

CLIMATE CHANGE LEGISLATION IN

Dominican Republic

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A Review of Climate Change Legislation in 99 Countries



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Dominican Republic

Legislative Process

The Dominican Republic is an electoral democracy with universal and compulsory suffrage, in which the legal system is based on French Civil Codes. The President is both the Head of State and the Head of the Government. The President and Vice-President are elected on the same ticket by popular vote for four year terms. The first Constitution was written in 1844 following the nation's independence from Haiti. Subsequently, there have been 38 constitutions, the most recent of which was passed in 2010.

The National Congress is bicameral, with a 32-seat Senate and a 183-seat Chamber of Deputies, the members of which are elected by popular vote for 4-year terms without term-limits. The next elections for President, Vice-President and the National Congress will be held in May 2016, breaking with the Constitution to require the incumbent legislators to serve a 6-year term to synchronise Presidential and Congressional elections.

There are two legislative sessions per-year that each last 90 days, the first of which begins on August 16 and the second on February 27. Members of both houses of Congress and the President of the Republic have the authority to introduce legislation, while the Supreme Court of Justice may introduce legislation on judicial matters and the Central Electoral Board may introduce legislation on electoral matters. Constitutional reforms passed in 2010 authorise the introduction of a popular legislative initiative if supported by at least 2% of citizens registered to vote. For organic laws to be approved by Congress, it requires two-thirds vote of those present in both chambers. Legislation approved by Congress is sent to the President for promulgation, following which it is published in the Official Gazette.

Approach to Climate Change

The Dominican Republic shares the Caribbean island of “La Hispaniola” with Haiti, occupying the eastern two thirds of the island. The country's vulnerability to climate change derives principally from rising sea levels and increased frequency and intensity of tropical storms. The seriousness with which the country views climate change is reflected in Article 194 of the Constitution, which specifically references the need for adaptation to climate change. The country ratified the UNFCCC in 1998, the Kyoto Protocol in 2002 and has submitted first and second national communications to the UNFCCC.

One of the key documents with respect to climate change is “A Journey to Sustainable Growth”, the 2011 draft of the Climate Compatible Development Plan of the Dominican Republic (CCDP). Sustainable economic development is a core component of the CCDP, which explains that the republic intends to double GDP by 2030; and increase GDP per capita by 140% from USD5,200 to USD12,500. However, it seeks to achieve these gains in GDP whilst simultaneously reducing GHG emissions. The CCDP is currently in its second phase of implementation focused on developing Nationally Appropriate Mitigation Actions (NAMAs) with Measurement, Reporting, and Verification (MRV) systems covering both the cement and waste sectors. There are four NAMAs registered under the UNFCCC.

Nonetheless, the only binding emission reduction is made under the National Development Strategy 2012, which commits the country to reduce GHG emissions by 25% by 2030 against a 2010 baseline. Consistent with the target set in this law, the delegation chief to the UN Summit on Climate Change committed in 2012 to reducing emissions by 3.6 tons per capita per year, to 2.8 tons by 2030.

In 2012, the Dominican Republic launched its National Strategy to Strengthen Human Resources and Skills to Advance Green Low Emissions and Climate Resilient Development. This aims to integrate climate change learning in key sectors to promote human and institutional capacity to cope with climate change.

The Ministry of Environment and Natural Resources is the lead government body responsible for environmental issues, and co-operates with regional and international actors to fund and implement environmental projects. Within the Ministry, the Department of Forest Management is responsible for enforcing forest protection laws and implementing regulations governing forest management. The central body responsible for formulating, implementing and enforcing climate change policies and projects is the National Council for Climate Change and Clean Development Mechanism (NCCCCDM) under the Presidency. The NCCCCDM is charged with co-ordinating the climate change approach across Ministries. The Presidency is currently drafting a Project Law on Climate Change to include the Doha Amendment of the Kyoto Protocol to be approved by the National Congress.

Carbon Pricing

A carbon tax for the transportation sector was introduced in 2012. When new motor vehicles are registered, they are taxed according to their CO₂ emissions over 120g CO₂/km. There is also a tax on the use of fossil fuels including in electricity production, which is used to develop renewable energy-projects.

Energy supply

The electricity supply is predominantly dependent on fossil fuel generation, accounting for 90.6% of the installed electricity generating capacity. Hydropower accounts for 9.2% of the installed capacity, while other renewables only account for about 0.2%.

Unstable electrical supply has been a major challenge for both domestic and business users. Distribution losses were estimated by the World Bank to be as high as 30% in 2011, primarily due to theft across the network. In addition there were problems with collection of electricity rates, despite attempts to regulate prices through subsidies. Reform of the sector has proved difficult: privatisation was attempted in 1998, with the sale of three regional electricity distribution systems, with half the shares going to foreign investors. However in late 2003, the administration decided to repurchase all foreign-owned shares in two of these systems.

The landscape has changed in the past decade, with the significant potential for the development of renewable energy starting to be exploited. The Inter-American Development Bank provided USD78.3m in loans to support the construction of two wind farms at Los Cocos (25MW) and Quilvio Cabrera (8MW). Additional wind farms started operation in 2013 at Matafongo (30MW) and El Guanillo (50MW). In 2011 a 30MW solar farm was established at Monte Plata. On a smaller scale, photovoltaic cells are now being deployed residentially and across the telecommunications network. As of 2010 there were 30 PV systems in telecommunications stations.

The country is developing biodiesel from vegetable oil, and as of 2012 there were 11 pilot projects growing crops to produce biodiesel. There are also two bioethanol projects using sugar cane and sweet sorghum as feedstocks. The contribution of hydropower is also growing, and as of 2011 there were 25 generators connected to the national grid with a total capacity of 523MW. The national energy commission considers that there is potential for small, mini and micro hydro to be developed, with tax exemptions and other incentives available.

Energy demand

In the early part of 2008, the Light Bulb Substitution Programme was launched. It sought to replace 10 million incandescent light bulbs with energy-saving compact fluorescents (CFLs) in 840,000 Dominican homes. Three million 18-watt CFLs (equivalent to 75-watt incandescent bulbs) were given out in the barrios that received subsidised power under the Reduced Blackout Programme. A further 7m 14W bulbs were distributed elsewhere. Between 2008 and 2009, approximately 12m bulb substitutions were made. Incandescent bulbs in traffic lights and public lamps have been replaced with LED systems. In addition to this action on use of technology, energy efficiency is being vigorously and widely promoted. This is being done through energy audits and the creation of energy managers in government institutions.

REDD+ and LULUCF

The remaining forests of “La Hispaniola” are very biologically diverse, supporting a range of different habitats, and constituting globally significant biodiversity. Conservation International calls the island a 'Caribbean Island Biodiversity Hotspot'. These forests once covered 70% of the island, but the government and the UN Food and Agriculture Organisation estimate that forest cover is now between 32% and 40%, although much of what remains is degraded. This is because during the 1980s large areas were logged and degraded for charcoal extraction, and then converted for agriculture and cattle ranching. However this pattern could change under the Climate Compatible Development Plan. This has identified significant abatement options in the forestry sector, which could become a net sink if deforestation and fires can be reduced and forest cover can be increased through afforestation and reforestation.

The Dominican Republic has established a Forestry Working group to lead on improving the sustainability of the forestry sector. The group is composed of representatives from multiple institutions including the Ministry of the Environment and Natural Resources; the Vice-Minister of Forest Resources; the Directorate of Environmental and Natural Resources (DIARENA); the Centre for Agricultural and Forestry Development (CEDAF), and the Dominican Institute Agriculture and Forestry Research (IDIAF). These objectives are being supported internationally by the German Development Agency GIZ and the Coalition of Rainforest Nations (CrFN): a grouping of tropical forest countries which formed prior to UNFCCC COP 13 in Bali.

In addition, the government is developing a REDD+ Plan as a part of the Regional REDD+ Programme of Central America and the Dominican Republic. This initiative supports dialogue between country partners, and also seeks to address potential problems of 'leakage', which is when deforestation is reduced in one country, but then simply increases elsewhere.

Aside from REDD+, climate change and biodiversity management, improved forest management is also a crucial part of the environmental management for the maintenance of ecosystem services such as the maintenance of water supply and the watershed protection. The Frontera Verde, or Green Border, lies between Dominican Republic and its island neighbour, the impoverished and highly environmentally degraded Haiti. Here, the government is seeking to restore ecosystem services across the border area in the most significant reforestation programme in the country to-date. The activities are supported by several sources of funding including the German Development Agency GIZ; the UNDP; the UNEP; and the governments of Norway and Taiwan.

Adaptation

In 2008, the Ministry of Environment elaborated a multi-sectoral National Adaptation Plan of Action that proposes 136 individual measures and identifies the following vulnerable sectors: tourism, agriculture, food security, forests, coastal and marine resources, infrastructure, human settlements, human health, energy, agriculture, and freshwater. Of these sectors, the water, agriculture, and coastal zone are prioritised.

Adaptation efforts are focused, primarily, on capacity building, research, and knowledge dissemination. One multi-sectoral capacity building programme, funded by the UNEP, aims to identify and mainstream solutions in the national development processes to the linkages between poverty and vulnerabilities to droughts, floods, deforestation, and extreme weather events.

Since 2009, a number of adaptation initiatives have been instituted including: a National Survey to gauge national climate change awareness; a Technology Transfer Needs Assessment to prioritise technological means of mitigation and adaptation; a report on Climate Change Scenarios; and an assessment of climate trends in the Haina River Basin and the coastal area of Bavaro and Punta Cana. In 2014, the implementation of the National Strategy for Adaptation to Climate Change in the Agricultural Sector (2014-2020) began to increase agricultural resilience to climate change impacts.

Dominican Republic: Legislative Portfolio

Name of law	Law 1-12: National Development Strategy
Date	1 January 2012
Summary	The National Development Strategy was signed into law in January 2012. It contains a central theme that mandates national adaptation to climate change. The Law establishes a binding commitment to achieve a reduction in GHG emissions of 25% by 2030, compared to 2010 levels, and mandates a review of targets to reduce emissions every five years until 2030. Additionally, mandates that GDP increase by 140% over the period 2010-2030.

Name of law	Law 57-07 on Renewable Energy (supported by the 2008 Renewable Energy Regulation No. 202-08)
Date	7 May 2007
Summary	The law was developed in recognition of the potential that renewable energy and fuels offer to boost development. It constitutes the main regulatory framework for a range of renewable energy production, from producing ethanol to the exploitation of tidal energy. The objectives of the Law include: <ul style="list-style-type: none"> • To diversify energy supply • To reduce dependency on fossil fuel imports • To promote private investment • To mitigate the environmental impacts of fossil fuels • To contribute to decentralisation of power and biofuel production; and increase competition between providers <p>The Law sets out tax exemptions and incentives for investors in renewable energy production projects. This constitutes a 100% customs tax exemption and a 10 year income tax exemption. For self-producers (e.g. domestic) a credit of up to 75% on capital costs is provided against income tax. There are also provisions for community projects.</p> <p>This includes, but is not limited to, small hydro-electric installations with capacity of not more than 5MW; wind parks with capacity of not more than 50MW; and electric and solar installations of any type and power levels.</p> <p>There are special rules for production of bioethanol, biodiesel and any other synthetic renewable fuel. Specifically, the Law provides for a 10-year exemption on income tax, duties, contributions and any other taxed from the beginning of operations for companies.</p>

Name of law	Law 125-01: General electricity law
Date	26 July 2001
Summary	This Law establishes a tax on electricity production from fossil fuels. The tax “is specifically allocated to be spent on programmes and projects for the development of renewable sources of energy at a national level, and for national energy efficiency programmes.

Name of law	Law 112-00: Law on hydrocarbons [Legislative]
Date	29 November 2000
Summary	A fund has been established from tax on fossil fuel and petroleum derivatives, beginning in 2005. The tax is specifically allocated to be spent on programmes and projects for the development of renewable sources of energy at a national level, and for national energy efficiency programmes.

Dominican Republic: Executive Portfolio

Name of law	National Strategy to Strengthen Human Resources and Skills to Advance Green, Low Emissions, and Climate Resilient Development
Date	7 August 2012
Summary	<p>Developed by the National Council for Climate Change and the Clean Development Mechanism (NCCCCDM), this strategy was the product of the NCCCCDM's partnership with a UN:CC Learn Project on Strengthening Human Resources and Skills to Address Climate Change in 2011-2013.</p> <p>The Strategy seeks to integrate climate change education into key sectors while strengthening national climate change education and training capacities. Sectors specifically targeted by this strategy include: agriculture, energy, forestry, tourism, and the water sector. Additionally, the strategy calls for educating teachers regarding climate change and developing and distributing teaching materials on climate change.</p> <p>Sets a target of 2030 for an education system and institutional capacity to cope with climate change adaptation and mitigation challenges.</p>

Name of law	Decree 601-08 Establishing the National Council on Climate Change and Clean Development Mechanism
Date	2008
Summary	<p>Chaired by the President of the Republic, the National Council on Climate Change and Clean Development Mechanism (NCCCCDM) is charged with formulating policies to prevent and mitigate GHG emissions and promote the development of programs, projects, and strategies for climate action. Ultimately, the Council is charged with ensuring compliance with climate change commitments made before the United Nations.</p> <p>The Functions of the NCCCCDM, include, among others:</p> <ul style="list-style-type: none"> • Supervising and evaluating the activities executed under the National Offices for Climate Change (ONCC) and for Clean Development Mechanism (ONMDL) and the financing established through the National Carbon Account • Formulating the design and execution of public policies for mitigation and adaptation to Climate Change • Developing and approving of the Project's investment strategies under the CDM • Developing scientific and technical capacities for the formulation of CDM projects in the government and the private sector • Promoting the development of mitigation projects of climate change that may generate Certified Emission Reductions, under the requirements of international agreements • Establishing the inter-institutional coordination needed to assure the implementation of projects that will stabilise the emissions of GHGs <p>The decree also establishes the National Office for Clean Development Mechanism (ONMDL) that is the Designated National Authority for the CDM. Its functions include:</p> <ul style="list-style-type: none"> • Promoting and facilitating the implementation of renewable energy projects, energy efficiency, methane capture, the use of less carbon intensive fuels • Facilitating the removal of barriers for the implementation of mitigation projects • Advising the public and private sectors in the preparation of CDM projects • Identifying and promoting initiatives in terms of Emission Reduction Purchase Agreements in the international market • Promoting the creation and strengthening of local technical capacities for the preparation and development of GHG mitigation projects, following the environmental protection policy of the Dominican State

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