

APPENDIX II

FOREST POLICY 2001

(UPDATED FOREST LAND USE POLICY, 1996)

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Jamaica's forest resources are indispensable for our social, economic and environmental development. The value of forests to Jamaica is related to their crucial role in protecting and conserving water, soil and biological diversity. Owing to the mountainous and rugged nature of the Island, a large proportion of the forest estate has a primarily protective function, conserving water supplies and reducing erosion and flooding.

About 30 percent of Jamaica, approximately 336,000 hectares, is classified as forest. The majority of forest land has been disturbed and degraded, and only about 8 percent of the island remains as natural forest showing little evidence of human disturbance. Forests are threatened by industrial, agricultural and urban development. Approximately 110,000 hectares of land are designated as forest reserves, but over one-third of forests in reserves or other protected areas have been significantly disturbed by human encroachment. Such disturbance has adversely affected timber and water production, and caused accelerated soil erosion, flooding and siltation, and other environmental degradation such as loss of biodiversity, wildlife habitat and aesthetic values.

The Government of Jamaica recognises the importance of involving local communities, the private sector, landowners and non-governmental organisations in the planning, implementation and monitoring of activities to support forest conservation and development in the national interest. Since assent was given by Parliament to the Forest Land Use Policy in 1996, the Government has revised forest legislation, strengthened the Forestry Department, and, with extensive public input, developed a National Forest Management and Conservation Plan.

The following updated Forest Policy sets out in the first section, the primary goals and priorities pertaining to the conservation and protection of forests and the sustainable management of forested lands and watersheds. The second section deals with strategies and tools for implementation of these goals, including community participation, the promotion and regulation of forest industries, forest research, public education and forestry training, incentives, funding, and monitoring. The third section outlines the mandates and roles of the Government agencies involved in forest land management (including changes effective April 1, 2001). Updates relative to the 1996 Policy Statement reflect legislative, institutional and other developments that have occurred since 1996, and public input received during the development of the National Forest Management and Conservation Plan.

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1.0 GOALS AND PRIORITIES

1.1 *Conservation and Protection of Forests*

- Forest lands, especially the last remaining areas of natural forests, will be conserved to protect and enhance the native and endemic flora and fauna of the Island. No harvesting will be permitted of primary closed natural forest in forest reserves, national parks, or protected areas.¹
- Mangrove forests must be conserved in order to protect coastal diversity and near shore marine environments from sedimentation, land-based pollution and irregular fresh water input.
- Forest management will support the development of the National Park and Protected Areas System that will assist in the conservation of all natural resources.
- Forests must be protected from all threats including damage from fires, illegal cutting and theft of trees, illegal hunting of birds and animals, soil erosion and other processes which damage soil, water, plants, birds, animals and landscape features.
- No net loss of forest cover will be permitted on lands owned by the Government of Jamaica. Where forest stands are wholly or partially cut or otherwise damaged, they should be promptly reforested with the same, or other suitable species. Where destruction of forest cover is unavoidable, the loss will be compensated by reforesting an equivalent area elsewhere.

1.2 *Management of Forested Watersheds*

- Forested watersheds must be conserved and managed so as to:
 - minimise the effects of flooding on communities, farms, roads and bridges;
 - minimise soil erosion, siltation of rivers and sedimentation of near shore marine environments to protect coral reefs and sea grass beds; and
 - ensure an adequate supply and quality of water for domestic consumption and other purposes.
- Soils and environmentally sensitive areas will be protected. Uses of forest land, including the removal of tree cover, will be limited according to slope, soil depth, and proximity to watercourses. Protective buffers of forest cover will be maintained adjacent to waterways, streams, rivers and wetlands.

¹ Any exception to this prohibition must be referred to Cabinet for approval, and will be made only where the prohibition is clearly demonstrated to compromise the national interest.

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- Degraded watersheds will be rehabilitated and tree cover restored.

1.3 Management of Forest Lands

- Jamaica must receive the maximum sustainable economic and social benefit from the management of forest lands. A sustainable flow of forest products and services will be provided so as to create jobs and revenue.
- The private and non-governmental sectors will be encouraged to develop forests, plantations and other forestry activities on suitable private and Crown lands to restore tree cover and provide tree crops for wood-based industries.
- Industrial forestry development will be encouraged or permitted only where economically viable and environmentally safe. Commercial plantation establishment therefore will be restricted to accessible sites, avoiding steep slopes and shallow soils.
- Where trees enhance farming systems, farmers and landowners will be encouraged to grow tree crops and adopt agroforestry practices.
- Sustainable wood-based energy programmes will be fostered, facilitated and encouraged.

2. STRATEGIES AND TOOLS FOR IMPLEMENTATION**2.1 Community Participation**

Sustainable use, management and protection of the Nation's forest resources require the participation and co-operation of local communities, particularly those living on the fringes of the forest. Community-based organisations, schools, churches and local parish councils will be encouraged to promote and support forest development, protection and conservation.

The Forest Act provides for the formation of Local Forest Management Committees for forest reserves, forest management areas and protected areas. These committees will be the institutional bodies for enabling the direct participation of communities in forest management. The functions of the committees will include monitoring forest conditions, providing input to Local Forest Management Plans and land use regulation, identifying incentives for conservation practices, and the design and implementation of conservation projects. The Forestry Department will provide such assistance as may be necessary to support the committees in undertaking their functions.

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In order to build popular support for the wise use of forest land, public awareness must be raised as to the importance of the forest to Jamaica's economy, environment and society. A National Forestry Awareness Programme is crucial to raising awareness and understanding. The Programme will communicate key messages and information to specific target groups: those people who have the greatest actual or potential impact on forest reserves and deforestation, people currently or potentially contributing to forest conservation, special interest groups, and environmental and law enforcement agencies.

Collaboration with other environmental education programmes is essential. The Forestry Department, the National Environmental Education Committee and the Ministry of Education, in response to emphatic and widespread recommendations from the public, will work together to build a strong environmental awareness component into teacher training programmes and the national school curriculum.

2.3 Forest Research

A forest research programme will be promoted, established and maintained with a view to:

- enhancing forest management and development;
- identifying and obtaining silvicultural data to be used in improving financial yields of species important to the national economy; and
- ensuring reforestation of suitable lands;

Forest research priorities will be aligned, and adjusted from time to time, to address those problems impeding implementation of the National Forest Management and Conservation Plan. Current priorities are:

- valuation of forest resources, including non-wood products and services;
- establishment of a germplasm bank for tree species with application to conservation, commercial forestry and agroforestry;
- development of participatory methods in watershed management and agroforestry;
- restoration of mined and otherwise degraded lands;
- mangrove protection and restoration;
- growth, economic and market studies of fuelwood, charcoal and timber production; and

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- bamboo utilisation.

The approach will be collaborative, involving partnerships with other government, industrial and university research institutions.

2.4 *Co-operative Management Agreements*

Forest protection and conservation in Jamaica will be most effectively achieved through co-operative management agreements between responsible partners. For public lands, agreements normally will be made between the Conservator of Forests, the National Environmental Planning Agency and/or delegated non-governmental agencies. For private lands, an agreement may be entered into between the Conservator of Forests and any owner designating their land as a forest management area, as provided for in the Forest Act.

Such agreements will specify:

- the identity and interests of each party;
- the specific purpose and area of agreement;
- responsibilities of the parties;
- designation of permitted land uses;
- provisions for enforcement of land use controls;
- incentives and payments (if applicable);
- management and administrative arrangements; and
- mechanisms for termination and dispute resolution.

2.5 *Regulation of Forest Industries and Forest Land Use*

In order to minimise negative impacts on the environment, the following activities will be strictly regulated on forest reserves or any other land managed by the Forestry Department pursuant to the Forest Act:

- road construction and use;
- fires and charcoal kilns (restrictions also apply to any land within 1 kilometre of a forest reserve);
- agricultural use, including cattle and other livestock;

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- removal, transport and sale of forest produce;
- use of power saws;
- sawmilling;
- hunting;
- recreational use; and
- leasing of land.

Sawmilling activities, and the trade, storage and purchase of locally produced lumber, will not be permitted anywhere in Jamaica without a valid licence or permit.

The operation of equipment and the cutting or removal of forest produce will normally be prohibited in buffer zones adjacent to waterways, streams, rivers or wetlands.

The judiciary, the Jamaica Constabulary Force, other environmental enforcement and extension agencies, and the Local Forest Management Committees, as well as all Forestry Department personnel, must be kept well aware of the enforcement provisions of the Forest Act and pertaining regulations and policies. Co-ordination among enforcement agencies is essential.

2.6 Promotion of Investment in Forestry

Incentives will be provided to encourage investment in forestry development and conservation. These include:

- remission of property tax on private lands designated as protected areas or forest management areas declared as forest reserve;
- income tax exemption, duty concession on motor vehicle purchase, and waiver of the General Consumption Tax on capital goods, activities and supplies for qualifying commercial forestry operations prescribed under a forest management agreement and approved forest management plan; and
- long-term conditional leasing, at competitive rates of public land for reforestation, agroforestry and other purposes prescribed in the Forest Act and an approved Local Forest Management Plan, which permits investiture of full ownership of planted trees to the lessee.

In addition, the following incentives will be provided, subject to the availability of funding (see below):

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- subsidised production of tree seedlings;
- grants for plantation establishment on suitable lands;
- direct acquisition or leasing of lands for maintenance as protection forest;
- annual grants to landowners for maintaining protection forests;
- grants for community forestry and forest-based recreational or eco-tourism ventures;
- maintenance of boundaries, trails and fire breaks; and
- surveying of suitable Crown lands for leasing to forestry or agroforestry uses.

All incentives will be subject to activities being prescribed in an approved Local Forest Management Plan and performance verification by the Forestry Department.

New funding mechanisms are needed to supplement the resources provided by Government. The Jamaica Forest Management and Conservation Fund (“Fund” or “Forest Fund”) will provide long-term funding for reforestation and forest conservation. The Fund will be used exclusively for implementation of activities and projects specified in a National Forest Management and Conservation Plan approved by the Government of Jamaica under the Forest Act. Contributions to the Fund will be sought from:

- bilateral and multilateral donors;
- debt reduction agreements;
- private sector sponsorship;
- Government grants; and
- income from forest products, fees and services.

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Education and training of personnel are essential in order to provide effective leadership and service at all levels in the Forestry Department, other government agencies and the private sector. The following strategies will be used to develop this capacity.

- Motivation, morale and performance of Forestry Department staff will be improved by recognition of excellence, improved working conditions, well-defined performance standards for customer service, and protocols for handling unsatisfactory behaviour and performance.
- Training needs assessments will be conducted periodically in the Forestry Department, and also undertaken for non-governmental and community-based partners.
- Based on the assessments, annual training plans will be prepared and implemented.
- A gender equity strategy will focus on expanding the role of women by increasing gender sensitivity and promoting the recruitment of women into professional and technical positions.

2.8 Planning and Monitoring

The Forest Act requires the Conservator of Forests to prepare and periodically revise a National Forest Management and Conservation Plan (“Forest Plan”) containing:

- a statement of the forest resource management and conservation policy;
- an inventory and description of forest lands;
- provision for the protection, conservation and production of forest resources;
- proposals for the protection of watersheds, soil, water, wildlife and other forest resources;
- an outline of the economic objectives for the sustainable development of wood-based industries in Jamaica;
- programmes for social forestry, community development and forest-related education; and
- proposals for implementation.

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In preparing or revising the Forest Plan, the Conservator will consult with relevant government and non-governmental organisations, make the draft Forest Plan available for public comment and take into consideration any comments received from the general public.

The Forest Act also requires the preparation of Local Forest Management Plans for each forest reserve and forest management area. These will be developed on a prioritised schedule specified in the Forest Plan.

The Forest Plan will be reviewed and amended as necessary at intervals not exceeding five years. Performance will be monitored against the specific objectives stated in the Forest Plan, using measurable and verifiable indicators. This task will be conducted and reported to the Minister and the public by an independent Forestry Planning and Development Committee, with technical monitoring and evaluation support from the Forestry Department.

3. GOVERNMENT OF JAMAICA IMPLEMENTATION MANDATE

The mandates and roles of the main Government authorities and agencies with responsibilities for forest land management are outlined below.

3.1 Forestry Department

The Forestry Department of the Ministry of Agriculture has the overall responsibility to directly manage Government-owned forest lands and to advise and assist private landowners on the management of private forest lands. It is mandated to conserve and enhance forests, water, soil and other forest-related natural resources on a sustainable basis by:

- sustainable management of forests in Crown lands or in forest reserves and the effective conservation of those forests;
- directing and controlling the exploitation, in a rational manner, of forest resources by the introduction of adequate systems for renewal of those resources;
- preparing and implementing a National Forest Management and Conservation Plan;
- promoting the development of forests on private lands
- promoting, establishing and maintaining a forest research programme;

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- establishing and promoting public education programmes to improve understanding of the contribution of forests to national well-being and national development;
- establishing and maintaining recreational facilities in such forest conservation areas and forest management areas as may be designated for that purpose;
- promoting agroforestry and social forestry programmes for the benefit of farmers, schools and any other interested persons, or groups of persons;
- determining, with the approval of the Minister, fees for licences or permits granted under the Forest Act or any services rendered by the Department;
- preparation of forest inventories and the demarcation and maintenance of forest boundaries;
- control and supervision of the cutting, harvesting, milling and sale of timber and other forest produce;
- granting of licences and permits under the Forest Act;
- compiling information and statistics concerning the use of timber and other forest produce;
- protection and preservation of watersheds in forest reserves, protected areas and forest management areas;
- developing programmes for proper soil conservation; and
- taking steps to enforce compliance with the provisions of the Forest Act (for this purpose the Conservator and other forest officers have the powers of a Constable under the Constabulary Force Act).

3.2 *National Environmental Planning Agency*

The National Environmental Planning Agency will have overall responsibility for ensuring the conservation, protection and proper use of Jamaica's natural resources and securing a proper balance between competing demands for land. Elements of its mandate most relevant to the forest land use mandate include:

- promotion of public awareness of the ecological systems of Jamaica and their importance to the social and economic life of the country;
- management of national parks, marine parks, protected areas and public recreational facilities;

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- zoning of parks and protected areas for specified purposes and for the licensing of persons carrying on any trade or business therein;
- formulation of standards and codes of practice to be observed for the improvement and maintenance of the quality of the environment generally;
- authority to delegate functions such as the management of national parks;
- controlling the development of the land, including co-ordination of roads and public services, protecting and extending amenities, and conserving and developing resources; and
- the power to regulate land use for agricultural (including forestry) purposes, including declaration of land as idle (owners or occupants of idle land are liable to penalty, dispossession or forfeiture).

3.3 *Water Resources Authority*

The mandate of the Water Resources Authority is to regulate, allocate, conserve and otherwise manage the water resources of Jamaica. Its functions include:

- obtaining, compiling, storing and disseminating data concerning the water resources of Jamaica;
- water resources master planning and water quality control planning;
- allocation of water resources;
- control of the quality of water resources; and
- provision to any department or agency of Government, at its request, technical assistance in respect of any projects, programmes or activities which relate to the development, conservation and use of water resources.

3.4 *Rural Agricultural Development Authority*

The mandate of the Rural Agricultural Development Authority is to:

- provide an efficient agricultural extension service and participate in the formulation and implementation of appropriate rural development projects with a view to stimulating and facilitating the development of agriculture in Jamaica;
- encourage and secure the proper economic and efficient utilisation of all land in rural areas; and

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- encourage and assist, or participate in, expedient improvement work by private enterprise in rural areas.

3.5 Rural Physical Planning Unit

The Rural Physical Planning Unit of the Ministry of Agriculture is responsible for making agricultural and rural development plans at the national, regional and farm levels in accordance with the Government's policy on land use development. It identifies and recommends the best uses of land, including providing advice on required watershed and environmental protection measures. It will collaborate with the Forestry Department in:

- identifying parcels or areas of land suitable for forestry use, and
- recommending against residential, commercial or industrial uses where these threaten the national interest because of damage to environmental, forest, or watershed values.

3.6 Commissioner of Lands

Under the Crown Property Vesting Act, the ownership of Crown lands, including Forest reserves, is vested in the Commissioner of Lands. The Commissioner will lease forest lands only on the recommendation, or with the agreement, of the National Environmental Planning Agency and the Conservator of Forests.

3.7 Mines and Quarries Division

The Mines and Quarries Division of the Ministry of Mining and Energy is responsible for administering the Mining Act and Regulations. The Mining Act requires that the directions of the Conservator of Forests must be obtained before any trees are cut or removed on lands leased for mining. The Mining Regulations require restoration of mined land to pre-disturbance productivity and use, and make specific provisions for afforestation.

3.8 National Water Commission

The National Water Commission provides, improves, maintains and operates water supply services throughout the country. For these purposes it may, among other things:

- purchase and sell water; and
- acquire and manage land and property.

The Commission and the Forestry Department will collaborate in the protection and restoration of tree cover on lands acquired and managed by the Commission.