

Draft of legally binding framework

Initiative for Climate Action Transparency - ICAT

Draft of Legally Binding Framework

Deliverable #7

AUTHORS

Nigel Ovid Hawke

Legal Consultant/Legal Solutions

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BELIZE

CLIMATE CHANGE BILL

2022

An Act to provide establishment of the Department of Climate Change, the National Climate Change Committee, Belize's compliance with International Climate Change obligations, carbon budgets; and to provide for matters connected therewith.

BELIZE:

CLIMATE CHANGE BILL, 2022

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BELIZE:

BILL

for

AN ACT to establish the Department of Climate Change, set out the responsibilities and authority of the National Climate Change Committee; provide for the administration of all Climate Change policies and initiatives; and to regulate such other matters connected with or incidental to Climate Change in Belize.

(Gazetted2022).

BE IT ENACTED, *by and with the advice and consent of the House of Representatives and Senate of Belize and by the authority of the same, as follows:*

PART I

Preliminary

1. This Act may be cited as the

Short title.

CLIMATE CHANGE ACT, 2022,

2.—(1) In this Act, unless the context otherwise requires—

Interpretation.

“Adaptation” means the adjustment in natural or human systems in response to actual or expected climatic stimuli or their effects which moderates harm or exploits beneficial opportunities;

"Appropriate Minister" means the Minister with responsibility for the Climate Change

“Carbon Budgets” means monies available for mobilization by government or non- government entities to finance climate change mitigation and adaption actions and interventions;

“Carbon Dioxide (CO₂)” means a gas having molecular chemical compound composed of two oxygen atoms covalently double bonded to a single Carbon atom;

“Climate Change” means a change in the global climate system which is caused by significant changes in concentration of greenhouse gases as a consequence of human activities and which is in addition to natural climate change that has been observed during a considerable period;

“Climate change duties” means the statutory obligations conferred on public and private entities to implement climate change actions consistent with the National goal of low carbon, climate resilient development;

“Climate change resilience” means the ability of social, economic and the environment to cope with hazardous events or trends, and the capability to maintain competent function and return to some normal range of function even when faced with adverse impacts of Climate change;

“Climate Change Related projects” means an agreement Between the National Climate Change Office, a customary land owner relating to Climate related project;

“Constitution” means the Constitution of Belize as the supreme law of Belize;

“Convention” means the United Nations Convention on Climate Change;

“Department” means the Department of Climate Change that is established pursuant to provisions of this Act;

“Emissions” in relation to a greenhouse gas, means emissions of that gas into the atmosphere where the emissions are attributable to human activity;

“Free Prior and Informed Consent (FPIC)” means consent obtained from owners of communal lands and Freehold Land;

“Fund” means the Climate Change Fund established pursuant to this Act;

"Greenhouse gas" includes but is not limited to carbon dioxide, methane, nitrous oxide, hydrofluorocarbons; perfluorocarbons, sulphur hexafluoride; and indirect greenhouse gases;

“Minister” means the Minister with responsibility for Climate Change;

“Mainstreaming” means the integration of climate change actions into decision making and implementation of functions by ministries; state corporations, municipalities, village councils and alcaldes;

“Mitigation” means efforts that seek to prevent or slow down the increase of atmospheric greenhouse gas concentrations by limiting current or future emissions and enhancing potential sinks for greenhouse gases;

“National Climate Change Committee” means the broad-based multi-stakeholder body comprising of non-state, public and private sector representatives established pursuant to provisions of this Act,

“Public entity” means a body or person with functions of a public nature;

“Private entity” means a body or person with functions of a private nature and includes an NGO registered under the Non-Governmental Organisation Act;

PART II

The purpose and objective of the Act

3.— (1) This Act shall be applied for the Development, management, implementation and regulation of mechanisms to enhance climate change resilience and low carbon development for the sustainable development of Belize.

Objectives and purpose

(2) Without prejudice to subsection (1) this Act shall be applied to all sectors of the economy by the national, municipal, village council to –

(a) mainstream climate change responses into development planning, decision making and implementation;

- (b) build resilience and enhance adaptive capacity to the impacts of Climate Change;
- (c) formulate programmes and plans to enhance the resilience and adaptive capacity of human and ecological systems to the impacts of Climate Change;
- (d) mainstream and reinforce climate change disaster risk reduction into strategies and actions of public and private entities;
- (e) mainstream intergenerational and gender equity in all aspects of climate change responses;
- (f) provide incentives and obligations for private sector contribution in achieving low carbon climate resilient development;
- (g) promote low carbon technologies, improve efficiency and reduce emissions intensity by facilitating approaches and uptake of technologies that support low carbon, and climate resilient development;
- (h) facilitate capacity development for public participation in Climate Change responses through awareness creation, consultation, representation and access to information;
- (i) Mobilize and transparently manage public and other financial resources for Climate change response;
- (j) provide mechanisms to facilitate climate change research and development, training and capacity building;
- (k) mainstream the principle of sustainable development into the planning for decision making on Climate change response; and
- (l) integrate climate change into the exercise of power and functions of all levels of governance, and to enhance cooperative climate change governance between national and local governments.

Establishment
the National
Climate Change
Department and
Committee

4. (1) There is established a Department of Government to be known as the Department of Climate Change responsible for the coordination and management of all Climate Change related activities.

(2) There is established a National Climate Change Committee, i.e., a broad-based multi-stakeholder body comprising of non-state, public and private sector representatives with responsibilities for approving all Climate Change related activities for sanction by the National Assembly.

(3) The National Climate Change Committee shall perform the following functions:

- (a) Provide guidance on the implementation of the National Climate Change Policy, Strategy and Master Plan (NCCPAMP) and guidance on all International Agreements/Conventions relating to Climate Change such as United Nations Framework Convention on Climate Change (UNFCCC) and the Paris Agreement;
- (b) Provide guidance on the development of national positions on climate change issues
- (c) Oversee the strategy to ensure that climate change is mainstreamed into national development plans and policies and is fully integrated within government's national budget;
- (d) Review and advise government on the capacity building, institutional and other resource requirements needed to fully implement the strategy and action plan; ensure that the climate change priorities are aligned with Belize's medium term and long term development strategies;
- (e) Advise on and facilitate the revision and approval of project concepts and proposals for the implementation of National Adaptation and mitigation strategies and actions;
- (f) Advise on the financial mechanism of the UNFCCC which includes the GCF, GEF, Adaptation Fund and other International sources of Climate finance ;
- (g) Participate in and monitor resource mobilization efforts, to support the implementation of the NCCPSMP and on all International Agreements/Conventions relating to Climate Change such as United Nations Framework Convention on Climate Change (UNFCCC) and the Paris Agreement;
- (h) Facilitate Belize's effective participation in the UNFCCC and its mechanisms and other related bi-lateral and multi-lateral programs and activities;
- (i) Establish sub-committees and other entities to assist with the implementation all Climate Change related matters;
- (j) Any other tasks or activities within the framework of the UNFCCC and which are designed to support the implementation of the national climate change program;
- (k) The BNCCC will recommend evaluation processes to ensure that Belize is meeting its goal and objectives on the UNFCCC;
- (l) Monitor and evaluate the effectiveness of the BNCCC.

(4) The National Climate Change Committee shall comprise the following members:

- (i) Ministry with Responsibility for Climate Change **Chair – CEO responsible for Environment and Climate Change Portfolio)**
 - (ii) **(Co-Chair – CEO responsible for Economic Development Portfolio)**
 - (iii) CEO responsible for Natural Resources, Petroleum and Mining
 - (iv) CEO responsible for Agriculture, Food Security and Enterprise
 - (v) CEO responsible for Health and Wellness
 - (vi) CEO responsible for Infrastructure, Development and Housing
 - (vii) CEO responsible for Tourism and Diaspora Relations
 - (viii) CEO responsible for Public Utilities, Energy and Logistics
 - (ix) CEO responsible for Blue Economy & Civil Aviation
 - (x) Ministry of Rural Transformation, Community Development, Labour & Local Government
 - (xi) CEO responsible for Foreign Affairs, Foreign Trade & Immigration
 - (xii) Representative from the Private Sector (Belize Chamber of Commerce and Industry) **(Vice Chair)**
 - (xiii) Representative from the NGO/CBO Umbrella Group (APAMO)
- Representative from the University of Belize **(Vice Chair)**

5. The Department of Climate Change shall provide an overarching national climate change coordination mechanism with the guidance of the National Climate Change Committee and shall-

- (a) ensure the mainstreaming of the climate change function by the national and local governments;
- (b) approve and oversee implementation of the National Climate Change Policy and Master Plan
- (c) advise the national and local governments on legislative policy and other measures necessary for climate change response and attaining low carbon climate resilient development;

Functions of the
Department

Disclosure of
Interest

6. (1) Where at a meeting of National Climate Change Committee, a member of the Committee present at the meeting who, otherwise than in his or her capacity such member, has a material interest in any matter which falls to be considered by the Committee, such member shall—

Climate Change

(a) at the meeting disclose to the Committee, the fact of such interest and the nature of such interest,

(b) neither influence nor seek to influence a decision to be made in relation to the matter,

(c) absent himself or herself from the meeting or that part of the meeting during which the matter is being discussed,

(d) take no part in any deliberation of the Committee, relating to the matter, and

(e) not vote on a decision relating to the matter.

(2) Where a material interest is disclosed pursuant to this section, the disclosure shall be recorded in the minutes of the meeting concerned.

7. The Seal of the Department of Climate Change shall be such device determined by the Department in consultation by the National Climate Change Committee to be used as the seal and shall be kept by the Department.

Seal of the
Department

8. The Department of Climate Change shall submit to the National Assembly an annual Report for its consideration and to update on matters relating to Climate Change.

Annual Report
to National
Assembly

9. -(1) The Department of Climate Change through the National Climate Change Committee shall and through public consultation, formulate National Climate Change Master Plans.

Coordination of
Climate Change
Policy

(2) The National Climate Change Master Plan shall be presented for approval by the Department of Climate Change.

(3) The National Climate Change Master Plan shall prescribe measures and mechanisms—

- (a) to guide the county toward the achievement of low carbon climate resilient sustainable development;
- (b) to set out actions for mainstreaming climate change responses into sector functions;
- (c) for adaptation to climate change;

- (d) for mitigation against climate change;
- (e) to specifically identify all actions required as enablers to climate change response;
- (f) to mainstream climate change disaster risk reduction actions in development programmes;
- (g) to set out a structure for public awareness and engagement in climate change response and disaster reduction;
- (h) to identify strategic areas of national infrastructure requiring climate proofing;
- (i) to review and determine mechanisms for climate change knowledge management and access to information;
- (j) to enhance energy conservation, efficiency and use of renewable energy in industrial, commercial, transport, domestic and other uses;
- (k) to strengthen approaches to climate change research and development training and technology transfer;
- (l) to review and recommend duties of public and private bodies on climate change.

PART III

Climate Change Response and Measures

Mainstreaming
of Climate
Change at Local
Government

10. The Municipalities and Village Councils shall, in the performance of its functions, integrate and mainstream climate change actions, interventions and duties set out in this Act, and the National Climate Change, Policy, Strategy and Master Plan into various sectors.

Mitigation Plan

11. As at the coming into operation of this Act and for each year, each person, organisation, group or any other such body carrying on an activity in a regulated sector shall prepare a mitigation plan to -

- (a) reduce its production of carbon dioxide and other targeted greenhouse gases; and
- (b) increase the capture of carbon dioxide or other targeted greenhouse gases in a sink, and identify ways the person, organisation, group or any other such body might participate in climate change related

activities.

Enforced
Mitigation

12. The Minister shall, within 12 months of the commencement of this Act, make Regulations for the enforcement of mitigation measures.

13. A regulation to be known as the Fuel Standards Regulation shall -

Fuel Standards

- (a) prescribe the standard of refining and maximum permissible content of sulphur and other targeted greenhouse gas pollutants in all fuel for use in road, sea and air transport and power generation; and
- (b) contain provisions requiring refiners and distributors of fuel to take measures to control and eliminate contamination of fuel with water, sediments and other substances which would impede the clean combustion of fuel; and
- (c) provide for other technical matters necessary or convenient to give effect to mitigation of emission of carbon dioxide and other targeted greenhouse gases from use of petroleum fuels.

14.- (1) A Regulation to be known as the Building Climate Standards Regulation shall prescribe minimum environmental standards and performance levels to apply in the construction of all new buildings and in refurbishments which require regulatory approval.

Building and
Other Standards

(2) Without limitation, the Building Climate Standards Regulation may address the design and performance requirements for -

- (a) insulation to be used in roof and external walls; and
- (b) glazing systems; and
- (c) cooling, heating and ventilation systems; and
- (d) internal lighting and external security lighting; and
- (e) energy efficiency technology; and
- (/) certification of building designs as compliant with the Building Climate Standards Regulation,

and all other technical matters necessary or convenient to give effect to mitigation of emission of carbon dioxide and other targeted greenhouse gases from buildings.

15.- (1) A carbon budget, consistent with furthering the achievement of the national climate objective, shall be proposed by the Department of Climate

Informing
Carbon Budgets

Change, finalised by the Minister and approved by the Government for the period of five years commencing on and for each subsequent period of five years (in this Act referred to as a ‘budget period’).

Government
policy
formulation

16.(1) Without prejudice to any provision in this Act, where the Government formulates a policy or an action plan on climate change, the Department of Climate Change and National Climate Change Committee, in consultation with the Cabinet Secretary, shall, as soon as reasonably practicable, prepare and cause to be tabled before Parliament a programme setting out—

- (a) the objectives of the policy in relation to adaptation to and mitigation against climate change;
- (b) the proposals for meeting those objectives;
- (c) the arrangements for involving stakeholders and engaging the public in the course of meeting the objectives;
- (d) the period within which the proposals and policies will be implemented; and
- (e) measures for addressing the risks identified in the policies.
- (f) Subsection (1) shall, with necessary modifications, apply to reports on policies or action plans formulated by the government under this section.

PART IV

Duties Relating to Climate Change

Duties of the
Public Sector

17. The Department of Climate Change may, on recommendation of the Cabinet Secretary and in consultation with relevant Departments of Government, Municipalities, Village Councils and alcaldes, impose duties relating to climate change on any public entity at all levels of government.

Duties of the
Private Sector

18. The Department of Climate Change may, in consultation with the Cabinet Secretary and relevant State Departments, impose climate change obligations on private entities, including entities constituted under the Non-

Governmental Organisation Act.

19. The Department of Climate Change shall on behalf of the National Climate Change Committee—

Monitoring
Compliance

- (a) monitor, investigate and report on whether public and private entities are in compliance with the assigned climate change duties;
- (b) advise the Prime Minister to require incorporation of this priority strategies and actions into functions and budgets of each Government Department, state corporation and other national government entities;
- (c) advise local government authorities on priority strategies and actions that should be integrated into functions and budgets of departments and entities of the county governments; and
- (d) develop a specific public safety component for disaster risk reduction for incorporation by all levels of government to prevent climate change induced disasters, and manage emergency responses.

PART V

Functions and Responsibilities

20.- (1) Public entities at each level of government shall, at all times when developing strategies, laws and policies relating to climate change, undertake public awareness and conduct public consultations.

Consultation
with the Public

(2) Public consultations shall be undertaken in a manner that ensures the public contribution makes an impact on the threshold of decision making such as

- a) Identifying and engaging the expected affected parties, taking into extra consideration for vulnerable groups and indigenous groups
- b) By making solicitations for comments through national media outlets
- c) A stakeholder engagement plan shall be developed by the Department to facilitate provision (2)

Climate Change

Mainstreaming of Climate Change Action in to strategic Plans	<p>21. The Department of Climate Change, on the recommendation of the Cabinet Secretary shall each year identify priority strategies and actions of disaster risk reduction related to climate change and—</p> <p>(a) advise the Prime Minister to require incorporation of these priority strategies and actions into functions and budgets of each State Department, state corporation and other national government entities;</p> <p>(b) advise a local government on priority strategies and actions that should be integrated into functions and budgets of departments and entities of the Local governments; and</p> <p>develop a specific public safety component for disaster risk reduction for incorporation by all levels of government to prevent climate change induced disasters, and manage emergency responses.</p>
Integration of Climate Change risks	<p>22. The Department of Climate Change shall integrate climate risk and vulnerability assessment into all forms of assessment, and for that purpose liaise with relevant lead agencies for their technical advice.</p>
Integration into school curricula	<p>23. (1) The Ministry of Education shall, on advice of the Department of Climate Change, integrate climate change into various disciplines and subjects of the national education curricula at all levels.</p> <p>(2) The Department of Climate Change shall advise the public agencies responsible for regulating universities and tertiary institutions curricula on integration of climate change into their curricula.</p>
Reporting on Climate Change	<p>24. The Minister shall make regulations to guide the monitoring, reporting and verification of climate change actions and all other international reporting mechanisms.</p>

Climate Change

25. All contracts with the Contractor General shall reflect mitigation to Climate change measures.

Contractor
General
Contracts

26. All reports of the National Department must be made public.

Public
Reporting

27.- (1) A person may, apply to the Supreme Court alleging that a person has acted in a manner that has or is likely to adversely affect efforts towards mitigating the effects of climate change.

Enforcing
Climate Change
Rights

(2) Where an application is made under sub-section (1), the Court may make an order or give directions that it considers appropriate to-

- (a) prevent, stop or discontinue an act or omission that is harmful to the environment;
- (b) compel a public officer to take measures to prevent or discontinue an act or omission that is harmful to the environment; or
- (c) provide compensation to a victim of a violation relating to climate change duties.

(3) For the purposes of this section, an applicant does not have to demonstrate that a person has incurred loss or suffered injury.

PART VI

Financial Provisions

28. (1) There is hereby established the Climate Change Fund which shall be a financing mechanism for priority climate change actions and interventions approved by the Department Climate Change.

Climate Change
Fund

(2) The Fund shall be vested in the National Treasury.

(3) There shall be paid into the Fund—

- (a) monies appropriated from the Consolidated Fund by an Act of Parliament;
- (b) monies received by the Fund in the form of donations, endowments, grants and gifts; and
- (c) monies under an Act payable to the Fund.

(4) The Fund shall be administered and managed by the Department of Climate Change.

Incentives

29. The Department of Climate Change shall, in accordance with the appropriate law, and in consultation with the Minister responsible for finance, grant to persons who —

- (a) encourage and put in place measures for the elimination of climate change including reduction of greenhouse emissions and use of renewable energy;
- (b) put in place measures to mitigate against the adverse effects of climate change;
- (c) are involved in the conduct of accredited training in programmes that are aimed at eliminating climate change;

such incentives as may be necessary for the advancement of the elimination of and mitigation against climate change and the effects of climate change.

Levying for the Fund

30. (1) The Department of Climate Change shall, in consultation with the Department responsible for Treasury matters and any relevant entities, impose or redistribute such import levy or other levies or fees (as the case may be) as may be agreed or determined by the National Department and Department responsible for Treasury matters and any relevant entity from time to time.

(2) The Department of Climate Change shall, in consultation with relevant entities, impose appropriate climate levies on factories, roadstead or installations at sea, or land based operations close to sea, movement or transport of hazardous wastes into and out of Belize or related activities which may contribute to the emission of greenhouse gases.

Payment from the Fund

31. Payments approved by the Department of Climate Change in the prescribed manner shall be paid from the Fund for —

- (a) Grant or loan funding; and
- (b) the administrative expenses associated with the execution of the duties and responsibilities of the Department of Climate Change and the management of the Fund; and
- (c) the contracting of services for the routine, periodic and emergency actions of the Department of Climate Change in the performance of its duties; and
- (d) the human and technological resources required by the Department of Climate Change for enforcing particular regulations regarding the national

Climate Change

reference level and targets any other payments necessary to give effect to this Act.

32. The National Department shall cause to be kept all proper books and records of account of the income, expenditure and assets of the Department and shall cause the accounts of the Department of Climate Change to be audited within a period of three months after the end of each financial year.

Accounts

PART VII

Recognition of Land Owner Rights

33. The rights of the customary landholder shall be fully recognised and respected in all transactions affecting the customary land.

Customary Land
owners

34. The rights of the freeholders shall be fully recognised and respected in all transactions affecting the customary land.

Freeholders

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PART VIII

Benefit Sharing and consent

35. All affected landholders shall participate and benefit from the incentives of a climate change related project implemented on land or at sea.

Benefit Sharing

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36. The consent of all landholders shall be obtained through the “free, prior and informed consent” process prescribed in the Regulation.

Free Prior and
Informed
Consent

PART IX

MISCELLANEOUS

Climate Change

Public
Engagement
strategy

37. (1) The Department of Climate Change shall, every twelve months, prepare and publish a public engagement strategy setting out the steps that it intends to take to—

- (a) inform the public about climate change action plans specified under this Act; and
- (b) encourage the public to contribute to the achievement of the objectives of those action plans.

(2) The public engagement strategy shall, in particular, identify actions which the public may take to contribute to the achievement of the objects and purposes of the Act.

38. The Department of Climate Change and National Climate Change Committee Shall operate in a manner that is fair and impartial. Impartiality

Immunity

39. There can be allowed no criminal or civil proceedings against the National Department or against any person acting or who was acting on behalf or under the direction of the Department of Climate Change, for anything done, omitted, reported or said in good faith in the course of the performance or purported performance of audit powers, duties or functions under this or any other Act of the National Assembly.

Offence and
Penalty

40. A person or entity that contravenes this Act is guilty of an Offence and shall be liable on summary conviction to a fine or \$100,000 or imprisonment for 12 months.

Incorporation of
International
Treaty

41. The Climate Change Agreement (Paris Agreement) is hereby incorporated into this Act and forms part of Schedule 1.

Commencement

42. This Act will come into effect one month after enactment.

Climate Change

Schedule 1
(Paris Agreement)