

PRESS RELEASE

NATIONAL INTEGRITY ACTION CALLS ON THE PRIME MINISTER TO WITHDRAW APPROVAL FOR MINING IN THE RIO BUENO DRY HARBOUR AREA

National Integrity Action joins with the Jamaica Environmental Trust (JET) in calling on the Prime Minister and the Government of Jamaica to reconsider and withdraw approval to Jamaica World LLC to mine in the Rio Bueno Dry Harbour area. In addition to JET's concerns, we regard mining in that area as an infringement on environmental rights enshrined in Jamaica's Constitution and, further that it would put Jamaica at risk of falling further behind in achieving the targets related to a "healthy natural environment" - a main goal established in Jamaica's National Development Plan.

It needs to be recalled that one of the explicit grounds for NEPA/NRCA refusing the Jamaica World application in May 2020 was "the deleterious effect on the environment." Chapter 3 of Jamaica's Constitution explicitly protects "the right to enjoy a healthy and productive environment free from the threat of injury or damage from environmental abuse and degradation of the ecological heritage". Section 13 (3)(l). The Constitution goes on to state that "Parliament shall pass no law and no organ of the state shall take any action which abrogates, abridges or infringes" (Section 13(2)(b) this right "save only as may be demonstrably justified in a free and democratic society". (Section 2)

Neither the Government nor the Prime Minister's explanation has met the standard that could justify the infringement of citizens' environmental rights. As Chief Justice Sykes put it in his written judgement in the 'NIDS' case: "Since the Rights and Freedoms guaranteed by the Charter are at the core of the Jamaican society's foundation as a free and democratic society it necessarily means that **a high standard of justification must be established before rights and freedoms are abrogated, modified, or trespassed on.**" (Paragraph 203h).

Moreover, Jamaica's National Development Plan, Vision 2030 sets the development of "a Healthy Natural Environment" as one of four fundamental goals in a context of deficiencies in "the effective conservation and management of the island's natural resources" (Page 30).

Eleven years after this Plan was promulgated, Jamaica lags behind targets set by our policy makers (See PIOJ **Performance Under the National Outcome Indicators measured against targets**). In fact, Jamaica ranks 66 of 180 countries on the Environmental Performance Index which scores countries based on "Environmental Health and Eco-Systems Vitality". Granting mining rights in the Rio Bueno Dry Harbour

area would further risk fulfilment of the targets set in our National Development Plan, as well as compromise our global ranking.

We need to recall that environmental rights as well as other fundamental rights set out in Chapter 3 of the Constitution were arrived at only after the most careful discussion by a Constitutional Commission established by Parliament after wide consultation and successive Joint Select Committees comprising members of both Houses of Parliament, which gave further consideration to representations made by members of the public. Similarly, Jamaica's National Development Plan was developed and agreed to by both parliamentary parties following wide consultation with the private sector, public bodies, civil society and citizens' groups in town hall meetings around the island.

Both Chapter 3 of the Constitution and the National Development Plan therefore embody the widest level of consensus achieved in recent times by the Jamaican people.



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