

# **JAMAICA: SUGGESTED CONTENTS FOR A NEW SOIL CONSERVATION ACT OR LAW<sup>1</sup>**

## **1. FOREWORD**

Since the inception of the enlarged soil conservation programme in 1970s, considerations have been given to the need of a new soil conservation legislation. The earlier view was that Jamaica did have some related laws and legislations which can be used for supporting the work. At the beginning of the programme, the existing legislations should be considered sufficient.

When the soil conservation programme lately expanded nation-wide, involving proper use of all kinds of land, it has been gradually found that without a specific legislation such work can not be implemented smoothly. The need for a new soil conservation legislation is identified on the following basis:

- The existing legislations are rather passive in nature which emphasize only restrictions and prohibitions, whereas the present soil conservation programme needs more active encouragement, i.e. incentives, technical assistance, etc.
- Proper land use which is the very basis for soil conservation work is not mentioned in any of the existing legislations. Jamaica now has the criteria which should be observed by all the people and land use organizations.
- The existing legislations do not emphasize grass-root planning and involving farmers in the development process which are necessary for soil conservation work to be carried out on private lands.
- A proper soil conservation legislation will legalize the Soil Conservation Division, specify its duties and the way of coordination among related organizations, set out criteria for incentives, and stipulate required budget funds and their sources. All of them are essential to the success of the national programme.

The suggested contents for a new soil conservation act or law is presented in the following sections. For formulating such legislation, however, a legal consultant and a series of discussion meetings among related organizations and interest groups are needed.

## **2. SUGGESTED CONTENTS**

### **1. Part One: Preliminary**

The following points need to be introduced under this part:

- (1) Interpretation of various terminology
- (2) Objectives or functions of the Act (For instance, to promote the conservation of soil and water resources, proper land use and to reduce sediment and flood damages.)
- (3) The government organization that governs the Act.

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<sup>1</sup> An excerpt from a report to the Government of Jamaica, 1984. A similar one was recommended to the Government of El Salvador, 1977.

## 2. Part Two: Organizations and Coordination

This part will include, for example:

- (1) Functions of the Soil Conservation Division of DFSC<sup>2</sup>.
- (2) Functions of other organizations related to soil conservation work. (e.g. NRCD<sup>3</sup>, Land Authorities, etc.)
- (3) Ways and means of coordination such as forming an inter-agency committee at policy and planning level and working groups at local level.

## 3. Part Three: Proper Land Use

Promote proper land use by the following action:

- (1) Review and establish nation-wide criteria for land capabilities on various kinds of land.
- (2) Oversee land use on government-owned lands according to land capabilities.
- (3) Induce proper land use on private lands by farm planning with farmers and rendering assistance.
- (4) Control land use on eroded and critical areas.

## 4. Part Four: Work

This part needs to describe the basic task of soil and water conservation under different organizations on different kinds of land:

- (1) The soil conservation work on private cultivated lands.
- (2) The erosion control work at community level.
- (3) The rehabilitation and conservation of government owned lands including land settlement, land lease and squatting areas.
- (4) The protection of the nation's municipal watersheds including necessary public works on absentee's farms.
- (5) The erosion control work along highways and mountain roads.
- (6) The streambank stabilization and torrent control work.
- (7) The rehabilitation of quarries, mined out areas, urban and residential areas.
- (8) Critical area stabilization and revegetation.
- (9) Proper land use and conservation work under other legislation. (e.g. Land Development and Utilization Act, Watersheds Protection Act.)

## 5. Part Five: Survey and Planning

- (1) Joint survey and planning of watersheds and areas related to more than one organization.
- (2) Nation-wide survey of conservation needs.
- (3) Specific survey and planning on soil and water conservation proper.
- (4) Individual farm plans working jointly with farmers.

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<sup>2</sup> Department of Forestry and Soil Conservation

<sup>3</sup> Natural Resources Conservation Department

## 6. Part Six: Extension, Promotion and Service

A set of special stipulations is required under this subject since conservation work needs public support. The suggested contents are:

- (1) Formulate continued extension programmes for farmers in the subject of soil and water conservation by the Ministry's agricultural extension organizations.
- (2) Involve private or statutory bodies such as agricultural commodity boards, agricultural companies, related quasi-government organizations and farmer's organizations in the promotion and extension of soil and water conservation activities.
- (3) Establish soil conservation field offices to serve all the farmers and interested parties.
- (4) Develop educational programmes for gradually teaching soil and water conservation at all school levels.

## 7. Part Seven: Community and Group Approach

The new legislation should encourage community or group participation of soil and water conservation programmes:

- (1) Encourage the formation of local soil and water conservation advisory committees or associations.
- (2) Give priorities of technical assistance and other incentives to the group or community who organized themselves for participating in the programme.
- (3) Encourage existing farmer's organizations in participating in soil and water conservation programme.

## 8. Part Eight: Incentives

Provisions should be made for proper incentives to farmers, especially for small farmers for participating in the work:

- (1) Decide criteria for incentives according to the size and ability of the farms, etc. Technical assistance will be given to all farms but for small farms government will, in addition, share part of the treatment cost either in kind or in cash.
- (2) The type, amount and period of incentive to be given including cash, kind, tax reduction or exemption etc. should also be determined (mostly by administrative orders).
- (3) Those farmers engaged in conservation farming should receive first priorities of other governmental credit or subsidy schemes for cropping, fertilizing and sound farming practices.
- (4) Annual awards should be given to the best set of conservation farms of the year.

## 9. Part Nine: Funding

The sources of funding need to be identified and the amount be sufficient for carrying on a national programme and its maintenance year after year:

- (1) The Government annual budget should be allocated to treat not less than certain percentage (e.g. one percent) of the national goal identified.
- (2) The agricultural commodity boards need to budget sufficient soil conservation funds for developing various crops grown on slope lands. If necessary, a tax should be collected for this purpose on crops exported. This fund will be used by their own conservation staff or be trusted to DFSC to carry out the work.
- (3) When the reservoir construction organizations and road authorities propose new work in the mountain watersheds they should make allocations of 1% to 5% of the total construction cost for erosion and sediment control. These funds can be trusted to DFSC or other organizations to implement the work.

#### 10. Part Ten: Appraisal

An appraisal system should be built into the law in order to ensure the benefits of such work:

- (1) Fundamental research and investigations in soil and water conservation should be carried out to appraise the results of the various activities.
- (2) At end of each fiscal year, an appraisal team involving independent members should be sent to various areas for investigating and examining actual accomplishments in field. Their report should be submitted to the Minister of Agriculture and made known to the society.
- (3) Every five years the Minister should make a policy statement together with a review on the overall soil and water conservation conditions of the Nation.

#### 11. Part Eleven: Discouragement, Penalties and Compensation

- (1) For discouraging improper land use, no government incentives including subsidies should be given to those farmers:
  - a) squatting on unsuitable public lands, b) resisting change to proper land use, and c) consistently practising destructive measure to the lands.
- (2) Those who seriously destroy soil and water resources and offend against the Act should receive penalties.
- (3) Compensation will be given to those farmers who allow for their lands to be used for conservation structures to protect public interest or down stream areas.

#### 12. Part Twelve: Miscellaneous

- (1) Empower DFSC to make regulations and to set technical criteria.
- (2) Where this Act does not include, other laws may apply.
- (3) This Act will supersede the other legislation in the same area.