



Legal, Political, and Social Reflections on the Dominican Environmental Framework

Sergio Morales Muñoz

*Legal, Political, and Social Reflections on the
Dominican Environmental Framework*

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This publication is the result of the author's participation in the
GFDD/Funglode Fellows Program during the period of
October–December 2016.

RESEARCH AND IDEAS SERIES
Sustainable Development



an initiative of
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This is a publication of GFDD/Funglode
Global Foundation for Democracy and Development
www.globalfoundationdd.org
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***Legal, Political, and Social Reflections on
the Dominican Environmental Framework***

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ISBN: 978-9945-590-87-6

Editor in Chief

Natasha Despotovic

Graph Design and Cover

Beatriz Rodil

Managing Editors

Semiramis de Miranda
Yamile Eusebio Paulino

Collaboration

Omar Ramírez
Omar Shamir Reynoso
Yomayra Martínó

Translator

Samantha Eyler

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Foreword

The Global Foundation for Democracy and Development (GFDD) and the Fundación Global Democracia y Desarrollo (Funglode) promote understanding and study on pressing sustainable development issues for the Dominican Republic and the Western Hemisphere. GFDD and Funglode carry out an agenda that includes meetings, educational programs, research, studies, and publications with the aim of contributing to creating new perspectives, enriching debates and public policy proposals, fostering the search for innovative solutions, and proposing transformative initiatives at the national and international level. GFDD and Funglode are honored to present the Research and Ideas Series of publications, which make publicly available the results of intellectually substantive research projects, academic articles, and lectures covering crucial issues of the contemporary world from local, regional, and global perspectives. On this occasion the Series presents the work of Sergio Morales Muñoz, titled “Legal, Political, and Social Reflections on the Dominican Environmental Framework,” which analyzes the opportunities and challenges of a selection of firms in the renewable energy and sustainable agriculture industry, and proposes alternatives for the future of this sector, with a focus on sustainable development. Though the results and viewpoints presented in this study are the sole responsibility of the author, GFDD is honored to host researchers like Mr. Morales Muñoz, who enriches our knowledge and in doing so helps us better understand the world and take action more smoothly and efficiently, and with more information.

Natasha Despotovic
Executive Director
GFDD

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Acknowledgements

I would like to thank GFDD, Funglode, and IGlobal for their institutional, academic, and personal support during the research project undertaken in the Dominican Republic during the months of October to December 2016. I likewise thank the University of Barcelona, the Department of Administrative Law at the University of Barcelona, and especially the professors Dr. José Esteve Pardo and Dr. Mariola Rodríguez Font for their support and guidance in the process of completing the Doctoral Thesis from which this research originated. I would also like to thank Dr. Yomayra Martinó and Professor Omar Shamir Reynoso, as without their support none of the work carried out in the Dominican Republic would have been possible. Likewise, I thank those interviewed for their time and dedication: Zacarías Navarro, Yolanda León, Yocasta Valenzuela, Sixto Inchaustegi, Roberto Suriel, Rafael Almonte, the Honorable Omar Ramírez, Dr. Olivo Andrés Rodríguez, Olga Luciano, Nelly Cuello, Moisés Álvarez, Minou Tavares, the Honorable Francisco Domínguez Brito, Marisol Castillo, César Vargas, Carlos Lizardo, Carlos Arenas, Camila Minerva, Ana Carolina Beras, María Eugenia Morales, Liliana Betancour, Laura Jerez, Juan Mejía, Josefina Gómez, Indhira de Jesús, Gustavo Mena, the Honorable Francisco Antonio Matos, Euren Cuevas, the Honorable Ernesto Reyna, Ernesto León, Enrick Dorrejo, Dr. Jorge Prats, Domingo Abreu, Diana Salcisia, and Fernando Suriel Portela.

Methodology

This study was carried out with the support of the Global Foundation for Democracy and Development (GFDD) and its sister organization in the Dominican Republic, Funglode. It took place during a doctoral research visit between the months of October and December of 2016 in the Dominican Republic and is part of the Doctoral Thesis “Environmental Impact Assessments as Environmental Risk Management Tool in Situations of Scientific Uncertainty and in the Fight against Climate Change. Comparative Study between Spain and the Dominican Republic.” The research project was completed in three months, during which thirty-four interviews were carried out with representatives of important institutions, public figures, and civil servants from the public administration, civil society, and the private sector. The interviewees include environment ministers and ex-ministers, executive councilors of a climate change organization, high-profile academics, and executives from international organizations. The method used to capture the opinion of the respondents was qualitative interviews with sampling. With the aim of the interviews managing to represent a broad enough sample of social and public opinion, it was decided to address in similar measure the three most representative segments of society, thereby allowing the extraction of significant data on overall opinion in the Dominican Republic. The interviews as a whole were structured with a nine-question script that increased after the start of the study to eleven questions to clarify the different related points of interest to the study. These questions included three abstract responses to allow for the parameterization of the answers and make it possible to create additional opinion content. This kind of interview allows the establishment of an extensive and constructive conversation on the different topics covered, permitting a comfortable atmosphere for the sharing of opinion. The interviews and the information provided were complemented with secondary sources such as key legislation, thereby adding scientific support.

Summary

These reflections involve several intertwined issues such as climate change, environmental assessments, sustainable development, the environment, and ecosystems, among others, in the Dominican Republic. At the same time, it deals with the economic, political, and social reality of the country, since—as we are human—our realities, uses, and customs (those that affect the environment) are closely related to the actions that arise from our activities. This conjunction of human activities plays an essential role in the effects to the environment. The evolution of the situation has developed over the past two millennia and we are just now observing its impact and finding the tools to manage, control, and monitor the activities that the social community carries out. Human activity in the past was significantly sustainable, not locally, though at least globally. Now, in an environment where atmospheric CO₂ levels have topped 400 ppm, we can no longer afford many further missteps. Given this context, we examine the implications of all this activity for the Dominican Republic and lay out the possibilities for decision-making with regard to this reality, promoting a rational use of accessible public tools like environmental impact assessments, and finally, deciding whether it is necessary to consider a change to the normative frameworks of these assessments.

Keywords

Environmental law; public management; public administration; climate change; sustainable development; scientific uncertainty; risk management; Integrated Environmental Authorizations (IEAs); precautionary principle; Environmental Impact Assessments (EIAs); sustainability assessments.

Abbreviations

BAT	best available technology
CIDIAT	Inter-American Center for Environmental and Land Research Development (“Centro Interamericano de Desarrollo de Investigación Ambiental y Territorial”)
DR	Dominican Republic
ECLAC	Economic Commission for Latin America and the Caribbean
EIA	environmental impact assessment
GDP	gross domestic product
HDI	Human Development Index
IDB	Inter-American Development Bank
IEA	integrated environmental authorization
INAPA	National Institute of Drinking Water and Drainage System (“Instituto Nacional de Aguas Potables y Alcantarillados”)
INDC	intended nationally determined contributions
IUNC	International Union for Conservation of Nature
LATAM	Latin America
MIRC	minimum impact record certificate
MRV	monitoring, reporting, and verification system
NDS	National Development Strategy
PPM	particles per million
SDG	Sustainable Development Goals
SEA	strategic environmental assessment
ToR	terms of reference
UN	United Nations

I. Introduction

For a few decades the world has been facing an unknown reality. Human activity during this period has accelerated global warming and with it has come global climate change without precedent. In this context, the entire planet is being affected, though undoubtedly some regions are suffering far more than others. The Caribbean is one of most affected regions among them given the elevation of temperatures in the marine areas and climatic effects. Thus, the region is suffering extreme weather phenomena. The Dominican Republic faces not only these effects but also the destruction of the flora and fauna associated with such changes to climate, which doubtlessly affects the survival not only of the ecosystem but also the country's inhabitants, including human beings. In particular the Dominican Republic, being an island country, faces situations of coastal deterioration which presents intense risk to increases in the sea level, hurricane-related flooding, and the disappearance of species. We must avoid the destruction of mangroves, which leads to coral reefs being weakened and disappearing almost entirely as well as the removal of one of the coast's natural protections. Such consequences have resulted from human activity, including the building of human settlements in unsuitable areas.

These activities, the start of disastrous situations for climate change, have their basis and commonality in the lack of normative and regulatory structures that allow for analysis and problem solving. Given this reality, it is of utmost importance that society have tools that allow it to make optimal decisions. Thus, in the social structure developed by human beings, the law and the normative environmental framework within the legal order take on enormous importance.

The main motivation for this study lies in determining whether the Dominican Republic wields the ideal tools for the public sector to make decisions to confront the effects of climate issues.

The present research has been structured into an analysis of the Dominican legal literature and in a series of semi-structured surveys. In brief: thirty-four interviews have been held, including with the

Environment and Natural Resources minister, the executive vice-president of the National Council for Climate Change and the Clean Development Mechanism, members of the private sector and civil society, who constitute the main sources of governance in the country. The findings collect important data for analysis, representing overall opinion on the Dominican environmental ecosystem and particularly on environmental impact assessments.

The number of planned qualitative interviews was set at thirty-four based on the model elaborated by Griffin and Hauser (1993), which specifies that to obtain 90 to 95 percent of information a minimum of 20 and a maximum of 30 interviews are required, provided that they are with individuals who are independent of each other.

The purpose of this project is to evaluate the legal, social, and political situation of the country concerning environmental impact evaluations and the environment. It aims to determine the need (or lack thereof) of sharing opinions and considerations with the legislature on the enactment of a new law on environmental impact assessments framed within the context of climate change¹.

This study is structured, first and foremost, to capture the social, political, and cultural reality of the Dominican Republic as influential and decisive elements in the country's identity and their influence on environmental behavior. The following expands on the outcome of the semi-structured interviews, detailing the statistical explanation of the results. The next section elaborates the viewpoints of the three main sources of governance in relation to the evolution of environmental legislation. Finally, a series of conclusions and recommendations are discussed with regard to the points at which the legislature should make strides toward updating and modernizing current environmental regulations.

1. GRIFFIN, A., and HAUSER, J.R., "The voice of the customer." *Marketing Science Review*, Vol. 12, No. 1, Massachusetts Institute of Technology, University of Chicago, 1993.
<http://www.mit.edu/~hauser/Papers/TheVoiceoftheCustomer.pdf>

II. Environmental Law in Latin America

With the aim of orienting the reader in a favorable context to understand the full content of this project, it opens with an explanation of the origins of Latin American environmental law. To deal with this subject with some level of soundness we have opted to follow the explanatory guide of the Chilean professor Raúl Brañes.²

The historical process of the formation of Latin American environmental law focuses in particular on the period between the UN Conference on the Human Environment (Stockholm, 1972) and the UN Conference on Environment and Development (Rio de Janeiro, 1992).

There was already development in Latin American environmental law and its practical application ahead of 1992, prior to the Rio de Janeiro Conference, and even prior to the 1972 Stockholm Conference. It is nonetheless the case that the legal commitments assumed by the states based on these conferences—in the Rio Declaration on Environment and Development and Agenda 21—were truly significant and are accepted as the beginning of a complex Latin American environmental law. Following these conferences the advances made in the constitutional realm in the countries of Latin America during the 1990s were of great importance and served as important milestones in legal coverage and protection with the respect to the environment. Within this constitutional framework, environmental laws were enacted with expressed constitutional backing, constituting the most structured point of the system. That said, the existence of environmental laws in Latin American countries even prior to the Stockholm Conference of 1972 is noteworthy.

A review is needed of the progress being made in the most recent environmental legislative period in the matter of what, in the language of the conference, has been called the “effectiveness” of environmental legislation, from the perspective of the application of environmental

2. BRAÑES, R. “Informe sobre el desarrollo del Derecho Ambiental Latinoamericano. Su aplicación después de diez años de la Conferencia de las Naciones Unidas sobre el Medio Ambiente y el Desarrollo.” PNUMA, 2001.

law by both administrative and legal bodies. From the above the most important advances and the most notorious setbacks have emerged, putting on the table a potential legislative agenda for the next years.

III. Latin American Neoconstitutionalism

Before the UN Conferences of 1972 and 1992, scattered environmental legislation already existed in Latin America. There are regulations such as “sector legislation of environmental relevance” integrated through legal rules that operate on environmental matters “without those effects having been sought as foreseen consequences of their regulatory prescriptions”³; or “sector legislation of environmental relevance” integrated through legal rules issued to protect certain environmental elements or the environment from specific activities, which are features of the first decades of the 20th century.⁴ Later it became “properly environmental legislation” integrated through constitutional provisions issued for environmental protection and the promotion of sustainable development, as well as framework laws on environmental matters enacted for the same purpose.

The UN Conference in Stockholm in 1972 had the extraordinary merit of putting environmental issues on the world agenda. From that period, a generalized inclusion of the environment and sustainable development began to be seen in Latin American national constitutions. The right to an adequate environment began to be established as a third-generation fundamental right and constitutions began to improve in their sustainable development components through the Brundtland Report of 1987.⁵

Nonetheless, Latin American environmental constitutionalism dates back to years prior with the Mexican Constitution of 1917, which provided for environmental conservation.

In this context, the first incorporation in a Latin American constitution of the duty of the state to protect the environment occurred in the Constitution of Panama of 1972. Likewise, the first incorporation

3. Translated from BRANES, R. “El derecho ambiental ante la enseñanza y la investigación”, in *Revista de Ciencias Sociales*. Faculty of Legal, Economic, and Social Sciences of the Catholic University of Valparaíso (Chile), 23, second semester, 1983, pp. 179-200.

4. BRANES, R. “Informe sobre el desarrollo del Derecho Ambiental Latinoamericano. Su aplicación después de diez años de la Conferencia de las Naciones Unidas sobre el Medio Ambiente y el Desarrollo”. PNUMA, 2001.

5. UN. “Report of the World Commission on Environment and Development: Our Common Future.” UN General Assembly. 1987. <http://www.un-documents.net/our-common-future.pdf>

of the duty of *society* to protect the environment occurred a few years later in the 1976 Constitution of Cuba.

Within the framework of constitutional provisions on the environment general or framework laws began to be passed, spurring on regulation and modifying the preexisting “sectoral legislation of environmental relevance.” An example is the National Code on Renewable Natural Resources and Protection of the Environment of 1974 in Colombia, which stands out as the first Latin American country to defend, in some way, its national environmental policy through legislation. In the prior framework, and under “sectoral legislation of environmental relevance,” the trend was not to regulate the environment as a whole but to focus on isolated particulars. Nonetheless, there are exceptions, such as Law No. 24 of 1913 on conservation of natural wealth in Panama, which is of a more general nature.

After the 1972 Stockholm Conference public environmental administration bodies began to be structured with the backing of a *preexisting* legal-administrative structure, the creation of a *special legal-administrative* structure, and the creation of courts to coordinate environmental management across all of Latin America.

Still, there are factors in Latin America that make its environmental legislation inefficient, and they are focused on: 1) the lack of the idea of sustainable development in the legal system in general, and especially in economic legislation; 2) the lack of appropriate instruments for the application of the legislation, in particular those of a preventive nature; 3) the lack of consideration of social and natural questions involved in environmental matters; and 4) the material as well as structural heterogeneity of the legislation. Among the factors that make the legislative ineffective are: 1) insufficient social valuation and even lack of awareness of environmental legislation by those it implicates, and 2) the deficiencies of the institutions charged with applying it administratively and judicially.⁶

6. BRAÑES, R. “Manual de derecho ambiental mexicano,” Fondo de Cultura Económica y Fundación Mexicana para la Educación Ambiental, 2ª ed., Mexico, 2000, pp. 655-675.

IV. Environmental Impact Assessment Laws in Latin America

Within the context of “properly environmental legislation” arose the enactment of legislation focused on the environmental impact assessment (EIA) procedure.

EIAs, as the best known and most widespread instrument for the application of environmental policy, began to take shape in national legislation after the Rio Declaration of 1992, which mentioned them in its Principles 2, 12, 17, and 19. This declaration influenced the development of EIAs as a set mechanism in national constitutions, and thus laws specific to EIAs were developed, with only a single express mention of EIAs prior to Rio 1992 (in the 1988 Constitution of Brazil, art. 225-I).

After Rio 1992, even superior developments evolved as in the case of the Venezuela Constitution of 1999, art. 129, which states: “All activities liable to generate harms to ecosystems must be previously accompanied by environmental and sociocultural impact studies,” implicating effects beyond those to the physical environment.

In this period laws specific to EIAs began to be enacted, such as Law No. 19,300 of 1994 in Chile⁷; Law 99 of 1993 in Colombia; Law No. 294 of 1993 in Paraguay; and Law 16,466 of 1994 in Uruguay.⁸ Likewise in Mexico with the General Law on Environmental Equilibrium and Protection in 1996 and in Cuba with the Environmental Law of 1997.

7. Transitional Article 1 of this law subordinated the validity of the provisions on this subject to the publication of the Regulation on the Environmental Impact Assessment System, which appeared in the *Diario Oficial* on April 3, 1997.

8. COUSILLAS, MARCELO J., “El régimen de evaluación del impacto ambiental en el Uruguay”, in *Revista de Política y Derecho Ambientales en América Latina y el Caribe*, PNUMA-ORPALC and FARN, Buenos Aires, vol. I, no. 3, 1994.

V. Evolution of Environmental Law in the Dominican Republic

Starting from the basis of the legislative potential anticipated for the next year involving the evolution of Latin American environmental law and environmental constitutionalism—without forgetting the first EIA, sector-specific environmental legislation in the period of 1990—we move on to analyze the history and development of Dominican environmental legislation.

Historically, the first pieces of environmental legislation in the Dominican Republic were set up with the Royal Document of Emperor Carlos V in 1539, the Amparo Laws of 1591, the Law of Land Composition of 1631, and the Law of Forest and Jungle Protection of 1884.

Since 1900 a few other laws were enacted such as Law 4916 on the Water Regime of 1909; the Dominican Forestry Law of 1919 with Executive Order 365, struck down by Law 944 on Conservation of Forests and Waters; Law 4916 of 1909 of the Water Regime; Executive Order 318 of 1919 on conservation and distribution of water; Law 124 of 1942 on the distribution of public water; Law 1052 of 1928; Law 530 of 1933 that created Las Matas National Park; Law 1410 of 1947, and Law 4389 of 1956 for the creation of the forest reserve. All these laws constitute a period of “common legislation of environmental relevance,” that came, as mentioned above, prior to the period of constitutional environmental development.

Even with all this legislation, its application and environmental defense were certainly diffuse and patchy in the Dominican Republic. This reality began to change in line with the influences of the 1972 Stockholm and 1992 Rio conferences, as when the Dominican Republic enacted its first environmental initiatives in the Constitution of 1994 the post-Rio 1992 conference period had already begun.

Nonetheless, no attention was paid to the period prior to Stockholm 1972, which puts into relevance that the Dominican Republic is not a country at the forefront of historical environmental protection. In the

Dominican Republic, management quality fell to the Technical Office of the President of the Republic, though there was also a National Environment Commission created in 1987, considered the first body for environmental management and control.

Later, it was the Constitution of 2002, in its articles 5, 7, 8, 10, 101, and 103, that established more extensive regulation on environmental protection.

With regard to EIAs, a great advance occurred with the passing of the first major Dominican environmental law General Law 64-00⁹ on Environment and Natural Resources. The law was cutting-edge environmental legislation at the time, which introduced novel mechanisms for environmental management. With this legislation, the Dominican Republic was on par with environmental regulation of other countries in the region, though about a decade late.

Prior to Law 64-00 no regulation on EIAs existed. EIAs were promoted by the Technical Secretary of the Presidency in the 1980s through a course taught at the Inter-American Center for Environmental and Land Research Development (CIDIAT, for its initials in Spanish) in the Bolivarian Republic of Venezuela, run by the University of Merida. This represented an important milestone, nothing related to EIAs that previously existed at the country level. Only lending institutions such as big banks would request EIAs in specific situations, but there was overall no established mechanism or personnel trained with respect to EIAs.

Another important milestone was the creation of the Ministry of Environment and Natural Resources, created with Law No. 64-00, enacted on August 18, 2000. The Ministry was created under the administration of Hipólito Mejía, and in that period called the “Secretary of State for Environment and Natural Resources.” Later, in 2010, through a decree made by President Leonel Fernández, all Secretaries of State became Ministries without changes to their function, laws, regulations, or statutes.

9. General Law on Environment and Natural Resources, No. 64-00 of August 18, 2000.

These three milestones clearly demarcate the evolution of public regulation in environmental law and EIAs in the Dominican Republic.

A great advance occurred in environmental matters, starting from the complete lack of consistent regulations prior to the 1980s, with a considerable improvement evolving after the year 2002 with the practical execution of Law 64-00 and the incorporation of a few specific regulations between 2002 and 2004, as well as the request for support from Puerto Rico. The latter was a very logical and understandable decision given Puerto Rico's geographic proximity, similar culture, and greater experience with EIAs, and hence is the country that much of the EIA regulation contemplated in General Law 64-00 on the Environment and Natural Resources draws from.

Though important, this historical evolution breaks down the considerable backwardness—compared with the countries of Central America and the Caribbean, but above all with the continental countries of LATAM—in the regulation of EIAs and the practical endeavor to protect the environment in the Dominican Republic. Even in the year 2017, no sector-specific legislation on EIAs existed, while regionally such legislation dates back to the years 1993 and 1994, making for a difference of more than twenty years in the development of this environmental management tool.

This chapter has confirmed that the development of Dominican environmental law has experienced and continues to experience a certain delay compared with the environmental legislation in its immediate surroundings: Latin America. This constitutional development has been observed in constitutions from the early years of the 20th century, sped up during the period from 1972 to 1992, and even included the passing of legislation specifically on EIAs in the 1990s. With that, it is seen that the Dominican constitution regulated the environment in 1994, already with a certain amount of delay, but above all what stands out is the lack of sector-specific legislation on EIAs more than twenty years after many of the surrounding countries had passed such legislation.

This historical course reveals a reality that emerges from the successive lines and from the idiosyncrasy of the Dominican Republic. We shall see if that reality should be evolved with the aim of adapting it to the current climatic context of the 21st century.

VI. Reflections on Different Contexts in the Dominican Republic in Relation to the Environment

The Legal Context

Much of the sectoral legislation and general environmental legislation in the Dominican Republic is adapted from other legal contexts.

The fact forms the basis of the country's idiosyncrasy, although the contextualization and the needs of one country should not necessarily be reproduced in another. Thus there is some very sensible legislation available, with wide applicability in one part of its articles, but that may be either inapplicable or of limited applicability in other cases, in that it does not respond to the concrete needs of the country where it is formally and materially applied.

On the other hand, we observe widespread noncompliance with the Dominican legal code not only in civil society but even by public and private institutions. This is a reality throughout the entire country and constitutes a form of national management.

We can often question the level of functioning of local bodies or even reflect on the way in which the centers of state authority concentrate power, worrying about the cession of their administration. What is clear is that all of this has its origin precisely in the open fact of regulatory noncompliance.

This regulatory noncompliance does no more than build comfort zones for those who can and wish to control the masses and amass power—that is, those who have enough power to be able to purchase control of the law. In this reality, firms with enough power and capital find in the Dominican Republic an idyllic operations center in that they can manage the state bureaucracy under the control of disarray.

In this context, and discussing environmental legislation, it has become clear as of a few years ago how the mechanisms laid out in Law 64-00 have taken shape. Likewise, the escape mechanisms under

the aforementioned idiosyncrasy have been developing. A cutting-edge law in its time, sixteen years later it now appears outdated and obsolete, but above all it is visualized as a waterfall where the water flows uncontrolled.

In this context of unapplied legislation, it becomes extremely important to redirect environmental legislation in the Dominican Republic toward its practical, concrete execution under the prevailing rule of law with a vision of the future and of sustainable development, and thereby be able to structure sectoral legislation that helps guide the environmental future of the country.

The Political Context

In the Dominican Republic, political management focuses on knowing how to organize the interests of the incumbent powers in the country. The idiosyncrasy described above allows no other form of management where the final aim is control of the power of the state.

There is an internal logic to the accumulation of power. This fact is seen, for example, in the Organic Law on Public Administration,¹⁰ where the debate in the National Congress allows the entry of incumbents and the control of the public administration and where the executive attempts to central power at the legislative, executive, and judicial level.

Nonetheless, political society itself is ever more sensitive to the need to expand the capacity to intervene in public management.

Within the public administration a generalized fear and closing in upon itself to avoid stating anything contrary to what is established by the presidency can be noted. It is clear, however, that all that can help achieve the aims laid out by the Dominican state itself should be welcomed and praised. An example could be found in the goals set out in the National Development Strategy,¹¹ or indeed the commitments framed in the Paris Agreement, ratified¹² by the executive itself.

¹⁰. Organic Law on Public Administration, No. 247-12. G. O. No. 10691 of August 14, 2012.

¹¹. Law No. 1-12 establishing the 2030 National Development Strategy. G. O. No. 10656 of January 26, 2011.

¹². Ratified March 29, 2017, by executive signature.

Given its very weak institutions and centralist government, decisions are usually made in a unitary way by political management that, however, does not always respond to the interests of the state as a whole.

Dominican society is highly politicized and is characterized by tendentially corruptible systems at all social levels—especially local power. When a political party takes on an issue as its own, this automatically becomes a political campaign; for this reason, other spaces for dialogue in that sphere should be sought.

The current public organization, derived from many years of political framing, has politicized the civil service and a career structure with objective access is needed to start changing this dynamic so that it no longer responds solely to the interests of the sitting government. In this way, the existing islands of power can begin to be eliminated.

We can detect manipulation of the legislative process stemming from the allocation of considerable time periods for the passing of bills. There are flagrant examples regarding issues of urgent national concern that have been established and demanded not just legally but even constitutionally¹³ and yet have languished, or still languish, for more than twenty years in the National Congress. When a bill is reviewed, powers with specific interests in the matter take part in highly dynamic activity on members of Congress, acting as a lobbying force and putting forward a final text that agrees with their interests or, at a minimum, leave escape routes in a specific bill,¹⁴ as mentioned above.

We see, as a consequence, much fear on the part of both institutions and the different sectors in facing legal changes, given that they can result in new legal loopholes facilitating negative actions or whose modification could require long periods of time. There is a widespread conception of the trauma involved in legal changes in the Dominican Republic.

13. Articles 15 and 194 of the Constitution of the Dominican Republic of 2015.

14. An example is the law on protected areas, excluding part of the previously established system. With specific provisions of inoperativeness such that the axes of determination in the protected areas in the national territory of Venezuela and Haiti are inserted into the law. This is due to the chaotic changes that the process was put through.

If we relate all the above to the environmental framework, it can be seen that the union of power and lack of separation of powers allow for the understanding of society as a whole, and that the defense of environmental interests is inoperative. Politically independent tribunals are needed to make decisions on the environmental framework and national interests should not be determined by the executive power. Until this reality changes, whole libraries can be written on how to improve national environmental legislation and introduce the most cutting-edge mechanisms of environmental management. The problem will always arise of the defense of the interests implicated in specific interventions.

It is, in turn, of extreme necessity to have an equally independent administrative corps that can operate its management and monitoring mechanisms for any kind of existing project without decisions having been made by superior bodies. In this situation, its decisions are no longer relevant and simply allow the power of suggestion of the incumbent powers to take their course on national environmental decisions.

It is possible to see that certain specific political impositions exist with regard to EIAs, catering to economic interests and their related political interests: those pushing for the non-application of law within the business cluster whose interests have opposed Law 64-00 since its very inception; the political parties representing those business clusters; and the channeled personal interests, as well as difficulties from the executive due to related partisan interests. Thus, this social and political context complicates the application of the management mechanisms that are so needed by the Dominican Republic in order to redirect its current reality and take on the fight against climate change with any hope of victory.

The Politico-Environmental Context

In relation to the positioning of environmental assessments, and always viewing it from the perspective of managing the risk of disaster, it is notable how in recent years the environmental question has assumed a key role. In addition, this environmental resurgence has been influenced by the renaissance of the environmental movement led by sectors of the Catholic Church and social movements.

In the Dominican Republic, the country's incumbent powers raise countless obstacles to environmental development. This power derives from the position the business sector holds in the country. In this sense, we speak of "political capture" and of the "kidnapping of democracy." The deep inequality in Latin America generally, and in the Dominican Republic in particular, is propitious for certain sectors to take power or ensure that those who represent their interests—and will legislate and promote policies in line with their interests—take power. In this way, obstacles to taking environmental action of course arise and there is a clear positioning of incumbent powers in public policy. It is also true that, in recent years, given citizen mobilization, certain privileges granted to firms in some industries in the Dominican Republic have been reduced.¹⁵

In discussing the institutions of popular representation like the National Congress or the Senate, it is clear how these powers have installed themselves without difficulties. Economic powers with interests in the environment have a clear presence in both houses of congress, demonstrating an obvious political will in favor of deregulation promoted by the private firms with direct stakes in the environmental issue.

No attempt is made here to discuss the compliance in practice with the law as such, nor of the position of the executive branch, nor of the obstacles in the Congressional and Senate environmental commissions, but rather to discuss a structural problem in the country. Despite the fact that the Dominican Republic has one of the best legal systems in Latin America, the problem is not with the legal system, but with its compliance with contradictory regulations or with regulatory non-compliance.

For this reason, the problem is not so much with the existence of laws or commissions in the National Congress but rather the compliance with the legislative and executive decisions made by the National Congress, regardless of their dimension.

15. This can be seen in the case of the mining Company Barrick Gold and how, thanks to social pressure, restructuring has occurred at the contractual level by the state on the exploitation of mineral soil.

Given the hegemony of economic power, there is a double concession, whether at the legal level in the legislative process, or afterward in the practical application of this very law, caricaturing the legal aim via escape routes through indeterminate legal concepts and loopholes, thereby fostering discretionary and arbitrary legal application.

The Sociocultural Context

There is currently a lack of investment in the basic elements of the country, such as infrastructure, sanitation, medicine, food supply, etc., that gives rise to a priority and action before the relevant scientific opinions on the environmental framework are obtained. Though it is worth highlighting that it is all complementary in its *sensu stricto*.

Arising from this social context of a lack of basic services, we see a very poorly nurtured society at the level of understanding of sustainability and the evolution of social and cultural activities involving the environment. This basic component means that much of society does not pay adequate attention to certain key issues for the country and that the level of social awareness falls short of what is desirable. In this sense, we observe a society whose opinions are easily directed given the prevalent low levels of education, and whose decision-making can be controlled, which gives rise to features such as the channeling of opinion through public consultation having a considerable weight in forming opinion, albeit in contrary spirit to the standards arising from international conventions.¹⁶

There are studies and measures of the concern with climate change in the Dominican Republic,¹⁷ and they make clear the lack of environmental awareness arising from the great lack of education on this subject. There is an excessive deficit of environmental education in the Dominican Republic at the basic level more broadly and at the environmental level in particular.¹⁸

16. Aarhus Convention of 1998.

17. GALLUP, "Nivel de conocimiento y la percepción de la población dominicana sobre el tema del cambio climático". GALLUP, Presidency of the Dominican Republic, National Council for Climate Change and the Sustainable Development Mechanism, Santo Domingo, Dominican Republic, January 2012.

18. Existing disconnects between taking care of the environment and not throwing rubbish or feces into the river and not removing material from the river to build housing. The environmental agenda is completely unknown.

Given these facts, Dominican communities are in such great need on basic social aspects and environmental education that they are unable to begin to evaluate the environmental component of their context, as their attention is first and foremost focused on getting through their day-to-day lives and as they do not have the necessary understanding to make such an assessment.

The Economic Context

The Dominican Republic is the country in LATAM with the highest GDP growth, which has topped 7% in the past 15 years,¹⁹ such that even with sustained growth in LATAM, the Dominican Republic has surpassed the average. This fact relates to an increase in GDP stemming from infrastructure investment, and has prompted an enormous potential to carry out EIAs²⁰ in the near future.

Despite these growth levels, the country's HDI²¹ remains low, and the wealth has not been spread to all social levels.

Certainly, a look from a close temporal frame makes clear that an important path of evolution should be opened in investment—both public and private—and EIAs can provide a key lever for managing and configuring investment in the country and an opportunity for redistributing social and environmental wellbeing. The efficient use of EIAs would represent a bet on long-term development that is sustainable, organized, and redistributed and that will allow the Dominican Republic to confront the adverse effects of climate change that the country will undoubtedly suffer. In this context, mitigation and adaptation initiatives are possible if they are also directed through the EIA mechanism.

As will be seen further on, the existing inequalities in the Dominican Republic that are expressed in its HDI are in extreme need of correction, attending to the repercussions of development to avoid social tensions

19. DCB, "Informe de la Economía Dominicana". Dominican Central Bank, 2016. https://www.bancentral.gov.do/publicaciones_economicas/infeco/infeco2016-06.pdf.

20. Ministry of Environment, "Informe anual Ministerio de Medio Ambiente 2015", Ministry of Environment, Dominican Republic, 2015. <http://ambiente.gob.do/wp-content/uploads/2016/09/Memoria-Institucional-2015.pdf>

21. GALLUP, "Nivel de conocimiento y la percepción de la población dominicana sobre el tema del cambio climático". GALLUP, Presidency of the Dominican Republic, National Council for Climate Change and the Sustainable Development Mechanism, Santo Domingo, Dominican Republic, January 2012.

and focused on the possibility of raising environmental awareness and protection. Above all, the enormous inequities suffered by the Dominican Republic and LATAM in general require an improvement in HDI indicators and a redistribution of existing wealth.

For the years 2017 and 2018, growth is forecast to be 5%²² for the Dominican Republic, meaning that investments and infrastructure growth will doubtlessly continue at an accelerated pace. This involves large investments stimulating the Dominican economy, moving it from a “sugar economy” to a “service economy” (tourism, telecommunications, remittances, etc.), from agriculture to mining and tourism (to give two examples of industries making a large impact on the country). With this future awaiting it, the Dominican Republic needs its development to be planned, to prevent an impact on the natural and human environment in the short, medium, and long term, and create long-term policies and administrative interventions with a view toward sustainable growth and meeting the goals of its NDS and the UN’s SDGs.

Given these prevailing needs, it is necessary to have EIA processes that are very strong in their legal aspect and practical execution sponsored by the responsible institutional team, given the increased demand for EIAs going forward, in light of the macroeconomic forecasts.

The Environmental Context

The Dominican Republic is an island country, with enormous biodiversity and endemic species of restricted areas of distribution. Many of these species are highly endangered, according to reports on the global evolution of amphibians from 2015 by the IUCN.²³ Some 92% of the most endangered frog species on the planet are found on the island of Hispaniola, and 86% of those are located in the Dominican Republic, a country where these frogs have no commercial use, meaning the sole reason their existence is at risk is due to destruction of their habitat.

22. Aarhus Convention of 1998.

23. “Annual Report 2015”. International Union for the Conservation of Nature, 2015. <https://portals.iucn.org/library/sites/library/files/documents/2016-020.pdf>

The environmental context in the Dominican Republic means the sitting Environment minister does not have to be a specialist on the matter but rather should be a good conflict manager given that the most basic issue in the country is focused on the use of available resources. This fact is related to the trends toward accelerated development and the social deficit that characterize the country and influence public decision-making and social understanding.

The 2013 IDB report²⁴ on the evolution of the environmental sector found that the Ministry of Environment does not have the institutional capacity to fulfill the mandate given to it by Law 64-00²⁵, making it crucial to address the causes of this deficit in order to correct the current situation and have a sufficiently robust state environmental management body to deal with the environmental situation laid out in this book.

In recent years the environmental issue has been reignited in the Dominican Republic through environmentalist movements led by the church and social movements. The climate change phenomenon is starting to generate debate, it is starting to be understood that it constitutes as source of uncertainty that must be faced, and, in this context, EIAs are beginning to be seen as an ideal tool in this struggle. In the most educated levels of society, greater social pressure to deal with environmental issues is notable.

There are still some alarming circumstances in the Dominican Republic such as the confusion between public consultations and elements of sociocultural analysis, and with what sustainability assessments can provide. From these facts arise the need, in part, to face the present text with a critical and constructive spirit. There is a negative potentiality with regard to accessing international 'green' funds to be able to promote the research the country needs. A minimum, stable framework at the level of the rule of law is needed to provide security to the UN agencies that audit the contributed funds. In the Dominican Republic this issue could give rise to problems with Green Climate Fund grants, as given the country's idiosyncrasy the adequate

24. Aarhus Convention of 1998.

25. Aarhus Convention of 1998.

guarantee conditions are not maintained to allow for audits, which could eventually have repercussions for the country's medium- to long-term development.

Green taxes do not exist in the Dominican Republic and should be promoted with an eye toward possibly self-financing the environmental system with the capital they would generate. The lowest-impact activities should be incentivized with tax exemptions, limited subsidies, or competitive price guarantees—in other words, a policy to subsidize the promotion and introduction of the best available technology (BAT)²⁶. It is assumed that environmental management should seek alternatives and not obstacles to development. Increasing taxes on the most polluting industries and activities and reducing the rate on the least-polluting ones would reactivate the evolution of investment, given that the highest-impact sectors would be obliged to redirect their technology to save on tax costs, improve their productivity, and be able to compete with the greenest technologies. These initiatives would bring sustainable development closer, as well as precaution, management, supervision, and promotion of a new form of environmental self-management in each firm and industry.

In discussing environmental restructuring, there are two key elements that affect Law 64-00²⁷ that are pending. One is the Water Law that has spent twenty-five years in the National Congress due to conflicts between the operating body and the regulator, that is, the Ministry of Public Health and INAPA. The other is the effective implementation of the National Sanitation Strategy, with great interest on the part of Spanish partners. This issue of water has taken on notoriety since the executive branch enacted the four-year water plan. The new Risk Management Law also has roused political interest, thereby breaking the thread between adaptation to climate change, the environment, and reduction of disaster risk, to which a unitary focus with the necessary comprehensiveness should be given. The resolution of these three axes—the Water Law, the Sanitation Law, and the Risk Management Law—is key for development of the environmental context and appropriate

26. Aarhus Convention of 1998.

27. Aarhus Convention of 1998.

compliance and dimensioning of Law 64-00, which in turn is positioned as the central axis of the three.

At the moment in the Dominican Republic the environmental social movement is highly weakened. It is now the Catholic Church, through members of the clergy, that is acting on this issue. It is they who have managed to access comprehensive enough levels of culture to be able to identify a law and critique it, as well as organize an activist social movement based on the legitimacy of the Church in the Dominican Republic. If these social movements broaden to include people from universities, academics, and other movements, the necessary social empowerment could be reached to demand improvements and acceleration in environmental matters. For now, the environmental movement is very divided by sector: air, water, etc. Nonetheless, the idea of the environment is fully crosscutting, in addition to having a symbiosis with productive and urban activities.

According to international indicators²⁸, it is observed that one of every two instruments given in the Dominican Republic in the medium and long term for the improvement of the immediate future are EIAs, due to their general protection of the environment and protected areas, ecosystems, and species.

Above all, EIAs are in a position of prime importance in dealing with the country's enormous economic development, high levels of investment, and the large impact expected to arise therefrom and that stems from this upcoming economic development.

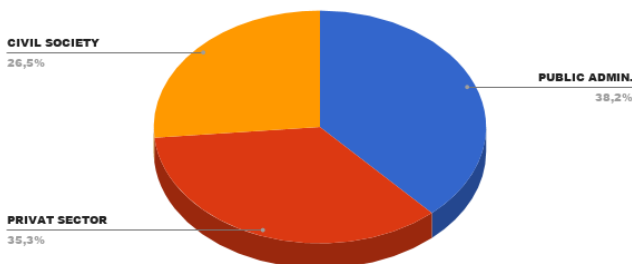
28. Aarhus Convention of 1998.

VII. Points of View on the Environmental Framework in the Dominican Republic

Within the context as described above, we now turn to elaborating on the points of view of the three pillars that make up a society in its interaction with development—three very distinct points of view in their origin but that nonetheless continuously interact and seek a decisive outcome.

To document these viewpoints we use the data drawn from the fieldwork carried out for this project in the Dominican Republic. These data reveal an array of opinions corresponding to thirty-four field interviews, with 26.5% representing civil society, 38.2% the public administration, and 35.3% the private sector.

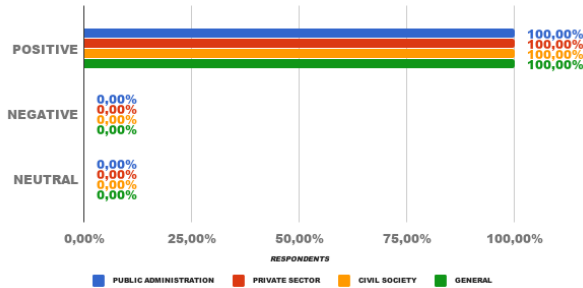
PERCENTAGE OF RESPONDENTS BY SECTOR



Source: Personal field interviews.

In relation to general view of EIAs, the first question reveals that 100% of the respondents, and thus 100% of the three interviewed sectors, have a positive view of EIAs.

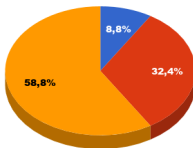
VIEWPOINTS ON EIA



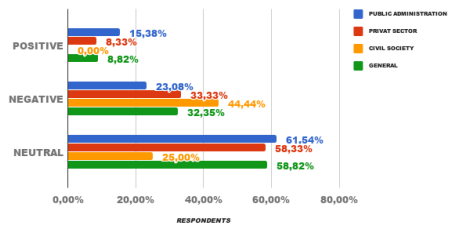
Source: Personal field interviews.

With regard to the second question asked concerning how respondents from these social sectors view Law 64-00, it was found that the majority viewpoint is neutral, with 58.8% of those surveyed, followed by 32.4% with a negative view and only 8.8% a positive view. The public administration accounts for 40% of the 58.8% share of the neutral position within the total. It is civil society, along with the private sector, that gave the greatest support to the negative view, contributing 36.6% of the 32.35% negative share of the total. This data makes it possible to assert that there is not currently a generalized public outcry surrounding Law 64-00, but rather that the general perception is that it should be updated on various fronts.

GENERAL POINT OF VIEW ON THE REGULATION LAW 64-00

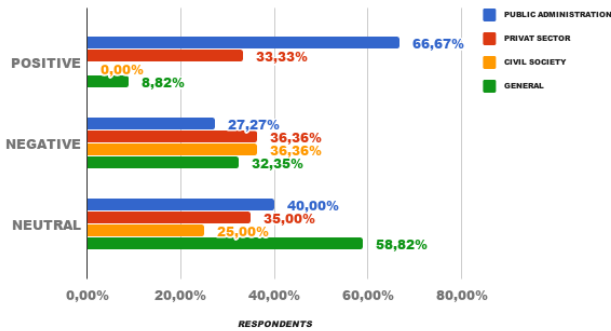


VIEWPOINTS ON THE REGULATION OF THE EIA IN LAW 64-00



Source: Personal field interviews.

GENERAL VARIABLE COMPOSITION FOR P2

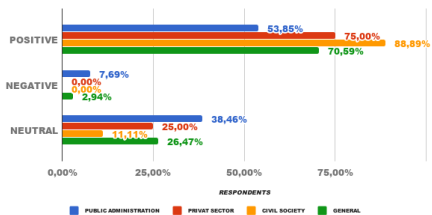
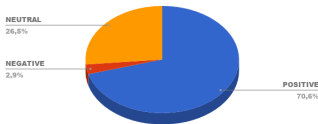


Source: Personal field interviews.

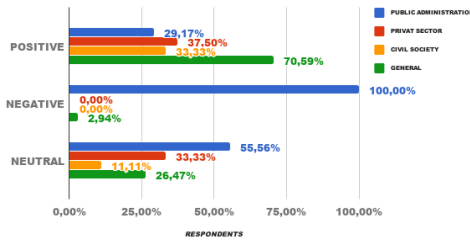
In regards to the third question, relative to how the enactment of a law specific to EIAs would be received, the survey is revealing a positive viewpoint among 70.6% of respondents compared to 26.5% with a neutral and just 2.9% with a negative opinion on the matter. The positive perspective is espoused broadly by civil society, with 89.9% of respondents from that sector giving this response, making it the sector most convinced of the need for an EIA-specific law, followed by the private sector with 75% giving a positive viewpoint, and the public administration with 53.85%. With regard to the respondents who answered that they were neutral, they are led by members of the public administration at 55.56% of the total of 26.47% who held this view. These results indicate that in any case the negative point of view does not reach a quorum significant enough to bear it in mind at the general level, and it is precisely the public administration that is oriented closest in neutrality to the positive view, as it is the sector that heads up the neutral perspective.

VIEWPOINTS ON AN EIA SECTORAL LAW

GENERAL POINT OF VIEW ON A SECTOR LAW OF EIA



GENERAL VARIABLE COMPOSITION FOR P3

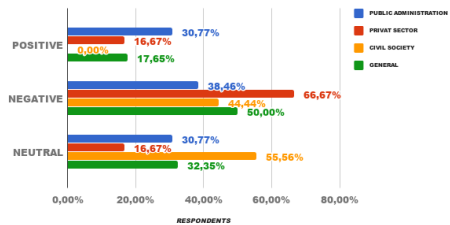
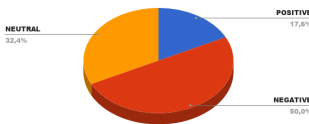


Source: Personal field interviews.

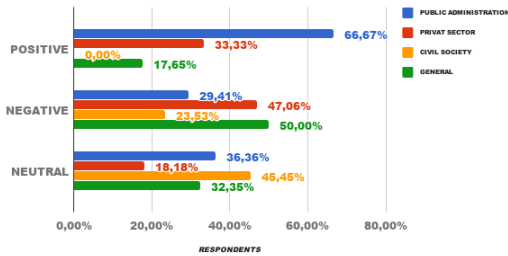
With regard to the fourth question on the capacity of the Ministry of Environment and Dominican society to adapt to the practical execution of a new EIA law, 50% of the respondents said they had a negative viewpoint on this matter. Of this 50%, 47.06% of the share corresponds to the private sector, followed by the public administration at 29.41%. It is important to note that it is the public administration members themselves whose views were most dispersed regarding their own adaptability and that of Dominican society, with 38.5% of all respondents in this sector giving a negative viewpoint. Thus we conclude that the majority opinion seems to point toward improving the bureaucratic structures of the Ministry of Environment, as well as the educational initiatives in civil society in relation to the environment to channel the proper and effective execution of EIAs and improve their contribution to sustainable development.

POINTS OF VIEW ON THE CAPACITY OF THE MINISTRY AND SOCIAL UNDERSTANDING

POINT OF VIEW ON THE CAPACITY OF THE MINISTRY AND UNDERSTANDING OF THE SOCIETY



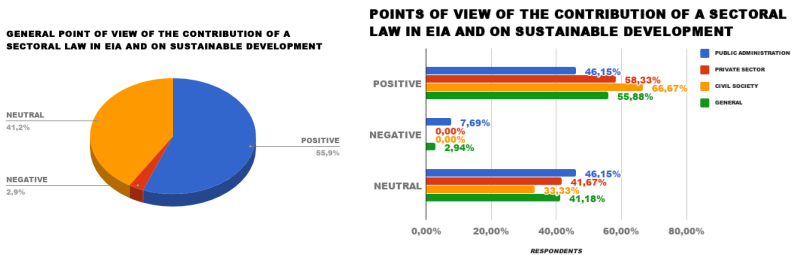
GENERAL VARIABLE COMPOSITION FOR P4



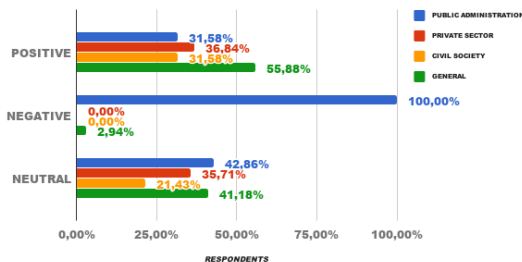
Source: Personal field interviews.

The fifth question involved respondents’ views on the contribution of a sectoral EIA law to sustainable development, with 55.9% of those surveyed reporting a positive view, followed by 41.2% with a neutral and 2.95% with a negative view. Within that 55.9% majority-positive opinion there is an equivalent share of about 30% from each of the three sectors. It is clear that Dominican society is awaiting an effective contribution to sustainable development, and a support measure that positively relates the incorporation of a sectoral EIA law into the legal system.

The sixth question dealt with respondents’ views on the evolution



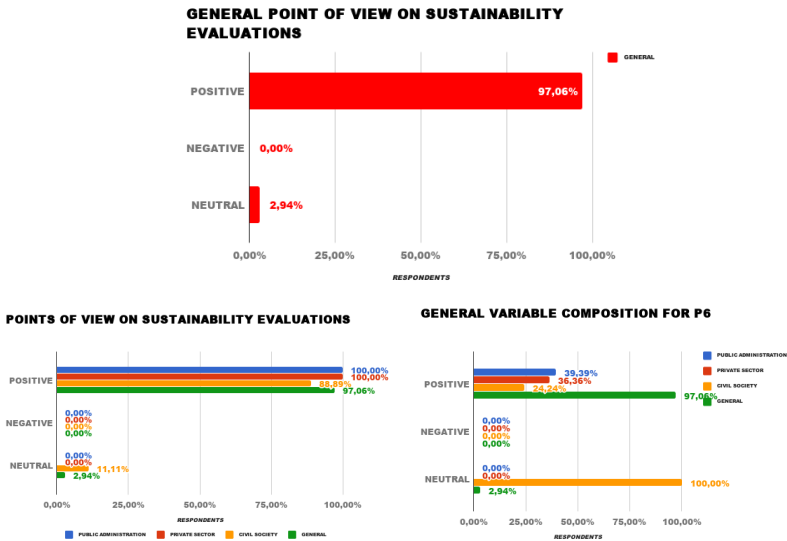
GENERAL VARIABLE COMPOSITION FOR P5



Source: Personal field interviews.

of EIAs toward sustainability assessments that incorporate social and cultural elements in their analysis. Some 97.6% of those surveyed reported a positive perspective on this development, of which 39.39% were from the public administration. We deduce from these data that the evolution toward improving the boundaries of evaluation in environmental assessments is the path to follow in the Dominican Republic, as society sees this evolution as arising from the need manifested in question two to improve Law 64-00 in reference to EIAs.

The seventh question asks about respondents' views on whether a



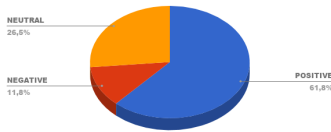
Source: Personal field interviews.

sectoral EIA law would help to achieve the commitments of the 2030 NDS. The results show that 61.8% have positive views, followed by 26.5% with neutral and 11.8% with negative views. The framework of positive opinion is led by the private sector with 38.1% of the total positive share. With regard to the public administration, even with 53.85% of respondents giving positive opinions, it leads in negative responses, at 23.08% of its votes. These data reveal the reticence of the public administration surrounding a decision that in any case would not prejudice the 2030 NDS but—were it to have any firm

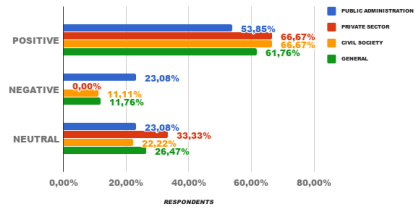
effect—would be positive, in going deeper with the aim of achieve the objective. Nonetheless, it may be thought that this viewpoint should be gauged further on as it suggests a nuance in terms of how and not in terms of when. But in general terms, it is clear that Dominican society overall supports the reality that all efforts that can be channeled toward achieving the goals of the 2030 NDS are welcome.

The eighth question deals with how the public administration makes

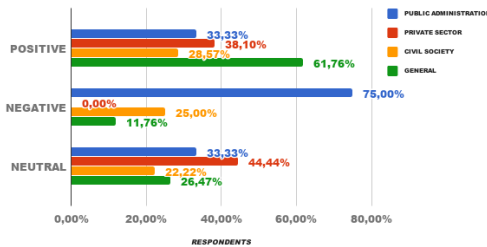
GENERAL POINT OF VIEW ON WHETHER A SECTOR LAW OF EIA HELPS TO REACH THE OBJECTIVES OF THE NDE



POINTS OF VIEW ON WHETHER A SECTORAL EIA HELP ACT TO ACHIEVE THE OBJECTIVES OF THE NDE 2030



GENERAL VARIABLE COMPOSITION FOR P7



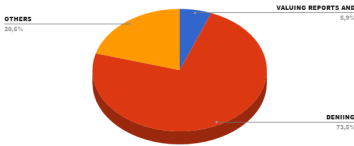
Source: Personal field interviews.

decisions in contexts of scientific uncertainty and how the environmental precautionary principle is applied. To that effect, the results indicate that 73.5% of those surveyed have a negative view of the way this principle is applied, stemming from the generic trend of rejecting projects for lack of relevant scientific information. Of this 73.5% is in the private sector, with 83.33% of its opinions being negative, followed by 69.23% of the public administration. It is worth noting that of the 73.5% share of negative opinion, 36% corresponds to the public administration itself. These data make clear that the perception of a deficient application of the precautionary principle is very widespread, even by those who apply the principle themselves, the public administration. Further on we will

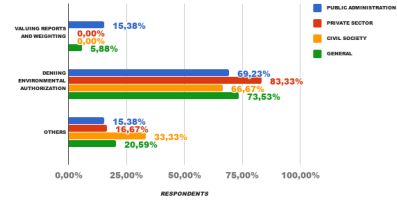
pinpoint factors such as the lack of information stemming from a lack of national scientific research to support public decision-making in this context of scientific uncertainty.

Concerning the final question on development, we ask for

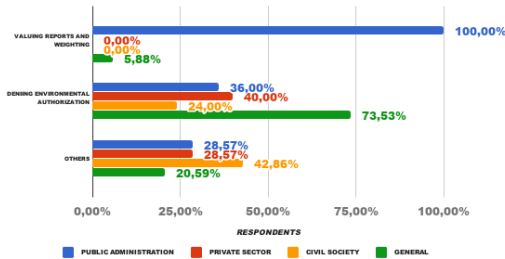
GENERAL POINT OF VIEW ON THE WAY OF MANAGING BY THE PUBLIC ADMINISTRATION THE DECISION-MAKING IN THE



POINTS OF VIEW ON THE WAY OF MANAGING BY THE PUBLIC ADMINISTRATION THE DECISION-MAKING IN THE SCIENTIFIC



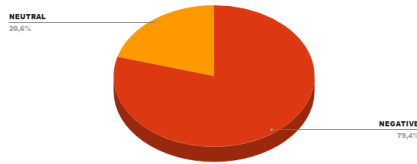
GENERAL VARIABLE COMPOSITION FOR P8



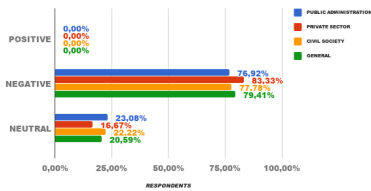
Source: Personal field interviews.

respondents' views on scientific research in the Dominican Republic and the results reveal that 79.4% of those surveyed note a lack of enthusiasm toward scientific research in the country. It should be noted that no interviewee from any of the three sectors espoused a positive view of the work done in the Dominican Republic on this subject. Also notable is that of the 79.4% share, some 37.04% come from the public administration itself. This item makes clear that there is a deficit on this subject matter in the Dominican Republic and improvements must be made in terms of securing more information that allows for much better decision-making in the public administration.

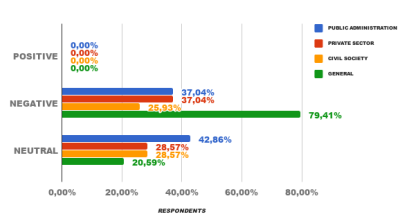
POINT OF VIEW ON THE PROMOTION OF SCIENTIFIC INVESTIGATIONS



POINTS OF VIEW ON THE PROMOTION OF SCIENTIFIC RESEARCH



GENERAL VARIABLE COMPOSITION FOR P9

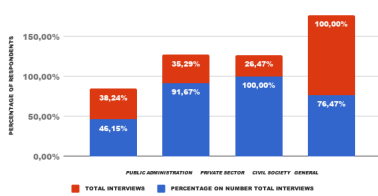


Source: Personal field interviews.

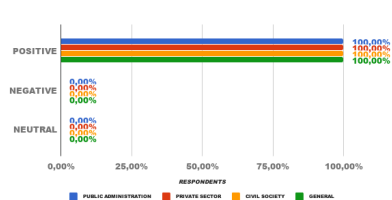
Within the framework of the interviews and in line with the evolution thereof, a series of research needs arose in terms of dealing with the country's framework that required the addition of two further questions.

The tenth question was about respondents' views on land use planning, and received responses from 76% of the interviewees, with 100% of them from all three sectors endorsing the need for regulation of land use and for evaluation of the macro environment through SEAs.

PERCENTAGES ON NUMBER OF INTERVIEWS IN PES10 AND TOTALS INTERVIEWED



VIEWPOINTS ON THE REGULATION OF TERRITORY ORDINATION

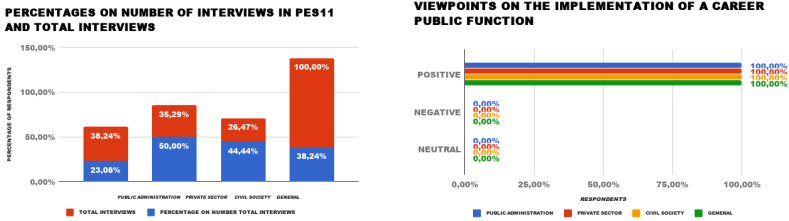


Source: Personal field interviews.

The eleventh question involved the need to establish a civil service

career track to support the system and guarantee impartial and objective decisions, with the aim of reducing the discretion in decision-making. This question included responses from 38.24% of interviewees, with 100% of respondents from all sectors endorsing a meritocratic civil service through an examination evaluated by an objective and impartial panel.

This field research has allowed for the extraction of the country



Source: Personal field interviews.

vision for the Dominican Republic with regards to the different contexts that will be assessed in greater depth below, divided into the three sectors of society that are represented.

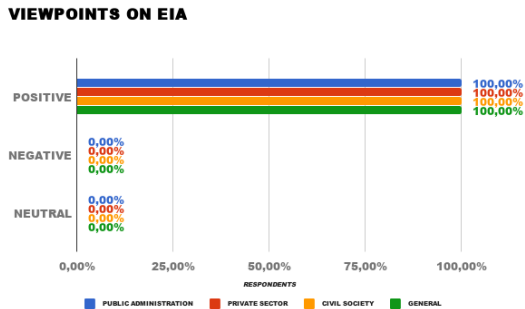
Civil Institutions

1. Point of view on EIAs

From the data collected in the fieldwork undertaken in the Dominican Republic it can be summarized that, in terms of their perspective on EIAs, 100% of the respondents reported positive views of EIAs as environmental management tools. Nonetheless, limits to their development in the Dominican Republic are observed. In turn, it is understood that in most projects an EIA is measured as an evolving element.

2. Point of view on Law 64-00

In terms of how civil

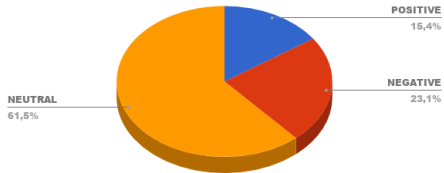


Source: Personal field interviews.

society views Law 64-00, it can be determined that 61.5% of those surveyed have a neutral view of the regulation in that legislation; that is, an important majority perceive Law 64-00 as improvable in certain aspects in relation to EIAs and other matters.

3. Point of view on the need for a sectoral EIA law and inclusion of the climate

VIEWPOINT OF PUBLIC ADMINISTRATION ON THE REGULATION OF EIA IN LAW 64-00

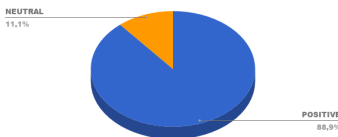


Source: Personal field interviews.

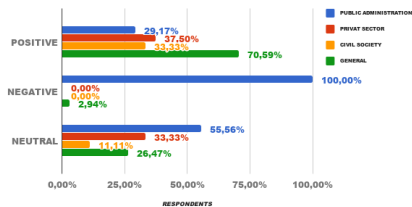
change variable

On this issue, the views of civil society were 89.9% positive. In general terms, this represents 33.33% of the 70.59% who endorsed these proposals. We interpret this as full acceptance of civil society of this issue and need.

POINT OF VIEW OF CIVIL SOCIETY ON SUSTAINABILITY EVALUATIONS



GENERAL VARIABLE COMPOSITION FOR P3



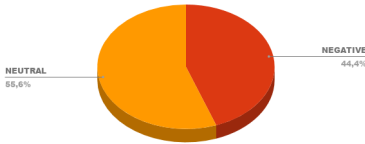
Source: Personal field interviews.

4. Point of view on the capacity of the Ministry of Environment and Natural Resources and Dominican Society to absorb the practical execution of an EIA law

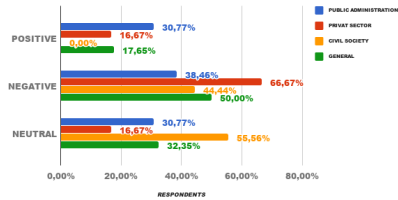
The view expressed by civil society in this respect was neutral, at 55.6%, with 44.4% being negative. This item, in eliciting not a single positive response, points to a need for change at the levels of both the public and civil society itself. The viewpoints graph below reveals civil society to be the most critical sector on this question. Likewise it reflects that of the overall share of the neutral view of 32.25%, some 55.56% corresponds to civil society.

These data reveal that civil society is appropriately able to opine openly on a nuanced problem such as public management capacity and its own understanding of and low level of adaptation to the issue.

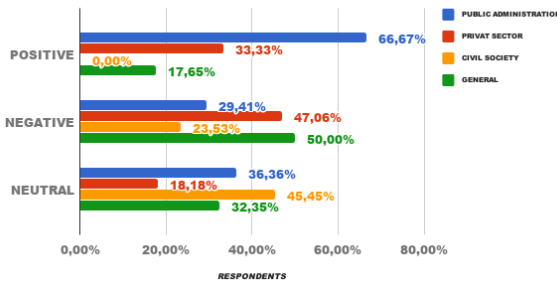
POINT OF VIEW OF CIVIL SOCIETY ON THE CAPACITY OF THE MINISTRY AND UNDERSTANDING OF THE SOCIETY



POINTS OF VIEW ON THE CAPACITY OF THE MINISTRY AND SOCIAL UNDERSTANDING



GENERAL VARIABLE COMPOSITION FOR P4

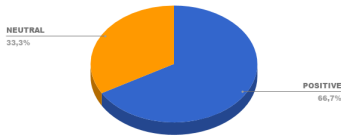


Source: Personal field interviews.

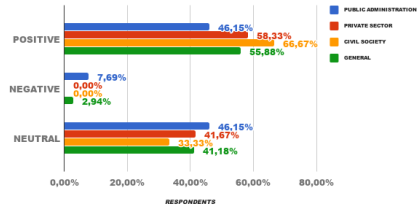
5. Point of view on whether an EIA law would improve sustainable development in the country

Civil society espoused a positive view on this question at 66.7%, with 33.3% being neutral. Note that no negative view was expressed on whether an EIA law would improve sustainable development. It can be seen here that justified neutral perspectives may exist on the insecurities displayed by the system, but certainly it is deduced that anything that aims at an improvement would not be negative under any point of view. It is also noted that, from the positive perspective, civil society is the sector that most strongly supports this idea. Thus, in terms of the composition of the overall positive vote, its share is roughly equivalent to that of the other two sectors.

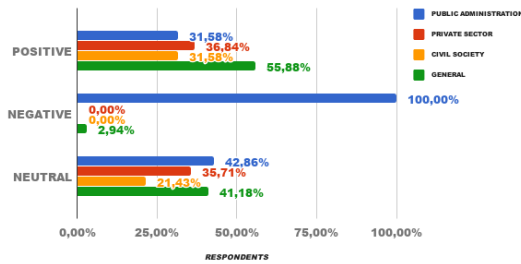
VIEWPOINT OF THE CIVIL SOCIETY OF THE CONTRIBUTION OF A SECTORAL LAW IN EIA AND ON SUSTAINABLE DEVELOPMENT



POINTS OF VIEW OF THE CONTRIBUTION OF A SECTORAL LAW IN EIA AND ON SUSTAINABLE DEVELOPMENT



GENERAL VARIABLE COMPOSITION FOR P5

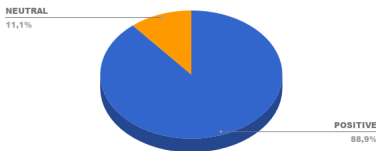


Source: Personal field interviews.

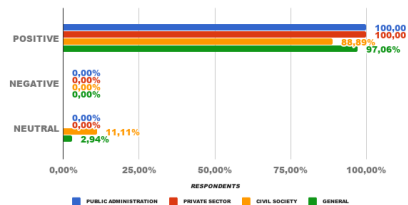
6. Point of view on sustainability assessments

In terms of opinion, some 88.9% of civil society respondents support these kinds of evaluations, with just 11.1% expressing neutral and no negative opinions. Based on these statistics it can be observed that, in general terms, support for incorporating social and cultural considerations in decision-making is widespread.

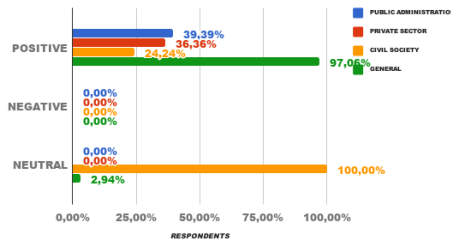
POINT OF VIEW OF CIVIL SOCIETY ON SUSTAINABILITY EVALUATIONS



POINTS OF VIEW ON SUSTAINABILITY EVALUATIONS



GENERAL VARIABLE COMPOSITION FOR P6

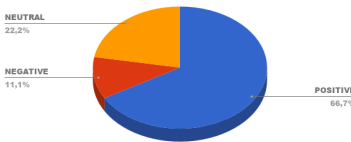


Source: Personal field interviews.

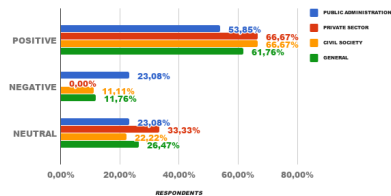
7. Point of view on whether a sectoral law specific to EIAs would help achieve the commitments of the 2030 NDS

With regard to civil society’s perspective, we see that 66.7% of respondents held positive views in terms of whether a law specific to EIAs would help or at least support in reaching the commitments framed in the 2030 NDS. It should be noted that this percentage of consensus follows the same lines as the breakdown among the other sectors, providing a share of 28.57% of the 61.76% of overall positive views across sectors.

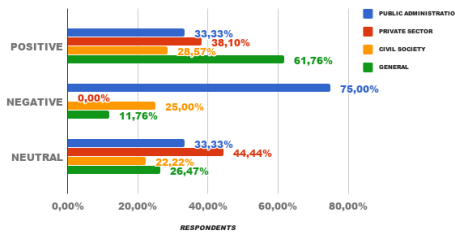
POINT OF VIEW OF CIVIL SOCIETY ON WHETHER A SECTOR LAW OF EIA HELPS TO REACH THE OBJECTIVES OF THE NDE 2030



POINTS OF VIEW ON WHETHER A SECTORAL EIA HELP ACT TO ACHIEVE THE OBJECTIVES OF THE NDE 2030



GENERAL VARIABLE COMPOSITION FOR P7

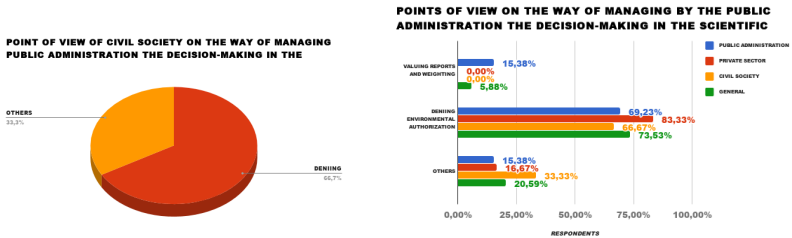


Source: Personal field interviews.

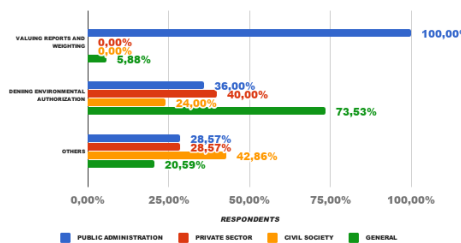
8. Point of view on how the public administration makes decisions in cases of scientific uncertainty

In terms of how civil society views decision-making by the public administration in cases of scientific uncertainty, we see that 66.7% have a negative view on how the application is carried out, summarized in the denial of environmental permissions by default.

It can be seen that in the viewpoints by sector, civil society aligns with the other two sectors in this majority negative opinion. In terms of general composition, we see that it constitutes 42.86% of the 20.59% neutral perspective in relation to another type of response on the part of the public administration.



GENERAL VARIABLE COMPOSITION FOR P8

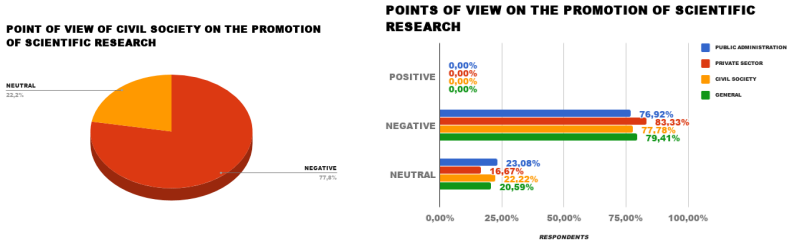


Source: Personal field interviews.

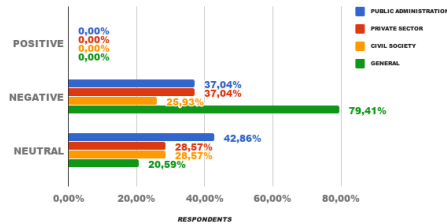
9. Point of view on investment in scientific research

Civil society’s point of view on this matter is negative at 77.8% in terms of the promotion of scientific research. No positive opinion was expressed in this regard, so it can be concluded that Dominican society sees great shortcomings regarding this issue.

The majority opinion shows that with this 77.8% of negative opinion, civil society is on par with the remaining two sectors. Moreover, with 25.93% of the 79.41% of the overall negative opinion, as the sector with the most weight in this opinion. Thus, with this data we see that the viewpoints expressed are relatively less extreme than those of the remaining sectors expressed, as we shall see in the opinions featured below in this project.



GENERAL VARIABLE COMPOSITION FOR P9

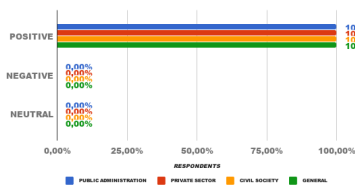


Source: Personal field interviews.

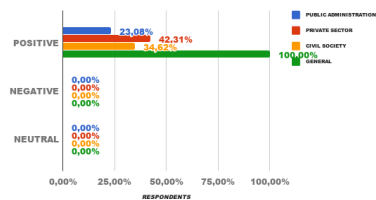
10. Point of view on the need for land-use planning

The positive view of civil society as well as the other sectors is clear on the need for zoning or land-use laws at the national level. Civil society share of the 100% positive opinion on this question was 34.62%.

VIEWPOINTS ON THE REGULATION OF TERRITORY ORDINATION



GENERAL VARIABLE COMPOSITION FOR PES10

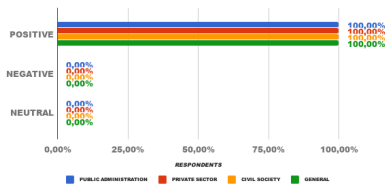


Source: Personal field interviews.

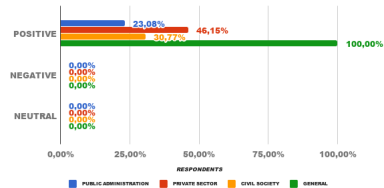
11. Point of view on promoting a meritocratic civil service career track

As can be observed, fully 100% of civil society respondents endorsed the idea of establishing a professional civil service career. Its share of the 100% overall endorsement on this question is 30.77%.

VIEWPOINTS ON THE IMPLEMENTATION OF A CAREER PUBLIC FUNCTION



GENERAL VARIABLE COMPOSITION FOR PES11



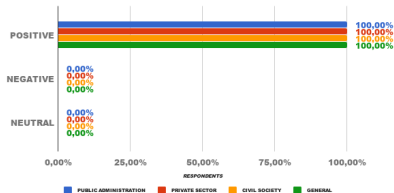
Source: Personal field interviews.

Public Institutions

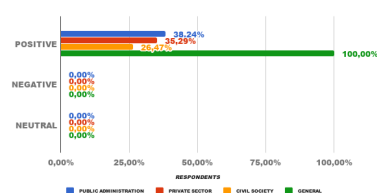
1. Point of view on EIAs

In relation to the view of respondents from the public administration, we see 100% positive endorsement of EIAs. In terms of the overall composition, 100% of all sectors subscribed to this positive opinion, with the public administration's share of 38.24% leading the list. From this data we can conclude that the widespread opinion within the public administration regards EIAs as an instrument to empower and evaluate given the importance to management of the environmental framework that they entail.

VIEWPOINTS ON EIA



GENERAL VARIABLE COMPOSITION FOR P1



Source: Personal field interviews.

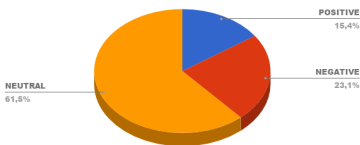
2. Point of view on Law 64-00

It can be observed that 61.5% of respondents from the public administration espouse a neutral view of the regulation established in Law 64-00. The second most common opinion stated was negative, with 23.1% expressing this view of the regulation, while just 15.4% of respondents see Law 64-00 as a good regulation.

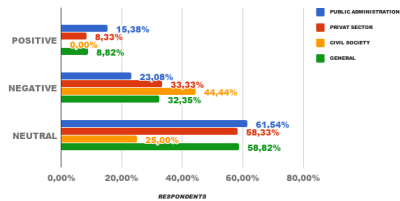
These proportions reveal that most of the public administration sees Law 64-00 as needing to be either corrected or complemented with sectoral legislation to adapt it to current needs and, particularly, to the events that are now taking place.

If we look at the views expressed by sector, the public administration's neutral opinion is oriented at the average of the 60% neutral opinion, in line with the dominant tone. Several nuances can be deduced from this information on why Law 64-00 is not accepted in the opinions expressed by the interviewees. On the other hand, the overall variable composition graph shows that the public administration, with 66.67% of the 8.82% positive share, is the sector that most supports Law 64-00, perhaps derived from the implications of stating the opinion to which they are seen to be circumscribed.

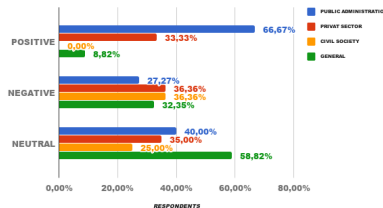
VIEWPOINT OF PUBLIC ADMINISTRATION ON THE REGULATION OF EIA IN LAW 64-00



VIEWPOINTS ON THE REGULATION OF THE EIA IN LAW 64-00



GENERAL VARIABLE COMPOSITION FOR P2

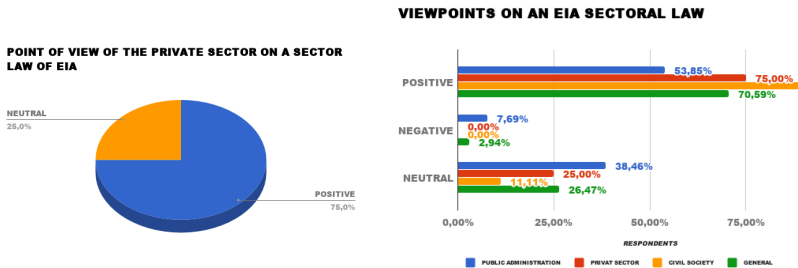


Source: Personal field interviews.

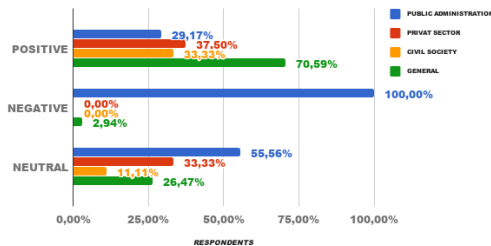
3. Point of view on the need for a sectoral EIA law and the incorporation of the climate change variable

We see that the widespread opinion of the public administration on the need to enact a law specific to EIAs is positive, at 53.8%, followed by 38.5% neutral and just 7.7% negative. Even with the decisive political context, the overall opinion endorses the need to improve the legal framework for EIAs. This trend crosses sectors, with the public administration being the one that gives the weakest support to the initiative. In overall terms, we see that of the 70.59% share of positive view on the matter, the public administration contributes 29.17%.

This data reveals that the facts overcome the existing pressures when giving opinions and even the public administration cannot avoid facing the reality in the country, offering a widespread endorsement of the need to improve the regulatory framework for EIAs through a sector-specific law.



GENERAL VARIABLE COMPOSITION FOR P3



Source: Personal field interviews.

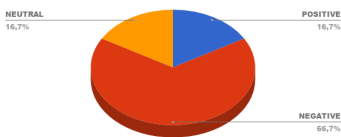
4. Point of view on the capacity of the Ministry of Environment and Natural Resources and of Dominican society to absorb the practical execution of an EIA law

In terms of this question directly applied to the public administration itself, we see that opinions are equally divided. Nonetheless, it remains surprising that some 38.5% give a negative opinion on the public administration’s own potential for adaptation under the current conditions to a new regulation and on society’s understanding thereof.

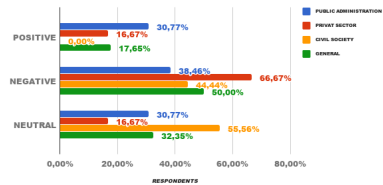
It is nonetheless observed that it is the administration whose comparative share of opinion is on the negative side with respect to the other sectors. However, its opinion represents 29.41% of the 50% overall negative view on this question, making it the second most-represented sector.

From this information we deduce that the public administration is conscious of its own limitations and those of society on the subject of EIAs and the need for substantial improvement, observing clusters of opinion restricted by the political context explained above in this book.

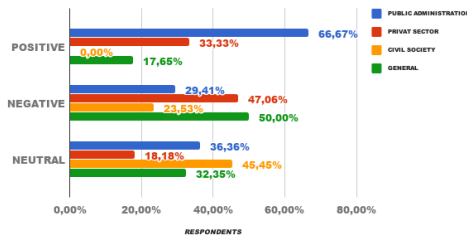
POINT OF VIEW OF THE PRIVATE SECTOR ON THE CAPACITY OF THE MINISTRY AND UNDERSTANDING OF



POINTS OF VIEW ON THE CAPACITY OF THE MINISTRY AND SOCIAL UNDERSTANDING



GENERAL VARIABLE COMPOSITION FOR P4



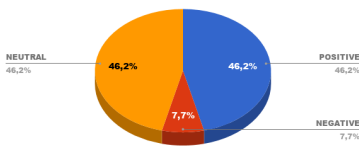
Source: Personal field interviews.

5. Point of view on whether an EIA law would improve sustainable development in the country

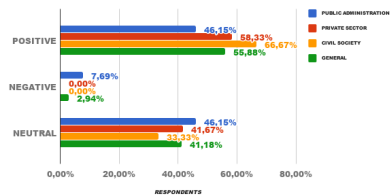
On this matter of whether a hypothetical sectoral EIA law would help foster sustainable development in the country, we see a share of 46.2% each for the positive and neutral positions. This items reveals a sentiment full of nuance on this matter, though always oriented unconditionally toward sustainable development, given the only residual presence of negative opinion in this respect.

In terms of the composition of overall opinion we see that it is the public administration that leads the neutral camp, with 42.86% of the 41.18% neutral share. The graphs below reveal how worries about the aforementioned political context exercise pressure, as it is the public administration that espouses the greatest negative opinion on this consideration. From these negative responses we can interpret that in the view of the administration itself EIAs would not help sustainable development in the Dominican Republic. We see as a result related political pressures and contextualizations but, in spite of this, a reality of political pressure is seen in this country that extends into the bosom of the public administration itself.

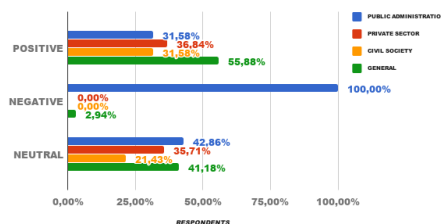
POINT OF VIEW OF THE PUBLIC ADMINISTRATION ON THE CONTRIBUTION OF A SECTORAL LAW IN EIA AND ON



POINTS OF VIEW OF THE CONTRIBUTION OF A SECTORAL LAW IN EIA AND ON SUSTAINABLE DEVELOPMENT



GENERAL VARIABLE COMPOSITION FOR P5



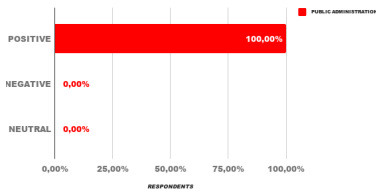
Source: Personal field interviews.

6. Point of view on sustainability assessments

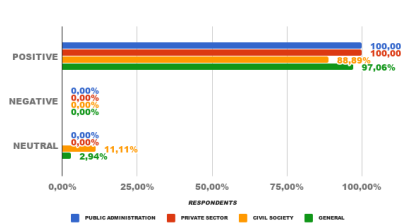
The graphs below reveal the overall trend to accept and defend the idea of the need to evolve EIAs toward sustainability assessments with the aim of improving the analysis done in existing EIAs and directing it toward the joint conceptualization of different sectors as elements of assessment along social and cultural dimensions alongside the social and economic ones currently considered. Among respondents from the public administration we see an endorsement of 100%. At the overall level we see that the public administration contributes some 39.39% of the 97.06% share of positive opinion, putting it on par with other sectors in this respect.

Given the responses to this item we can extract that even with a lack of knowledge of the reach of sustainability assessments, the idea of conceiving of the different dimensions and scopes thereof appeals to the public administration as an element to be developed.

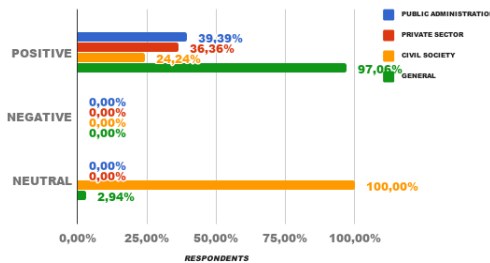
POINT OF VIEW OF THE PUBLIC ADMINISTRATION ON SUSTAINABILITY EVALUATIONS



POINTS OF VIEW ON SUSTAINABILITY EVALUATIONS



GENERAL VARIABLE COMPOSITION FOR P6

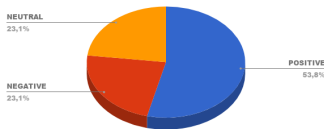


Source: Personal field interviews.

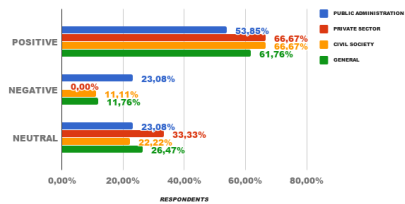
7. Point of view on whether an EIA-specific sectoral law would help to achieve the commitments of the 2030 NDS

The overall view of the public administration respondents is broadly positive on the notion of whether an EIA law would help reach the objectives of the 2030 NDS, with 53.8% expressing that opinion. This fraction is, however, rather below that of the other sectors, which stands at around 66.67%. In terms of the composition of overall positive opinion, which stands at 61.76% covering the three groups, the public administration’s share comes in second at 33.33%. That said, we do see there is still negative opinions on this question at 11.76%, with the public administration representing 75% of this view. These facts can be interpreted as political and systemic pressures being reflected in some of the opinions expressed in valuing elements belonging to this system and a political position such as the 2030 NDS, given that this initiative is a government action dealing with the development of the Dominican Republic in 2030.

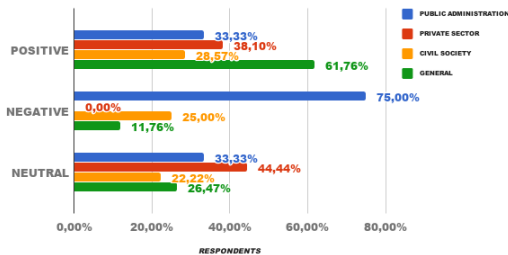
POINT OF VIEW OF THE PUBLIC ADMINISTRATION ON WHETHER A SECTOR LAW OF EIA HELPS TO ACHIEVE THE OBJECTIVES OF



POINTS OF VIEW ON WHETHER A SECTORAL EIA HELP ACT TO ACHIEVE THE OBJECTIVES OF THE NDE 2030



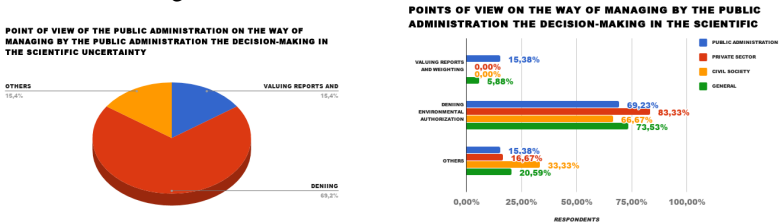
GENERAL VARIABLE COMPOSITION FOR P7



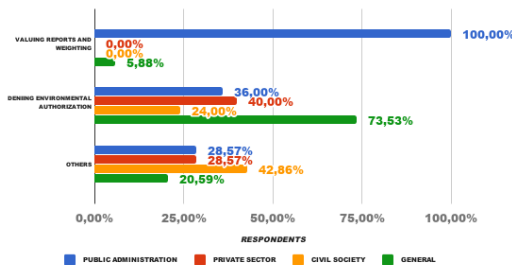
Source: Personal field interviews.

8. Point of view on how the public administration makes decisions in cases of scientific uncertainty

With regard to views on how decisions are made in a context of scientific uncertainty by, in this case, the public administration itself, a trend of denying the granting of any licenses under this circumstance is clear, at 69.2%. This reality certainly takes into account environmental protection but does not imply good praxis toward the correct application of the precautionary principle as a basic element of this kind of decision-making.



GENERAL VARIABLE COMPOSITION FOR P8

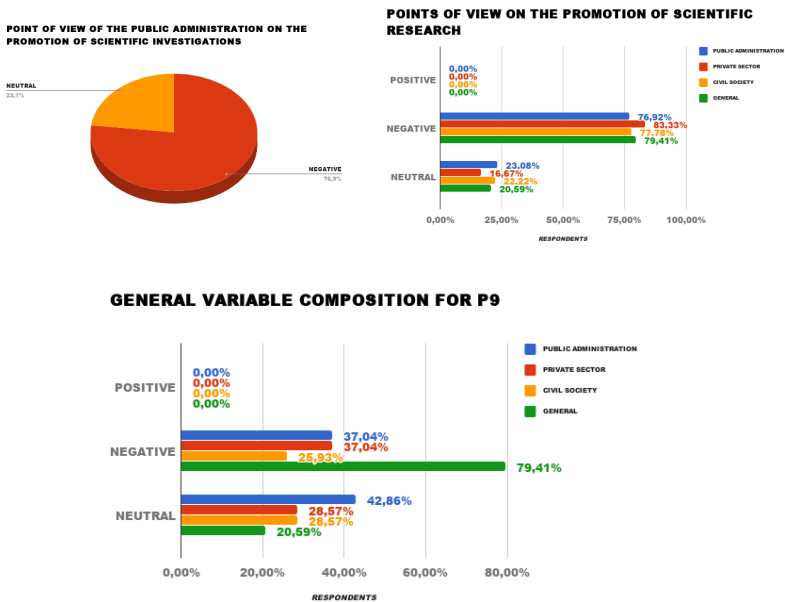


Source: Personal field interviews.

We see that this aforementioned denial of environmental licenses is noted by all social groups, with the public administration's share on par with that of the other two sectors. In addition, if we look at the overall calculation of opinions expressed, this negative view makes up 73.53%, with the share of the public administration itself in that figure being 36%. We deduce from this item that the public administration itself, though seeking to protect the environment, is conscious and openly expresses that they are incorrectly or incompletely applying the precautionary principle, dealing above all with considerations of material and time limitations.

9. Point of view on investment in scientific research

The graphs below show that a clear lack of promotion of scientific research is perceived in the Dominican Republic, as opined by 76.9% of respondents from the public administration. This trend extends across sectors, with the public administration's share of opinion on par with those of the other two. In terms of the overall composition of the 79.41% negative view on the sufficient promotion of scientific research, the public administration's share was 37.04%, equivalent to that of the other sectors. Nonetheless, we see how the existing political pressures reappear when we note that the public administration contributes 42.86% of the 20.59% overall share of neutral responses on the subject.



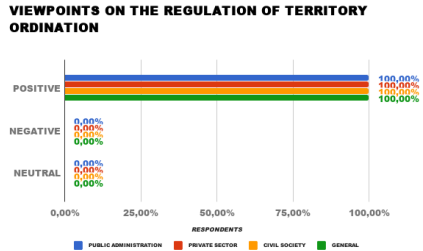
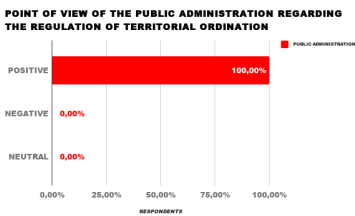
Source: Personal field interviews.

We deduce from this data a widespread opinion of insufficiency in the support for scientific research in the Dominican Republic, with associated consequences. In addition, it can be seen how the public administration tends to express opinions with a certain restrictiveness given its closer links to related policies.

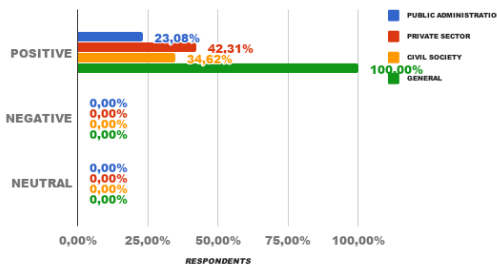
10. Point of view on the need for land-use planning

From the graphs below it is shown that all respondents from the three interviewed sectors of society positively view the proposal to have a land-use regulation at the national and local levels. Not a single dissenting view was espoused.

These results point to the great need on the part of Dominican society to have a regulation to harmonize the different urban and rural spaces, with the aim of being able to structure daily life in better measure and with less uncertainty. The sustainable growth of the Dominican Republic needs logical structures that organize and inform society through the local administrations where they can carry out their private activities and professional lives as well as build, press for public fixtures, and set up protections for environmental elements in these areas. It is important to deploy definitions of land use in order to be able to monitor the activities carries out thereon.



GENERAL VARIABLE COMPOSITION FOR PES10

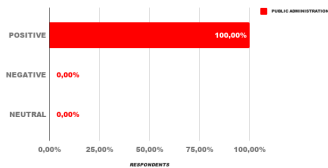


Source: Personal field interviews.

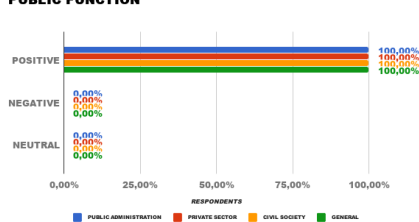
11. Point of view on promoting a meritocratic civil service career track

On this question of a civil service career track and its organization, the public administration deems it a pressing need, with 100% of respondents endorsing the proposal to have a meritocratic civil service career track, to facilitate the formation of a body of independent civil servants who can make objective decisions—obviously subject to a regime of accountability to prevent arbitrary decisions. A system built through civil servants’ security, value, and independence steers much more transparent, open, and democratic processes that permit crucial decisions to be made for the country with reference solely to the law and without the being pressured by the prevailing political maneuverings. The direction of public institutions in this case would always be political at the strategic level but at the operations level, execution would be more objective and with successful results.

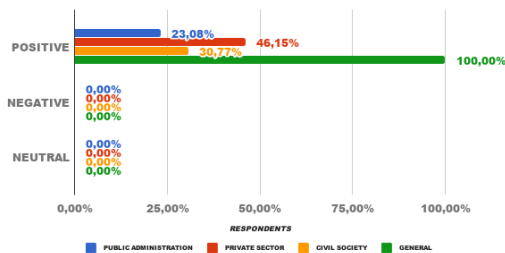
POINT OF VIEW OF THE PUBLIC ADMINISTRATION ON THE IMPLEMENTATION OF A PUBLIC FUNCTION OF CAREER



VIEWPOINTS ON THE IMPLEMENTATION OF A CAREER PUBLIC FUNCTION



GENERAL VARIABLE COMPOSITION FOR PE311

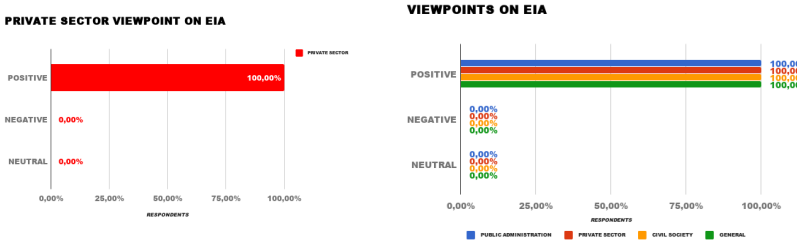


Source: Personal field interviews.

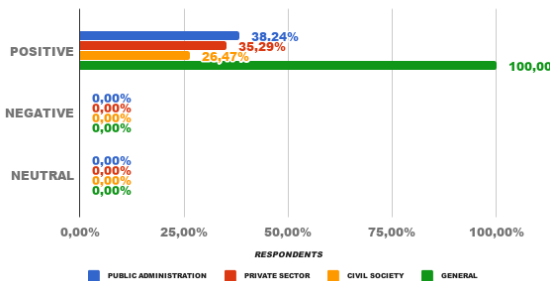
Private Institutions

1. Point of view on EIAs

The data in the graphs below make it possible to confirm that no interviewee from the private sector saw EIAs as a negative mechanism. There were indeed discrepancies over certain elements of the tool itself or its procedures or regulatory elements, but none with respect to the existence of EIAs as an ideal element of environmental management and sustainable development supervision in a country.



GENERAL VARIABLE COMPOSITION FOR P1



Source: Personal field interviews.

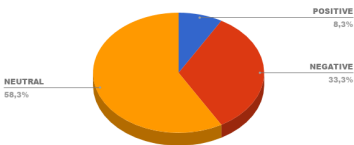
2. Point of view on Law 64-00

In the data shown in the graphs below we see how the private sector in the Dominican Republic espouses a neutral view on the regulation contained in Law 64-00 and, more specifically, in regards to EIAs. This neutral opinion makes up 58.3% of the opinions expressed, and 33.3% with a negative conception of the law. With a backing of the EIA regulation in Law 64-00 of just 8.3%, it bears out that the private sector in the Dominican Republic sees a need for an update, at least of that particular regulation.

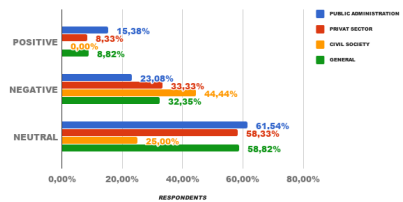
At the overall level, the participation of the Dominican private sector falls within the average of opinion in terms of support for the neutral view, with 58.33% compared to the overall average of 58.82%. At the joint level, the private sector's share of this view makes up 36.36% of the 32.35%.

All this data leads us to reflect only that the private sector falls in line with the overall view of the status of the law in relation to EIAs in the Dominican Republic, and is on par with the other two surveyed sectors. In addition, particularly in what is defined in this sector, we see a clear need to update the regulation, whether in Law 64-00 itself, in a sector-specific law, or in a regulation arising from one or both pieces of legislation.

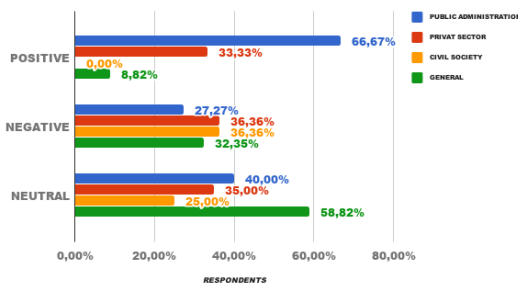
POINT OF VIEW OF THE PRIVATE SECTOR ON THE REGULATION OF THE EIA IN LAW 64-00



VIEWPOINTS ON THE REGULATION OF THE EIA IN LAW 64-00



GENERAL VARIABLE COMPOSITION FOR P2



Source: Personal field interviews.

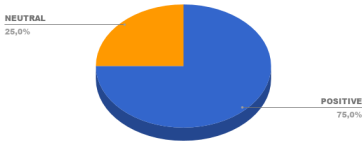
3. Point of view on the need for a sectoral EIA law and the incorporation of the climate change variable

From the data displayed in the following graphs we see that 75% of the views given by private sector respondents were positive in regards to a potential sectoral law on EIAs that would include elements to

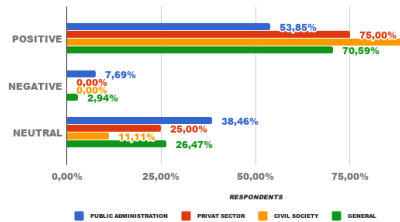
mitigate and adapt to climate change. From a joint view, the private sector relates in this positive viewpoint with the other sectors, where the overall positive opinion is 70.59%. In terms of joint opinion, the private sector, with 37.50% of that 70.59% positive share, is the one that most strongly supports this proposal. An encouraging detail is the lack of negative opinion expressed by the private sector with respect to incorporating the climate change variable into EIAs.

Nonetheless, there are dissenting views, especially in terms of neutral opinion, that must be taken in account not in terms of what but of how it should be done, mostly in considering whether the climate change elements should be united, separated, or interrelated in the different bodies of industry regulation.

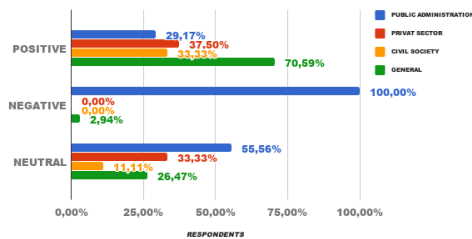
POINT OF VIEW OF THE PRIVATE SECTOR ON A SECTOR LAW OF EIA



VIEWPOINTS ON AN EIA SECTORAL LAW



GENERAL VARIABLE COMPOSITION FOR P3



Source: Personal field interviews.

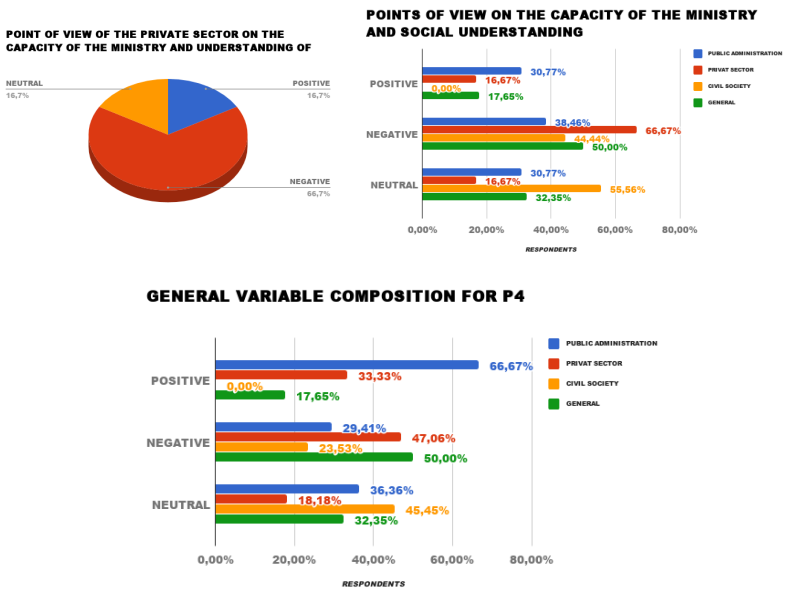
4. Point of view on the capacity of the Ministry of Environment and Natural Resources and of Dominican society to absorb the practical execution of an EIA law

The data shown in the graph below reveal private sector opinion on this item: 66.7% espoused the view that the public administration and population of the Dominican Republic are not in a position to assume

greater responsibility owing to the lack of capacity and resources, on the one hand, and lack of understanding, on the other. In terms of the overall views, with 66.7% negative opinion the private sector tops this response category, which comes in at 50% overall. In regards to the composition of this 50%, the private sector leads with a 47% share of negative opinion.

On the other hand, it is also possible to see interested opinions and the related inherent influences with shares of 16.7% each for the neutral and the positive responses on this item. In addition this sector contributes 33.33% of the positive view of 17.65%, as well as 18.18% of the 32.35% share of neutral opinion amongst all sectors.

This data reveals a widespread view of the status of the public administration and existing weaknesses that must be faced and corrected and, on the other hand, the weaknesses of the Dominican population in terms of its understand of the environmental question overall and of EIAs and climate change in particular.



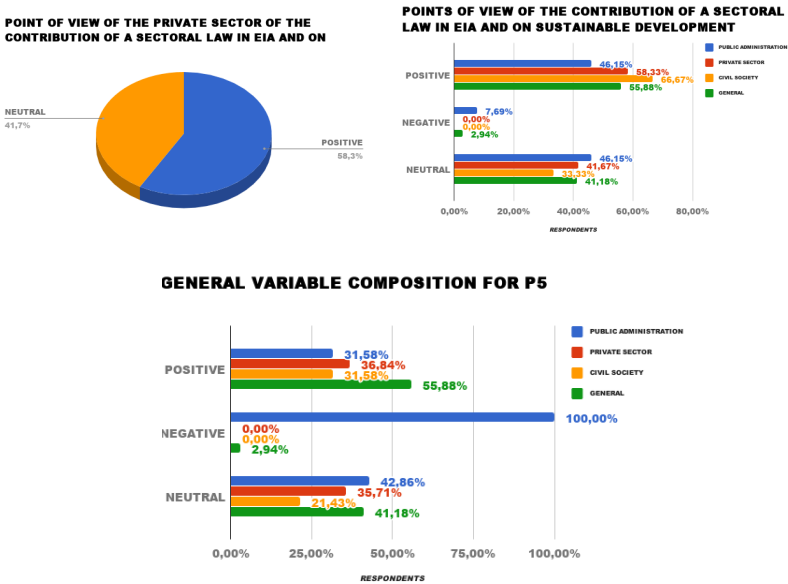
Source: Personal field interviews.

5. Point of view on whether an EIA law would improve sustainable development in the country

In terms of the item on whether a sectoral EIA law would contribute to sustainable development in the Dominican Republic, the private sector expressed a 58.3% positive view, with another 41.7% being neutral and no negative responses given.

In joint terms, with this 58.33% the private sector comes in above the overall share of positive opinion at 55.88%. Of this figure, the private sector contributes 36.84%.

These results indicate that having bigger and better environmental management tools should be a key priority associated with the goal of positively contributing to public decision-making, which would translate into better-quality sustainable development. Nonetheless, given the large number of respondents espousing a neutral view, there is some nuance expressed in relation to enacting a sectoral EIA law and its contribution to development in the long term.



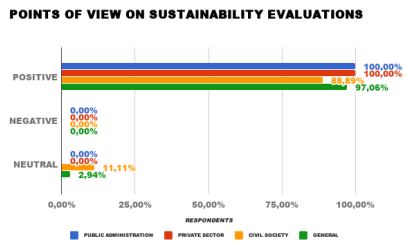
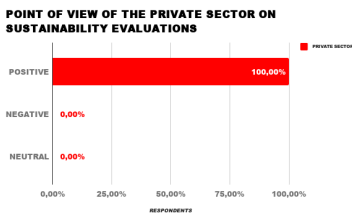
Source: Personal field interviews.

6. Point of view on sustainability assessments

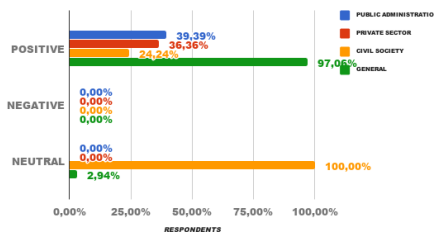
In response to the item on views of sustainability assessments, we see that the totality of respondents view the evolution of EIAs toward sustainability assessments as necessary and positive, given the elevation in the environmental management procedure of the social and cultural spheres in addition to the already-present environmental and economic spheres.

We see that of the overall positive share of responses at 97%, the private sector contributes 36.36%, in line with the average opinion expressed in the other social sectors.

In short, it can be seen that growing social needs and the observation of the need to pay attention to the full cultural spectrum and defense not only of this but also of social considerations are something to value in 21st century awareness, beyond the focus on mere productive development that characterized the 19th century. Faced with the fact of this awareness and the interests expressed, we deduce that it is necessary to give attention to the evolution toward assuming social and cultural considerations in each project, in the adequate dimension and in consideration of the capacity of these spheres to affect communities.



GENERAL VARIABLE COMPOSITION FOR P6



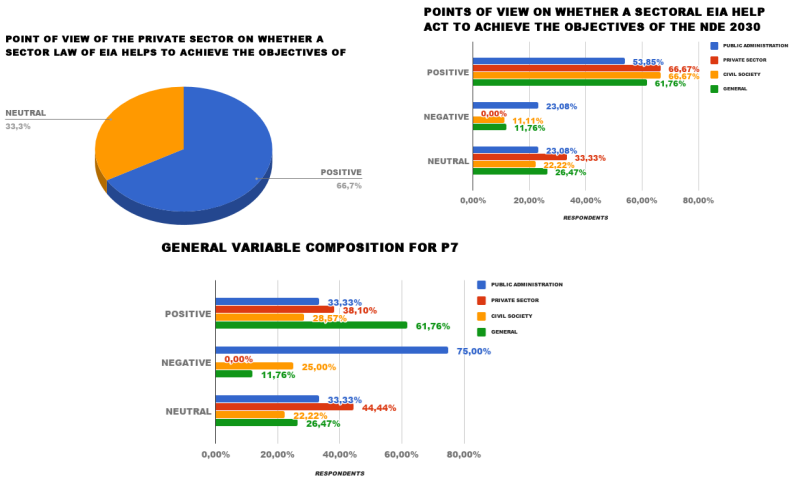
Source: Personal field interviews.

7. Point of view on whether an EIA-specific sectoral law would help to achieve the commitments of the 2030 NDS

From the result displayed in the following graphs we can see that the 66.7% of respondents from the Dominican private sector expressed a positive view on whether an EIA-specific sectoral law would help guide sustainable development in the Dominican Republic. Worthy of note is that the remaining 33% expressed a neutral opinion that corresponds to diverse views highlighting different notions and realities. Also notable is that no respondent reported a negative view on this item.

In the overall context we see a trend toward a positive view on this question, with overall support of 61.76% and 66.7% among the private sector. In terms of the composition of this 61.7%, the private sector's share is 38.1%.

We deduce from these facts that the private sector could be in favor of sustainable development in the country if they relate it with the potential for balanced development, and thus have not expressed views opposed to this reality, unlike the other analyzed social sectors. With this information we can conclude that a favorable context should be established to channel the possibility of carrying out sustainable development policies and thereby make it to 2030 near to the goals set in the 2030 NDS.



Source: Personal field interviews.

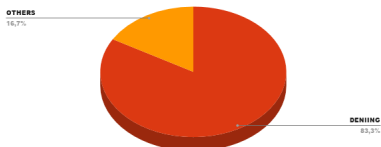
8. Point of view on how the public administration makes decisions in cases of scientific uncertainty

On the view of how the public administration makes decisions in an environment of scientific uncertainty, 83.3% of respondents from the private sector in the Dominican Republic felt that the public administration's mode of operation is incorrect. Nonetheless, some 16.7% deemed the public administration's action not so deficient. However, we see as a differentiating factor that no respondent expressed a positive view of this reality.

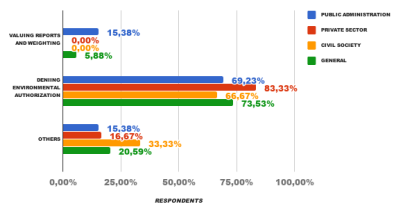
In regard to the graphic on views by sector, we see a trend to negatively view the actions of the public administration under scientific uncertainty given its systematic veto of projects under the incorrect application of the precautionary principle. In this sense, the private sector's view resembled the 73.53% negative view of respondents overall, with the private sector's share in this composition being the highest at 40% of the negative opinions expressed.

In short, we see a widespread inclination toward the view of deficient decision-making in public management in cases of scientific uncertainty. Concretely, this negative opinion is focused on the application of the precautionary principle by the public administration prompted in large part by the lack of efficient information and needed resources and the low level of effective understanding of the limits to application and operative functioning of the precautionary principle.

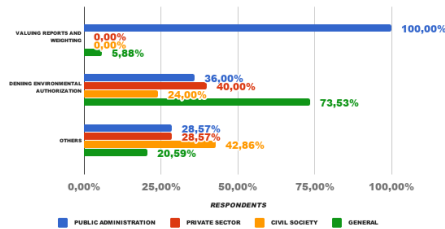
POINT OF VIEW OF THE PRIVATE SECTOR ON THE WAY TO MANAGE BY THE PUBLIC ADMINISTRATION THE DECISION-



POINTS OF VIEW ON THE WAY OF MANAGING BY THE PUBLIC ADMINISTRATION THE DECISION-MAKING IN THE SCIENTIFIC



GENERAL VARIABLE COMPOSITION FOR P8



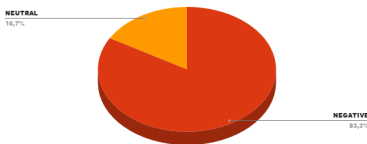
Source: Personal field interviews.

9. Point of view on investment in scientific research

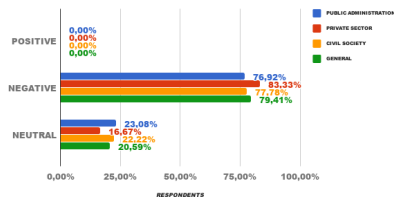
On the situation of scientific research in the Dominican Republic, the graphs created from the interview data show that 83.3% of the opinions expressed were negative in regard to the level of support for scientific research in the country. In turn, 16.7% offered some nuance in their views, but above all we see that no respondents expressed a positive view on this item.

With an overall negative view of 79.41% on the level of investment in scientific research in the Dominican Republic, the private sector’s 83.3% negative view situates it roughly equivalent to the average. These data make clear that the private sector holds a widespread poor view within an average opinion framework, in line with the other social sectors. Thus the data underlines the urgent need to support scientific research in the Dominican Republic.

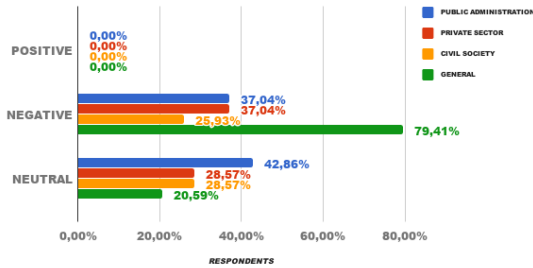
POINT OF VIEW OF THE PRIVATE SECTOR ON THE PROMOTION OF SCIENTIFIC INVESTIGATIONS



POINTS OF VIEW ON THE PROMOTION OF SCIENTIFIC RESEARCH



GENERAL VARIABLE COMPOSITION FOR P9

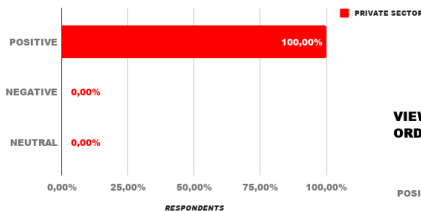


Source: Personal field interviews.

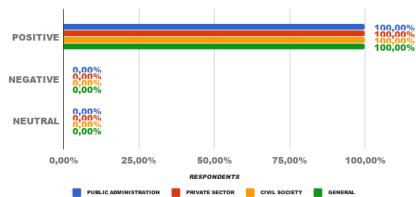
10. Point of view on the need for land-use planning

The question of land-use planning occupies a topical position as at the time of writing a draft Law on Land Use and Environment is being debated in the National Congress. The graphs generated from the personal interview data make clear the complete and overwhelming support for this regulation arising from the mandate of article 194 of the Constitution of the Dominican Republic and article 31 of General Law 64-00 on Environment and Natural Resources as derived sectoral legislation. Here we simply highlight that the private sector’s share of overall positive opinion was 42.31%.

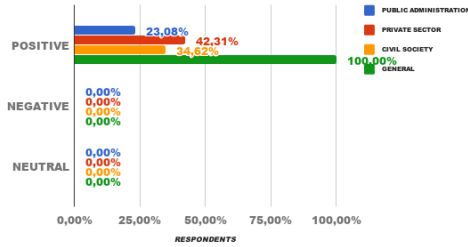
POINT OF VIEW OF THE PRIVATE SECTOR ON THE REGULATION OF TERRITORIAL ORDINATION



VIEWPOINTS ON THE REGULATION OF TERRITORY ORDINATION



GENERAL VARIABLE COMPOSITION FOR PES10

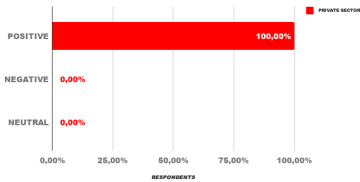


Source: Personal field interviews.

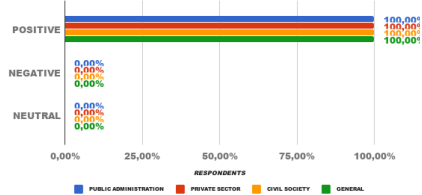
11. Point of view on promoting a meritocratic civil service career track

In the follow graphs we see the clear reality expressed by the private sector on promoting a meritocratic civil service career track in the Dominican Republic, espousing an entirely positive view and contributing 46.15% of the overall opinion, making it the sector with the most weight in this regard.

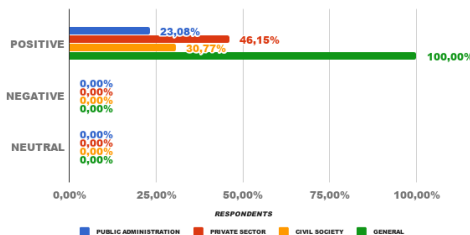
POINT OF VIEW OF THE PRIVATE SECTOR ON THE IMPLEMENTATION OF A PUBLIC FUNCTION OF CAREER



VIEWPOINTS ON THE IMPLEMENTATION OF A CAREER PUBLIC FUNCTION



GENERAL VARIABLE COMPOSITION FOR PES11



Source: Personal field interviews.

VIII. Land-Use Planning in the Dominican Republic

Land-use or zoning is a key subject in the Dominican Republic these days. Under discussion is not only the need for regulation arising from constitutional requirement but also the practical reality of the climate effects suffered in the period November–December 2016, particularly in the north of the country with the disasters affecting the river system, and the effects of Hurricane Irma²⁹ in September 2017.

Article 31 of the General Law on Environment and Natural Resources (64-00) presents some of the first contributions to the Dominican zoning code. The Dominican constitution in force since January 26, 2010, explicitly introduces the issue of land-use laws in the country. In this regard, article 194 establishes that “a priority of the state [is] the formulation and execution through law of a land-use plan that ensures the efficient and sustainable use of the nation’s natural resources, in accordance with the need for adaptation to climate change.” For its part, the National Development Strategy (2030 NDS), approved on January 26, 2012, establishes such in its second axis, specifically the general objective 2.4 (territorial cohesion)³⁰.

The need is clear for an instrument focused on territory and development. SEAs and EIAs can provide a strong focus on prevention and fighting against climate change, while organizing and allowing for optimal resource management. Nonetheless, the basis of all of this is structured atop a zoning code that precisely serves to provide a territory organized under its standards and favorable or less restrictive and damaging terms of use.

As long as the Dominican Republic remains without a land-use code, it will not be possible to structure a system of environmental assessments that can potentially repair and mitigate the effects of climate change and protect the environment.

29. Hurricane Irma: considered the most dangerous hurricane on record in the Atlantic, with gusts of 307km/h and at category 5.

30. Dominican Political Observatory, “Informe sobre la Ley de Ordenamiento Territorial y Uso de Suelo en la República Dominicana”. Dominican Political Observatory, 2015. <http://www.opd.org.do/index.php/analisis-gobiernolocal/2016-sobre-la-ley-de-ordenamiento-territorial-y-uso-de-suelo-en-republica-dominicana> Convention of 1998.

IX. Environmental Permits in the Dominican Republic and the Precautionary Principle

To successfully establish EIAs and SEAs, an inter-administrative connection between ministers is needed with the intent not to overlap or duplicate functions. To that end, a harmonizing process should be elaborated.

It is therefore necessary to set up a system of integrated environmental authorizations (IEAs) in the Dominican Republic to be able to link the system together and harmonize it into a sole, synergetic process.

EIA instruments must allow a dynamic channeled through the set requirements. However, we see a bottleneck in the management of the procedure by the public administration. This bottleneck stems from the current situation of the process, of the state as regulator, and of the dynamics of market activity. There is a need to restructure the regulatory body—that is, the Ministry of Environment—and the legislation itself in order to produce a dynamization of market activity based on making the process realistic, comprehensive, and revitalizing. In short, the procedure should be adjusted to market dynamics and the capacities of the regulator.

It is important, in turn, to convert the EIA process into a living tool and not a mere formality culminating in the awarding of an environmental permit. To that end, “progress clauses”³¹ can be deployed in IEAs that allow for the use of the best available technology—BAT³²—at every moment and thereby take part in a long-term sustainable development policy.

In terms of the precautionary principle, it is part of the essence of environmental law and requires a dynamic procedure to be applied with a certain level of success. In relation to the principle’s application, article

31. ESTEVE PARDO, J., “Derecho del medio ambiente”, Ed. Marcial Pons, 2ª ed., Barcelona. 2008.

32. Idem., “El desconcierto del Leviatán. Política y derecho ante las incertidumbres de la ciencia”. Ed. Marcial Pons, Madrid. 2009.

8 of Law 64-00 provides that when no absolute scientific certainty exists it should not be a reason for the authorities to not take precautionary measures. However, this reasoning has not been well-applied given the lack of understanding of the basis of that principle, the applicative context, and the limits of its use. This principle tends to foster a context of seeking the greatest possible certainty and in time establishing precautionary measures to mitigate the impact of an activity whose effects are unknown at the outset.

Likewise we should mention the current reality on the origin of a source of immense legal insecurity arising from the subjective application of this principle by both the public administration and the judiciary, given the misunderstanding of its applicative assumptions and the associated limits. For this reason, the rationale behind the application of the principle should be articulated and publicized to minimize risk. Above all, a clear lack of institutional capacity to guide this kind of decision is seen in the Dominican Republic, making the discharge of processes and staff specialization the most crucial points and greatest needs to cover in the country.

X. The Third-Generation Administrative Procedure³³

It is important to have procedures derived from the third generation of administrative law, given the impossibility of the public administration assuming all activity arising from social life in all its intensity. The administration can no longer sustain the protagonism in simple and limited questions that it formerly held. Hence, administrative procedures should be opened and allow society and, especially, private entities interested in specific projects, to collaborate and contribute. A good administration is not one that makes every kind of decision, but that can guide the decision that is in the public's best interest—and this cannot be achieved without quality information and the capacity to generate that information. For these reasons, the reality in the Dominican Republic reveals how in situations of some urgency auxiliary decision-making mechanisms have had to be resorted to, giving rise to the participation of supranational bodies in the decision.

The traditional notion of the imperative administration is being displaced by the cooperative administration mode of public management, directed through a sort of governance body. The administrative procedure, as a result, is changing toward a type of process based on implications of obtaining and exchanging information.

The third-generation administrative procedure arises from elements that strengthen the administration and that the administration and other actors use as governance elements in the procedure, above all with the intention of structuring intra-administrative elements of collaboration, such as, for example, in the IEA procedure. The cooperative administration seeks to work together with other administrations, the outside public, and the private sector with the aim of obtaining the best solution within the reach of sustainable development.

In this type of proceedings, it is structured under policy guidance, as the law cannot provide adequate solutions. For this reason, an adequate

33. Idem., "El desconcierto del Leviatán. Política y derecho ante las incertidumbres de la ciencia". Ed. Marcial Pons, Madrid. 2009.

procedure is needed to establish the most favorable framework for decision-making.

The public administration not only exercises imperium (rule) in applying the law to citizens, but also studies, evaluates, and gathers information. In addition, it is necessary to act collaboratively when the problem exceeds its size and capacity.

In this context, non-binding norms—also called soft law—assumes a vital and basic significance in matters of self-regulation. The administration can no longer be autarkic and requires intra-administrative and public-private mechanisms of collaboration. Self-regulation plays a key role in public life as a regulatory strategy that actively involves the private sector. The public administration seeks to make the private sector regulate itself, fostering certain associated privileges.

Self-regulation, then, is based in the incapacity of the law to anticipate and guide reality. Hence, the administration should complement the law in terms of efficacy, democratic legitimacy, and of control of mechanisms, forums, and rules to reach the best decision in cases of, among others: defining chemicals as dangerous substances; sustainable growth; technical standards for the elaboration of a product or service; forms and uses of urban growth; environmental consequences of a project, etc.

The function of the third-generation administrative procedure, given that the administration does not have solutions prepared by legislators, arises from the aim of serving to direct and guide—no longer as a mechanism of the application of the law—and becomes a process of legal creation and innovation, in search of solutions of proactive and systematic character, with *ex ante* coordination and predetermination of administrative intervention.

In the Dominican Republic procedures of this kind still do not exist. However, such procedures are very necessary and efficacious elements for public structures that are lacking and in need of change. In this

sense, in incorporating these mechanisms, the Dominican Republic would reduce the bureaucratic weight on the Ministry of Environment, and could, in consequence, focus on the phases of management and monitoring of EIAs and on the permits and authorizations granted, exercising the duty of surveillance of regulatory compliance and ensuring a sustainable development that's marked and guided by the environmental policies of the 2030 NDS.

XI. The Future of Environmental Impact Evaluations in the Dominican Republic. Special Mention for Sustainability Assessments

Climate change has become oriented as the flagship of environmental concerns today. However, there are other facts to put into context on par and with the same weight. Other considerations exist such as social and cultural factors that can be related to economic and environmental concerns, as well as the effects of climate change, given that all of these are interrelated.

There is a deficit in terms of determining the terms of reference (ToR) associated with EIAs in regards to specific projects under study in the Dominican Republic. These terms of reference should lay out the analysis of the effects of climate changes as well as the mitigation and adaptation activities to be carried out.

In the Dominican Republic there is a “Guide for Carrying Out Social Impact Assessments” (SIAs)³⁴ within the EIA process; however, this has never been applied.

The lack of knowledge in the Dominican Republic on sustainability assessments is plausible. These sustainability assessments are confused with socioeconomic elements and even with the public consultations arising from the UN Conference in Rio de Janeiro in 1992 and the Aarhus Convention.

The concept of sustainability assessments should be examined to differentiate the social and cultural aspects to be analyzed and evaluated with the socioeconomic elements that extend most directly from the economic part of EIAs. Certainly in the terms of reference stated and published by the Ministry of Environment in relation to EIA procedures are where these notions should be expressed, evolving EIAs toward

34. Ministry of Environment, “Guía para la realización de Evaluaciones Sociales”. Ministry of Environment, Santo Domingo, 2004. file:///Users/usuario/Downloads/guia-para-la-realizacion-de-evaluaciones-de-impactosocial-eis.pdf

sustainability assessments. With regard to public consultations—although these are also not fulfilled in the country due to lapses in observance of the Aarhus Convention—they constitute crucial elements to strengthen given their ideal features for channeling the obtaining social permission. Nor should this social permission be confused with a social and cultural element as it arises more, as we’ve already argued, from public consultations and the acceptance of a project by the community.

In the Dominican Republic, as a developing country with social and cultural realities to be improved and strengthened, these sustainability assessments, supported by SEAs, have become an ideal mechanism not only to wage the struggle against climate change but also to address social and cultural issues in the country. In using this tool to foster the objectives of the 2030 NDS, they will be seen more closely as they cover an array of new related elements that should be taken into account when it comes to analyzing development projects in the Dominican Republic, thereby allowing the channeling of decisions focused on real sustainable development.

XII. Proposals for Environmental Improvement and Environmental Impact Assessments in the Dominican Republic

The main point of improvement seen in the Dominican Republic in regards to the environmental framework and in particular in regards to EIAs is the political commitment on these matters. In addition, promoting commitment to environmental expertise, in this case through the Ministry of Environment, forms another of the key points. Having an independent expert body that can make decisions with the greatest possible objectivity is crucial.

Having information, after studying the different areas of the country (which would be demarcated by the land-use law) would, along with knowledge of the developer's project, save time and make site visits more efficient in verifying critical environmental facts. Thus, EIAs should inevitably be linked to SEAs, forming a joint and indivisible bloc. The aforementioned makes possible an improvement in the terms of reference, in the course of the EIA procedure thereby increasing the quality and included environmental considerations, as well as facilitating the inclusion of the concepts of climate change.

Increasing the commitment of the experts at the Ministry of Environment through better human resource management would facilitate greater efficiency in its work, allowing for better interventions and improving the elaboration of, for instance, the specific terms of reference for each project; it would, in turn, increase the independence of its decisions and give them more audacity. Independent and objective discussions help achieve the sustainable development project set out in the 2030 NDS. To that end, the creation of a proper civil service career track and with it avoiding political decisions associated with the civil service is essential.

Low-impact licenses and minimum impact record certificates (MIRC) should pass through licensing filters with a regime of the infractions and responsibilities of the associated civil servant. Civil servants should avoid visiting high-impact projects in uniform. Provincial

administrative jobs should be filled through merit. Administrative employees should not be linked to politics at the local level. This reality of local corruption does much damage to the sustainability of natural resources, the environment, and the community. The foundations of repair to environmental management at the provincial level should be managed and institutionalized to improve the regime of the delegates to the Ministry of Environment.

Avoiding corruption at the provincial level is an important objective to achieve, avoiding “local strongman” attitudes that reduce growth and the development sought through the NDS. It is essential to increase monitoring tasks to ensure compliance with environmental provisions.

The increase in environment-related research, focused on solving real environmental problems and with the aim of creating information relevant for making decisions in cases of scientific uncertainty and improving the application of the precautionary principle form some of the priorities of the Dominican environmental system, and even more so now in regards to the fight against climate change.

To shift the paradigm of the idiosyncrasy of the Dominican system, a clear and independent separation of the state powers should exist, especially in regards to the independence of the judiciary on the environmental question.

It is extremely important to promote environmental education to effect greater social understanding of the subject and obtain social permits much more easily and with greater results of cohesion and development.

Conceptualizing an IEA procedure under schemes of self-regulation derived from third-generation administrative procedures and relaxing the bureaucratic pressure on the Ministry of Environment is crucial to allow the ministry and its team of civil servants (necessarily selected through a process of public opposition) can focus on management and monitoring of the parameters set in EIAs.

The evolution of EIAs toward sustainability assessments would take on greater relevance at the level of sustainable development upon determining and analyzing relevant social and cultural situations for a balanced cohesion of the elements of development. The increase of the HDI should be one of the country's aims. The NDS already makes indirect reference to it, in combining the evolution of the most relevant social indexes—concepts that come closely linked to evaluate the effects on them through sustainability assessments.

Incorporating elements of climate change into EIA procedures, in terms of mitigation and adaptation actions, can be deemed an inescapable need in the Dominican Republic. In more specific terms relating to the procedure and regulation of EIAs, the improvements to be made are the following:

- Technical strengthening of the expert reviewers on the Initial Technical Review Committee.
- Strengthening the management actions of the Environmental Assessments Management.
 - Elaboration of the ToR arising from site visits under the control and management of a highly experienced team lead.
- Avoiding incomplete or deficient ToR
 - Avoiding technical requirements outside the environmental context.
 - Avoiding lack of detail on the environmental technical context.
 - Avoiding technical subjectivities and external relationships with developers.
- Improving the quality of the results of the reviews of the environmental studies.
 - Avoiding recommendations outside the environmental context.
 - Avoiding duplication of the information already contained in the environmental study reviewed by the Initial Technical Review Committee.
- Reviewing and complementing Law 64-00 through complex regulation.
 - Strengthening the EIA procedure.
 - Complementing the EIA system with instruments from article 38 of Law 64-00.
 - Moving toward a comprehensive vision of the EIA system.

- Develop strategies of inter-institutional vision for integrated management.
- Establishing a strategic vision.
- Establishing the bases for efficiency and synergy in the use of technical and logistical resources.
- Managing the variables and institutional conflicts of interests in a better way.
- Establishing political environmental strategies to achieve better sustainable development.
- Reformulating the overall process to adapt it to self-regulation measures and third-generation administration processes.
- Reformulating the process toward sustainability assessments.

In relation to natural resources and the equilibrium of ecosystems, the relevant improvements include:

- Incorporating the climate change variable into elements to keep in mind in ToR with the aim of:
 - Fitting within the INDC in the framework of the UN's MRV report.
 - Fitting within the Sustainable Development Goals (SDGs).
 - Fitting within the elements of the Fourth Axis of the 2030 NDS.
 - Improving and adapting the elements of the Fourth Axis of the 2030 NDS to the SDGs (they only overlap by 42% due to the different temporal spacing of the commitments).
- Improving awareness of climate change and the EIA system among citizens and public institutions.
 - Deepening the technical training of civil servants.
 - Improving the synergetic aptitude of the administrative management.
 - Reducing subjectivities.
- Incentivizing scientific research.
- Improving the application of the precautionary principle.
- Taking into account the limits of the applicability of the precautionary principle.
- Making more suitable the criteria, ratings, measures, and controls for the registering of contractors or environmental consultants in the Ministry of Environment, with the aim of boosting the quality of the related environmental studies.
- Incorporating the standards set in ISO 9000 and 14000.
- Managing the growth of approved projects under the Minimum Impact Registry.

XIII. Conclusion

According to a study by the Central American and Caribbean Commission for Environment and Development and ECLAC³⁵ on environmental impact assessments in the region, the EIA schemes of Central America and the Caribbean are very alike, meaning that everything mentioned in this book could constitute an approximate guide for all the countries in the region.

The Dominican government made a commitment based on an INDC that will be difficult to fulfill if it does not internalize it as its own, on the part of both the public administration and environmental contractors. Given this context, the references to the INDC and the 2030 NDS should be incorporated into current or future legislation on both EIAs and SEAs.

This reality should be integrated into INDCs and build those commitments into domestic legislation that is related to environmental performance, as it can be any environmental tool that allows for compliance with the Paris Agreement and the 2030 NDS. In this context, it should be studied if the most efficient path is through EIAs, a climate change law, SEAs, or sustainability assessments, or if in sum it should be a sustainable business management regulation. Regardless, the union of concepts should be: domestic environmental management, international commitments, and natural resource assessment strategy.

This issue is complex and requires multiple disciplines, multiple sectors, and an inter-sector analysis. It is not possible to analyze nor pretend to take on this reality from a sole environmental perspective; rather, the vision of multiple interconnected disciplines should be its basis. Other actors should be added to the debate, such as economic, planning, and development voices, as well as social and cultural elements. Although the foundation is the environment and sustainable development, all the planning of the state comes from there, as does

35. ECLAC, "Report of the Seminar on Environmental Impact Assessments as an Instrument of Environmental Management: Situation and Prospects in Latin America and the Caribbean", ECLAC, 1989. <http://repositorio.cepal.org/handle/11362/18645>

its fulfillment of the 2030 NDS and operative factors through one of its multi-year investment plans. Thus, if these plans are not linked to the goals of the 2030 NDS or the INDCs and channels through environmental management via SEAs and EIAs, they are simply taking actions that remove them from the ultimate aims laid out in national law and international commitments.

Climate change must be a state priority, and particularly in countries like the Dominican Republic, which will suffer its weather effects to unknown extremes.

XIV. References

BARNES, J., “Tres generaciones del procedimiento administrativo”. *Revista de la facultad de Derecho*, No. 67, Derecho PUCP, 2011.

BRAÑES, R. “El derecho ambiental ante la enseñanza y la investigación”, in *Revista de Ciencias Sociales*. Faculty of Legal, Economic, and Social Sciences of the Catholic University of Valparaíso (Chile), 23, second semester, 1983, pp. 179-200.

---“Informe sobre el desarrollo del Derecho Ambiental Latinoamericano. Su aplicación después de diez años de la Conferencia de las Naciones Unidas sobre el Medio Ambiente y el Desarrollo”. PNUMA, 2001.

--- “Manual de derecho ambiental mexicano”, Fondo de Cultura Económica y Fundación Mexicana para la Educación Ambiental, 2ª ed., México, 2000, pp. 655-675.

COUSILLAS, MARCELO J., “El régimen de evaluación del impacto ambiental en el Uruguay”, in *Revista de Política y Derecho Ambientales en América Latina y el Caribe*, PNUMAORPALC and FARN, Buenos Aires, vol. I, no. 3, 1994.

DCB., “Informe de la Economía Dominicana”. Dominican Central Bank, 2016. https://www.bancentral.gov.do/publicaciones_economicas/infeco/infeco2016-06.pdf

Dominican Political Observatory, “Informe sobre la Ley de Ordenamiento Territorial y Uso del Suelo en República

Dominicana”. Dominican Political Observatory. 2015. <http://www.opd.org.do/index.php/analisis-gobiernolocal/2016-sobre-la-ley-de-ordenamiento-territorial-y-uso-desuelo-en-republica-dominicana>

ECLAC, “Report of the Seminar on Environmental Impact Assessments as an Instrument of Environmental Management: Situation and Prospects in Latin America and the Caribbean”, ECLAC, 1989. <http://repositorio.cepal.org/handle/11362/18645>

ESTEVA PARDO, J., “Derecho del medio ambiente”, Ed. Marcial Pons, 2ª ed., Barcelona. 2008.

--- “El desconcierto del Leviatán. Política y derecho ante las incertidumbres de la ciencia”. Ed. Marcial Pons, Madrid. 2009.

GALLUP, “Nivel de conocimiento y la percepción de la población dominicana sobre el tema del cambio climático”. GALLUP, Presidency of the Dominican Republic, National Council for Climate Change and the Sustainable Development Mechanism, Santo Domingo, Dominican Republic, January 2012.

GRIFFIN, A., and HAUSER, J.R., “The voice of the customer”. *Marketing Science Review*, Vol. 12, No. 1, Massachusetts Institute of Technology, University of Chicago, 1993.

<http://www.mit.edu/~hauser/Papers/TheVoiceoftheCustomer.pdf>

IMF, “Regional Economic Outlook: Tale of Two Adjustments”. International Monetary Fund. May 2017. <http://www.imf.org/en/Publications/REO/WH/Issues/2017/05/10/wreo0517>

IUCN., "Annual Report 2015" International Union for the Conservation of Nature, 2015. <https://portals.iucn.org/library/sites/library/files/documents/2016-020.pdf>

Ministry of Environment, "Guía para la realización de Evaluaciones Sociales". Ministry of Environment, Santo

Domingo, 2004. <file:///Users/usuario/Downloads/guia-para-la-realizacion-de-evaluaciones-de-impactosocial-eis.pdf>

---- "Informe anual Ministerio de Medio Ambiente 2015", Ministry of Environment,

Dominican Republic, 2015. <http://ambiente.gob.do/wp-content/uploads/2016/09/Memoria-Institucional-2015.pdf>MORALES MUÑOZ, S., "La Gestión de riesgos ambientales en situaciones de incertidumbre científica. Principio de precaución ambiental y AAL. Especial mención a la EIA". Ed. ePrint UCM. 2013.

SEMBLER, J. I.; LINARES, A. M.; HUPPI, M.; VELLANI, S.; SUAREZ, D. and DI TATA, J.C., "Country Program Evaluation: Dominican Republic (2009-2013)". IDB, 2013. <https://publications.iadb.org/handle/11319/6358?locale-attribute=en>

STIGLITZ, J., SEN, A. and FITOUSSI, J-P., "Mismeasuring Our Lives: Why GDP Doesn't Add Up." The New Press, 2010.

World Bank, "Informe sobre prioridades ambientales, opciones estratégicas y análisis ambiental del país".

World Bank. 2015. <https://documents.worldbank.org/curated/en/.../296270do0spani1ver0p07947801public1.doc> UN. "Report of the World Commission on Environment and Development: Our Common Future." UN General Assembly. 1987. <http://www.un-documents.net/our-common-future.pdf>

LEGISLACIÓN

- Acuerdo de París, 2015.
- Constitución de la República Dominicana, 2015.
- Convenio de Aarhus, 1998.
- Declaración ONU de Estocolmo, 1972.
- Declaración ONU de Río de Janeiro, 1992.
- Ley Orgánica de la Administración Pública, No. 247-12. G. O. No. 10691 del 14 de agosto de 2012. República Dominicana.
- Ley General sobre Medio Ambiente y Recursos Naturales, del 18 de agosto de 2000. República Dominicana.
- Ley que establece la Estrategia Nacional de Desarrollo 2030, No. 1-12. G. O. No. 10656 del 26 de enero de 2011. República Dominicana.



Sergio Morales Muñoz

Sergio Morales Muñoz, born in Barcelona in 1988, graduated from the University of Barcelona in 2012. Later he obtained his master's in public law with specialization in administrative law at Complutense University of Madrid in the year 2013. In 2016 he finished his postgraduate studies in Business Administration and Leadership at the Polytechnic University of Catalonia. During his university period he became curious about the environmental framework and focused his research on environmental assessments, publishing his first book entitled "Evaluaciones de Impacto Ambiental como herramientas de gestión de riesgos ambientales en situaciones de incertidumbre científica" (ePrint UCM, Madrid) in 2016.

Now a doctoral candidate at the University of Barcelona, he continues to develop his research on environmental impact assessments, now focused on sustainable development and climate change, channeling synergies between these concepts and comparing Spanish and Dominican legislation. He seeks to establish the necessary groundwork to be able to suggest a legislative debate on modifying the Dominican environmental legislation, stimulating resilience in the Dominican environmental framework and improving quality of life in the Dominican Republic.

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