by the National Energy Sources Development Programme (1993), the main push for energy efficiency came from the 'Energy Revolution' launched

in 2005, which has five main aspects: improving energy efficiency and conservation; increasing the availability and reliability of the national electric grid; incorporating renewable energy into the energy portfolio; increasing the exploration and production of local oil and gas; and stimulating international co-operation. It includes some very ambitious measures, such as complete electrification of the country, a national switch from incandescent to fluorescent light bulbs, a move to more efficient appliances and restructuring of the electricity consumption tariff system. Households are encouraged to buy energy efficient equipment (the poorest assisted by a social credit scheme), with the largest consumers being charged more for their electricity use. Finally, to generate support for the energy management transition, a countrywide Programme for Energy Saving was also introduced by the Ministry of Education and mass media communication on energy savings intensified (several thousand articles and TV spots in 2007 alone).

REDD+ and LULUCF

Forest cover in 2013 represented around 28.95% of total territory surface, with about 31.4% reserved to productive forests and 68.6% reserved as 'protected forests' (recreational, natural reserves, etc.). The forestry sector is a net carbon sink. The main risks related to forests include forest fires (around 200 per year), mainly caused by the negligence of agricultural workers, pedestrians and hunters. The 1998 Forestry Act indirectly contributes to climate change mitigation by supporting reforestation while the Forest Programme of Cuba until 2015 (2006) explores the possibility of using an extra 500,000 ha of land for new forest plantations. A National System of Protected Areas is in place, contributing indirectly to climate change mitigation through forest protection. A project for a carbon registry of the forestry sector has also been developed by the National Institute for Agroforestry Research, with the aim of achieving recognition and payment for ecosystem services, in particular atmospheric carbon sequestration.

Adaptation

According to the National Communication to the UNFCCC, since the second half of the last century, Cuba has experienced rising average annual temperatures (0.9°C) and especially average minimum temperatures (1.9°C). An increase in the frequency of dry periods has also been noted and the number of extreme events (El Niño, hurricanes, tornados, etc.) with large negative impacts on the country infrastructure and coastal zones has been increasing. Cuba has been hit by 14 hurricanes (eight of the category 3 - 5) since 2001 alone. Revised projections by the IPCC indicate possible sea level rise of 0.80m-1.5m by 2100, a scenario in which Cuba would lose more than 3% of its land by 2050.

Despite not having an overarching climate change Adaptation Strategy, Cuba has a long history of adaptation measures. After the particularly damaging Hurricane Flora in 1963 (more than 1,500 deaths), Cuba created a disaster prevention and management system to protect lives in case of extreme hazards, including hurricanes. In 1997 it developed a first National Strategy on Adaptation Education to consolidate several decades of educational initiatives on adaptation to natural disasters. In 2010 a new Strategy was adopted for 2010-2015, identifying climate change as the first among the 11 themes to be prioritised by 2015.

Cuba: Legislative portfolio

Name of law	Act No. 75 on the Civil Defence and Decree-Law No. 170 on the System of measures of Civil Defence (Disaster-management as response to frequent extreme events)
Date	21 December 1994 and 19 May 1997
Summary	<p>Law No. 75 defines Civil Defence as “a system of defensive state measures taken in peacetime during exceptional circumstances, aimed at protecting the population and the national economy from destruction by enemy or from natural disasters and other types of catastrophes, including deterioration of the environment”. When the exceptional circumstances apply, the government can use all the resources and activities of the country to respond to the needs of national defence. Law 170 then lays down the different Civil Defence measures that can be developed to help to prevent the special circumstances from occurring or minimise their impacts. It establishes the National Etat-Major of Civil Defence that co-ordinates the deployment of measures by different state organs, economic entities and social institutions in order to protect the population and the economy. Although the laws do not directly mention climate change, they lay down clear adaptation measures to extreme weather events, whose increased occurrence over the past years is recognised as part of the impact of climate change.</p> <p>In addition, Directive 1 of the Vice-President of the National Defence Council (2010) calls on the Ministry of Science, Technology and Environment to carry out studies on the dangers, vulnerability and risk of disasters, as well as evaluation of potential climate change impacts.</p>

Name of law	Decree-Law No. 147 on the Reorganisation of Central State Administrative Organs (creation of Ministry of Sciences, Technology and Environment responsible for Climate Change policy)
Date	21 April 1994
Summary	<p>The Decree-Law abolishes the National Commission for Energy and other state bodies and transfers its functions to the Ministry of Economy and Planning and Ministry of Basic Industry. It further transforms the Academy of Science of Cuba into the Ministry of Sciences, Technology and Environment, and assigns it the responsibilities previously carried out by the National Commission for Protection of the Environment and the Rational Use of Natural Resources, the National Commission for Atomic Energy (established in 1979) and the Commission Responsible for the Grand National Park Sierra Maestra.</p>

Cuba: Executive portfolio

Name of policy	National Environmental Strategy 2011-2015
Date	2010
Summary	<p>The Strategy is the guiding document for environmental policy. It replaced in 1997 the National Programme on Environment and Development, first elaborated in 1993 and representing the first initiative in response to international calls for elaboration of national plans on sustainable development. The Strategy defines the main environmental issues (land degradation, factors affecting forest coverage, pollution, loss of biological diversity, water scarcity, and climate change impacts) and proposes the policies and instruments to prevent, solve or minimise them in order to improve environmental protection and the efficient use of national resources.</p>

Name of policy	Resolution No. 136/09 on Technical regulation of energy efficiency in electrical equipment
Date	22 June 2009
Summary	<p>The Resolution promotes a rational and efficient use of electricity by laying down provisions for establishment and regular inspections of energy efficiency standards for electrical appliances and equipment. It sets out the details of the procedure for obtaining required energy labels and defines penalties for importing appliances not respecting the established standards, including potential prohibition of import of such appliances. The Annexes detail the requirements for energy efficiency of refrigerators, electrical ventilators, fluorescent lamps, electrical cooking appliances, microwaves, washing machines and air-conditioning systems.</p>

Name of policy	National Group for accelerated development of renewable energy sources and energy efficiency
Date	2007
Summary	In 2007 a National Group aimed at supporting and promoting the accelerated development and penetration of renewable sources of energy and energy efficiency was created. The 14 commissions of this group, covering all types of renewable sources of energy and efficiency, are co-ordinated by the government and have mandate to research and propose ways of further developing Cuba's renewable energy potential.

Name of policy	State Programme for Energy Savings by the Ministry of Education
Date	1997
Summary	In order to involve citizens in the effort to save energy, an ambitious national energy education initiative was put into place by the Ministry of Education. Its objective is to teach students, workers, families and communities about energy-saving measures and renewable sources of energy. In schools, the energy theme is to be present in different disciplines such as physics, economics and environmental courses. PAEME has also held energy festivals, educating especially the Cuba's youth about energy efficiency and conservation.

Name of policy	National Energy Sources Development Programme
Date	20 May 1993
Summary	In 1993, a National Energy Sources Development Programme was implemented to reduce energy imports and obtain maximum benefits from domestic energy sources. The document proposed energy efficiency as the first national source of energy and mandates exploration and exploitation of the biomass-based energy generation potential of the country, increase in electricity cogeneration, adoption of efficiency measures in the fisheries and transport sectors, and support to development of hydropower, wind and solar sources especially in isolated areas.

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