

“IT INNA DI LAW!”

**PROMOTING
ENVIRONMENTAL
KNOWLEDGE AND
ADVOCACY
IN JAMAICA**

The Jamaica Environment Trust

- A non governmental organization with a mission to encourage good environmental stewardship in Jamaica
- Focus on Schools: Environmental education in < 300 schools for over 8 years
- Focus on Advocacy: Working with other groups and communities to address environmental problems
 - Jamaica Environmental Advocacy Network (JEAN) – 15 NGOs, 3 community groups, <5 individuals throughout the island and growing
 - Building experience and expertise in environmental law
 - Exploring mechanisms for better partnership with all stakeholders – government, the public and media

Why It Inna Di Law?

- To fill an information gap on environmental laws and guidance for advocacy campaigns
 - o The average person:
 - o Feels powerless to address environmental problems
 - o Doesn't know what is allowable under the law
 - o Eg: Trade in animals, plants; Burning; Disposal of garden and other waste
 - o Is unsure where or to whom environmental incidents should be reported, or how to follow up
 - o Doesn't know their role in environmental enforcement
- "It Inna di Law!" will be the first of a series of publications that will make the law increasingly accessible to a wider audience

Today's Objectives

- To introduce “It Inna Di Law!” as a practical guide for environmental stewards in Jamaica with an emphasis on protected areas management
- To build an awareness of Jamaica's environmental laws
- To help participants brainstorm practical solutions to environmental problems

About the Publication

- A non specialist guide to Jamaica's main environmental laws
- Intended for community groups, civil society organizations, protected areas managers, schools or anyone interested in environmental advocacy
- A reference tool providing important information on possible strategies to deal with environmental issues affecting communities and organizations

Overview of Guide

Divided into two Parts:

- First, an overview of Jamaica's legal system
- Second, the laws themselves, divided into 5 sub-sections based on broad environmental issues
- Each law is written in a "Fact Sheet" format with questions and answers for easy reference

Part I - A General Introduction to the Law

- What is law and why do we need it?
- How are laws created?
- Why is this information important to you?
- Who enforces the law?
- How do legal remedies help the environment?
- How can citizens help to take environmental abuses to court?
- What about costs?
- What else can you do?

Part 2 - Fact Sheets

1. **Heavy Hitters** – the most encompassing of Jamaica's laws

- Natural Resources Conservation Authority Act 1991
- Town and Country Planning Act 1958

2. **From the Hills to the Sea** – protection of watersheds, forests and water resources

- Watersheds Protection Act 1963
- Forest Act 1996
- Water Resources Act 1996
- Beach Control Act 1956

Part 2 - Fact Sheets

3. Protecting Biological Diversity –
protection of animals and plants
 - Fishing Industry Act 1976
 - Wildlife Protection Act 1945
 - Endangered Species Protection, Conservation & Regulation of Trade Act 2000

THE NATURAL RESOURCES CONSERVATION AUTHORITY ACT 1991

- **Natural Resources (Permit and Licence) Regulations 1996**
 - Regulates prescribed activities by a system of permits and licences for developments in prescribed areas
 - The whole of Jamaica is a prescribed area
 - NEPA/NRCA can require Environmental Impact Assessments
 - NEPA/NRCA can require Public Consultations
- **Natural Resources (National Parks) Regulations 1993**
 - Minister has power to create protected areas and national parks
 - NRCA/NEPA can delegate any of its functions including the management of protected areas and parks
- **Natural Resources (Marine Park) Regulations 1992**
 - Marine parks can also be declared
 - User fees
- What higher level of protection do declared areas enjoy against development that may damage or destroy them?

TOWN AND COUNTRY PLANNING ACT 1958

- Works in conjunction with the NRCA Act to regulate location, type of development throughout Jamaica
- Planning permits are given by the local parish councils and sometimes by the Town Planning Authority
- Planning permits cannot be given without the environmental permit, if one is needed
- Development Orders describe the long term development that is allowed in a geographical area and the type and location of the developments that are allowed
- Tree Preservation Orders
- Are there "no development" zones in Jamaica ?

WATERSHEDS PROTECTION ACT 1963

- Purpose is to protect watersheds and adjoining areas, but no regulations
- All of Jamaica is a watershed, divided into units or management areas
- Gives NRCA/NEPA a duty to promote conservation of water resources and wide powers to make regulations to restrict land use for conservation purposes, including the planting of crops, the destruction or felling of trees, or the clearing of vegetation
- NRCA/NEPA also has the power to enter into agreements with landowners to carry out work to improve the land or to secure the water resources (assisted improvement schemes)
- Penalties are fairly low. For example, \$2000 to set a fire in a watershed without a permit from a forest officer
- What is a watershed? What does the law say?

FOREST ACT 1996

- A new law with recent Regulations (2001)
- Sets out the functions of the Forestry Department including:
 - Protect and preserve watershed areas in forest reserves and protected areas
 - Prepare and implement new national forest management and conservation plan (every 5 years)
- Minister can declare forest reserves
 - Areas declared to conserve or develop natural forests or soil and water resources or protect endemic plants or animals in that area
- Forest Management Committees
 - What does a forest management committee do?

WILDLIFE PROTECTION ACT 1945

- Mainly regulates hunting
- Gives power to create game sanctuaries or reserves; another type of “protected area” status
- Also declares protected animals; prescribes limited or no hunting
- Wildlife Protection (Game Bird Hunting Limit) Regulations
- Open and closed seasons declared each year by the Minister for some species
- No provisions for habitat protection
- Species of plants or animals protected under this law

ENDANGERED SPECIES ACT 2000

- Is primarily aimed at **trade** in endangered species, especially in and out of the island
- Has a 3 tiered system – lists protected species in 3 appendices and gives them different levels of protection
- Exporting and importing countries exchange certificates to help regulate the trade, so that it is not detrimental to the survival of the species
- Very high fines, up to J\$2 million for trading without permits
- How this Act came to be passed

Other Features

- Key government contacts
- Key non government contacts
- How to read the law
- International Environmental Laws
- Other important laws - The Access to Information Act 2002

Distribution

- Non government organisations
- Community based organisations
- Educational Institutions
- At least one public library per parish
- Selected government agencies
- **Accessible to public on JET website-
www.jamentrust.org**

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