

6-Regulatory framework and national pathways for food systems (laws, regulations and strategies)

Introduction:

The advanced society that seeks development is the society that believes in the rule of law and its rule, as it is the one that governs relations with the state, leads to peace, develops human rights and takes care of his life. To its implementation, the Jordanian constitution recognized international treaties and set the legal rules for their acceptance and application.

Jordan is associated with many international multilateral agreements and bilateral agreements. Jordan signed and ratified many international agreements related to human rights, such as the Universal Declaration of Human Rights, including the human right to a safe and sound life, the right to healthy food, environment and climate agreements, and the United Nations Convention against Corruption as a framework for government and the protection of public money.

Jordan was one of the first and most keen countries in harmonizing national legislation with international agreements and implementing the provisions of those agreements through governmental and official laws, regulations and policies. It issued many strategies, including the National Food Strategy in Jordan 2021-2031 and the National Strategy for Agricultural Development 2020-2025, which aims to increase production existing from 2606 million dinars to 3660 million dinars, creating 65,000 new job opportunities in the agricultural sector, replacing expatriate workers with national workers, and the National Water Strategy 2023-2040, which aims to face the challenges of water scarcity in Jordan, given that Jordan is the second country with the least water and a low percentage of

water. The quantities allocated per capita to 64 cubic meters annually and to meet the water needs resulting from demographic changes, especially as a result of the increasing number of refugees forcibly to Jordan in recent years, in addition to achieving the goal of optimal use of water and reducing losses from it and its optimal use and governance of the water sector, and the National Climate Plan 2022 and that To confront climate change to promote sustainable development and adopt the initiatives that emerged from the climate summit in Glasgow, such as adaptation and resilience, the task of agricultural innovation for the climate, global plans to preserve forests, protect the common interests and rights of all, and the national strategy for social protection 2019-2025, which aims for all Jordanians to enjoy a decent life and a decent work environment. and empowered social services, and the National Strategy for Integrity and Anti-Corruption 2020-2025 and the National Strategy for Women in Jordan 2020-2025 as a basis for a society free of discrimination and violence based on gender, in which women and girls enjoy full human rights and equal opportunities to achieve comprehensive and sustainable development.

6-1 Jordanian legislation (laws and regulations related to the study)

1- the Jordanian Constitution (main law): -

The Jordanian constitution did not include direct provisions on food security, agriculture, natural resources, or the environment. This is because the Jordanian constitution was drawn up in 1952 and amended a number of times due to political circumstances and not to conditions related to health, safety or food because of the small population previously, and the internal and external food resources met the needs.

However, Article 6 of the Jordanian Constitution included texts concerned with defending the homeland and its land and preserving social peace as a sacred duty, and Article 13 of it included that compulsory employment is permissible in the event of famine or severe epidemic disease of humans or animals or animal, insect or plant pests. Or in any circumstances endangering the safety of all or some of the residents.

compulsorily employed in cases including flood, famine or earthquake, severe epidemic disease of humans or animals, animal or plant pests, famine or any other similar pest, or in any circumstances that may endanger the safety of all or some of the inhabitants (Article 13) the constitution has taken care of health and safety, including food safety and preservation in cases of danger such as pests and epidemics or in cases of famine or risks to humans, plants and animals.

However, the constitution did not include provisions related to food security, food safety and quality, human health and safety, environmental protection, nature, natural resources, or sustainable development under normal conditions.

1- Laws:

Food consists of plant and animal food, birds, marine products, bees and their products, and this requires proper preservation of soil, water, plant, animal and fish wealth, and contributes to the production of food of value and quality that guarantees human safety. The most important legislation that concerned food production, Jordanian Agriculture Law No. 73 of 2015 The Jordanian Agriculture Law No. 73 of 2015 has established an integrated system for production and maintaining food safety it included the definition of plants, plant products,

animals, agricultural products, and pests , pest defined as any biological effect that causes harm or causes disease to plants or animals and has a negative impact on the quality of the product or the quantity of production and may result in economic losses.(Article 2) ,

It also included the definition of organic agriculture (an integrated agricultural system that encourages agricultural production without the use of chemical compounds manufactured within an environmental framework.

Increasing the production of food and agricultural products and the sustainability of the use of agricultural natural resources without harming the environment, investment in the agricultural sector, rural and Badia development, raising its productive capacity, increasing farmers' incomes, and improving their standard of living, it is permissible to cultivate. Improving the efficiency of irrigation water use at the farm level, ensuring production requires taking health measures for plants and animals to match agricultural products and agricultural production inputs to technical rules, organizing agricultural production and determining methods of using agricultural land to protect the soil and prevent its erosion, and determining the percentage of what may be cultivated. (Article 3) , It is not permissible to take out plant and animal genetic assets except with a permit in order to preserve them and production and its quality, and to maintain special distances between crops and products, as well as to provide water systems and regulate demand and water quality to ensure safety and sustainability of agriculture, livestock and others, and finally the need to register crop varieties that require registration, seed registration, pesticide licensing and registration, preventing the spread of pests and methods of combating them.

Preventing their circulation, protecting pastures, organizing livestock farms, producing and registering fodder, producing veterinary medicines and veterinary preparations, animal growth organizations, preserving animal and plant species, organizing the fishing process, fishing methods, fishing periods, types of fish allowed to fish, fishing times, organizing

beekeeping, protecting wild birds, organizing their hunting and wild animals, ensuring the safety and environment of agricultural land, fish ponds and animal .

The Water Authority Law No. 18 of 1988 The importance of this law lies in the fact that it regulates everything related to water from its safety, sources and distribution, and water is an essential element in plant and animal production, birds and fish, so the protection of water sources where use, exploitation, extraction, specifications, distribution and use for the purposes of agriculture, livestock and fisheries and their production, and finally ensuring water safety, food safety, quality and quality of its production , included the definition of water, which is (surface and groundwater from all sources, including seas, lakes, rivers, springs, rainwater, dams, wells, ponds and reservoirs, and this word includes mineral water and hot water) (Article 2) , It also defined pollution (any change in the natural, chemical or biological properties of water to a degree that limits its suitability for intended use) It included the definition of water treatment (removal of impurities and harmful substances from water so that it conforms to the approved specifications for the intended use)

Article 6 of the Water Authority Law included (regulating the use of water, preventing waste and rationalizing its consumption).

Article 23 included the tasks of the Authority, including paragraph 6 item / a collection of information related to the needs of the Kingdom of water for various purposes as well as information related to water consumption and benefit from it in the development of plans for securing the Kingdom's needs of water and rationalizing its consumption.

Jordan Valley Development Law: The importance of studying this law lies in the fact that the area to which it is applied is the Jordan Valley, the fertile area

The largest part of the vegetables and fruits is grown in it irrigated from the eastern Ghor Canal and modern irrigation systems, as it is the food basket in Jordan.

This law is also applied to the Dead Sea region, which has no life, but it includes a series of distinguished hotels.

The powers of the Jordan Valley Authority shall be: the development of water sources and their exploitation for the purposes of irrigated agriculture, domestic use and municipal affairs, as well as protecting and preserving them and carrying out all work related to the development, exploitation and protection of these resources) m3

- Development of the environment in the valley, protection and improvement and the implementation of all necessary work necessary for this purpose.

Aqaba Region Authority Law No. 32 of 2000: This law was mentioned in particular because it regulates the Aqaba Economic Zone , which is an independent geographical area and includes provisions related to food security , included the text of Article 9 / Protection of the environment in the region, water sources, natural resources and biodiversity, (Control of food imported from the region or its exporter, control and inspection of all places where slaughter is carried out, preparation of food and its derivatives, processing, circulation, sale and presentation for this purpose). (Article 10/ 5) Article 10/6)

Jordanian Food Law No. 30 of 2015:

The second article(article 2) of the Jordanian Food Law (No. 30 of 2015) is known Food safety: Food during its handling is free of any source of danger in accordance with technical rules or international standards.

Food means : Materials or products, whether manufactured, semi-manufactured or unmanufactured, or raw materials whose purpose is or is expected to be intended for human consumption by mouth, including beverages, chewing gum and any substance used in the manufacture, processing or processing of food, except for feed, plantations and crops under the Agriculture Law in force, tobacco, tobacco products, narcotic

drugs, psychotropic substances, medicines and cosmetics under the Drug and Pharmacy Law in force and drinking water under the Public Health Law.

Food Validity: The state in which the food is safe and acceptable for human consumption or according to the purpose for which it was prepared and meets the requirements of food quality and safety.

Nutritional value: The sum of what food contains of basic natural ingredients, including carbohydrates, proteins, fats, vitamins, minerals and salts.

Quality: The degree of excellence of food or its characteristics and features sufficient to meet the consumer's need for it and his desire for it or make it acceptable to him, which achieves the requirements of standard specifications or technical rules for quality as set by the competent authority.

Risk assessment: Determining the source of danger in food based on scientific foundations and estimating the risks resulting from human exposure to this source in quantity or quality.

Level of protection required: The degree of protection necessary to protect human health and safety.

Contaminants: Any substance found in food without being added intentionally and resulting from its circulation or environmental pollution that can cause health damage or affect food safety and suitability.

Food standard: A document issued by the competent authority specifying the rules, guidelines, characteristics of food, or production methods and processes for Food standard:

A document issued by the competent authority specifying the rules, guidelines, characteristics of food, methods and production processes for general and frequent use, and may also include terms, symbols, data, packaging, labeling and label requirements that apply to the product or its production

methods and processes or are limited to either of them and conformity to them is not mandatory, article 3 stipulates that: The Corporation is the only authority competent to control local and imported food at all stages of its circulation to ensure that it meets the requirements of food quality and safety in the Kingdom in accordance with the provisions of this law.

Article 4

In order to achieve the objectives of this Law, the Organization shall assume the following functions and powers:

A- Applying the technical rules and health measures adopted by the Council on food, whether locally produced or imported.

B- Carrying out procedures for assessing the conformity of food to standard specifications and technical rules.

Preventing the circulation of any food or its entry into the Kingdom before it is examined and proven to be fit for human consumption and conforms to the approved conditions for food safety.

Preventing the circulation of any food or its entry into the Kingdom that is proven to be in non-compliance with technical rules or health measures.

Granting health certificates for the purposes of exporting locally produced food in accordance with the technical rules and health measures in force in the Kingdom in accordance with instructions issued by the Council.

Inspection of any place where food is handled and of workers in such place.

Monitoring the application of good manufacturing practices and the hazard analysis system and controlling critical points in food handling operations in accordance with instructions issued by the Board.

Organizing the announcement of food in accordance with instructions issued by the Council.

Assigning specialists to conduct studies and research related to food, its components and nutritional value, publishing such studies, encouraging and approving scientific research and initiatives from outside the institution, and disbursing estimated rewards to them from the allocations allocated for this purpose by a decision of the Board based on the recommendation of the Director General.

Cooperation with official and non-official bodies, Jordanian universities and scientific centers, Arab, regional, and international institutions and organizations in the field of food control, environment, diseases, technical rules and health measures.

and distribute and sell.

Publishing, distributing, and selling publications related to technical rules and health measures.

Contribute with the competent authorities in the development or revision of national food standards.

Preparing memorandums of understanding with municipalities and any other bodies related to the food control process within the limits of their responsibility.

Article 8 of the law included the tasks of the Supreme Committee Subject to the provisions of

Article (3) of this Law, the Supreme Committee shall assume the following functions and powers:

A- Preparing the necessary plans and programs to control food safety and quality and submit them to the Board of Directors of the Corporation for approval.

B- Adopting the necessary instructions and conditions for health control of local and imported food, ensuring its safety and suitability for human consumption, and verifying its nutritional value.

Adopting the prescribed health measures, amending them, canceling them, replacing others with them, or suspending the work of any of them, taking into account the provisions of the legislation in force and the international conventions to which the Kingdom is a party.

Adopting risk analysis procedures and determining the bases for taking samples of foodstuffs, the size of these samples, and the methods of collection and transportation in accordance with international practices.

Approving the types of tests necessary for food, test methods and procedures for assessing conformity with technical rules or standard specifications and health measures in accordance with international practices followed and applicable legislation and coordinating with the concerned official authorities.

Adopting the necessary procedures and requirements for the use of food additive in accordance with technical rules or standard specifications.

Selecting the necessary laboratories for the purposes of laboratory tests and analyzes of food.

Article 10

- The Technical Committee undertakes the following tasks and submits its recommendations thereon to the Supreme Committee for study and submission to the Council for approval:

1. Preparing, modifying, or reviewing health measures.
- 2- Preparing, amending, or reviewing technical rules.
- 3- Determine, amend, or review conformity assessment procedures for technical rules.
- 4- Develop the necessary procedures for the process of assessing the risks necessary for food safety.
- 5- Setting health conditions and requirements for food handling.

6- Setting the health conditions and requirements that must be met in the place of food handling. On the formation of a technical committee

7- Develop the necessary procedures and requirements for the use of food additives in food.

8- Develop special programs for food control and the treatment of food considered dangerous and review the application of these programs and their results periodically.

9-Follow up the use of modern and advanced technologies in food handling, determine the need for certain procedures, rules or instructions to control the safety of their use, and evaluate the safety of food traded according to those techniques.

Article 12

Subject to the provisions of Article (11) of this Law, the Organization shall take the necessary measures to ensure that the food meets the health conditions or health measures, including inspection, examination, and control procedures, provided that the following are observed:

1- The procedures comply with international guidelines and the requirements of the relevant agreements to which the Kingdom is a party.

Article 17

A- The food establishment shall nominate a competent official to do the following:

1- Verifying the conformity of the food traded in the food establishment with the technical rules during all stages of its handling and verifying compliance with sanitary and phytosanitary measures for food.

2- Ensure that the food establishment applies the self-

3- control program based on risk analysis and control of critical points in accordance with the instructions issued by the Council for this purpose.

4- Verifying the application of the food establishment to the food tracking mechanism adopted by it during all stages of its

circulation, additives and any substance that may become in contact with food.

5- Inform the Organization immediately about any food that may constitute harm to the health of consumers and the measures taken to prevent the arrival of sources of danger to them.

6- Enable the inspector to perform his work during the inspection visit and access the information and documents he requests.

7- Inform the establishment of any changes in the food establishment, such as changes in production lines or their closure.

8- Qualifying and supervising the employees of the food establishment in the field of food safety and related fields to ensure their commitment to sound practices for food handling.

9- Exclusion of any of the employees of the food establishment from food handling in the event of any disease or any injury that may affect food safety.

10- Inform the institution in writing about any offers about food in order to promote it for sale.

Article 21/A

Notwithstanding the provisions of any other legislation, the Director General may take any of the following measures:

1- Seizure of adulterated food or falsely described in preparation for its withdrawal and preventing its circulation.

2- Seizure of the quantity of food that is proven by sensory, epidemiological or laboratory evidence that it is harmful to health, in preparation for withdrawing it and preventing its circulation.

3- Preventing the display of food in violation of health conditions or in a way that exposes it to pollution, otherwise food is impounded, and its circulation is prevented.

4- Order the seizure of food to which the provisions of paragraphs (1), (2) and (3) of this paragraph apply and not to dispose of it, and he may take a decision to keep it in the place designated by him until the court issues a decision thereon.

5- Preventing the storage of any imported food in the Kingdom if it is found that it is not suitable for human consumption

6- Prevent any changes to food stored in the free zones that would lead to a breach of the information contained in its label, except for manufacturing operations approved by the competent authority.

The procedures taken by the Director General and the decisions issued by him in accordance with the provisions of paragraph (a) of this Article shall be subject to appeal to the Administrative Court within sixty days from the date of notification or knowledge thereof.

C- The Director General shall issue a decision to destroy meat, its products, dairy and locally traded products or any other perishable food at the expense of the owner or possessor if it is proven by sensory examination that it is not suitable, as well as to destroy any other foodstuff if it is proven by a laboratory report issued by the laboratories of the Corporation or any accredited laboratory that these foods are unfit for human consumption or in violation of technical rules

D-1- The Director General shall decide to re-export any food imported into the Kingdom to the country from which it was imported at the expense of the importer if this food is not suitable for human consumption in laboratory or sensory and if it is proven that it is unfit for human consumption and within a period not exceeding sixty days from the date of informing the person concerned of the decision and if this is not possible, the Director General shall order the destruction of food at the expense of the importer.

D-2- The Director General shall re-export any food at the expense of the importer if such food is adulterated or falsely described.

If it is proved to him that the food does not conform to the technical rules, the Director General shall reserve it for reprocessing if it is one of the materials capable of this and allow it to be brought in if it conforms to the technical rules after completing its processing.

Public Health Law No. 47 of 2008 and its amendments NO.11 of 2011 :

The importance of the Public Health Law in Jordan with regard to food security lies in the fact that it dealt with a number of texts related to food security, and these texts were mentioned in more than one chapter (the Public Health Law has been classified from a legislative point of view with 16 chapters, from which we will choose the important articles and chapters

For study only (including following proper nutrition methods, raising the health level of the population to combat diseases caused by malnutrition, encouraging sound nutritional methods, encouraging breastfeeding for children, and other duties and tasks carried out by the Ministry of Health under the law, and we will only deal with the materials within the chapters mentioned in the law for this study as follows :

Chapter I (as mentioned in the public health law) -Tasks and Responsibilities of the Ministry Article 4 (The Ministry, in coordination with the relevant authorities, shall work to achieve the following: you started with Chapter I for what this chapter and which law is following , is there a brief introduction before you are talking about this chapter??

A-Encouraging and promoting healthy lifestyles and behavior, including physical

activities, following proper nutrition methods, encouraging the fight against smoking and any other patterns or behavior that scientifically prove its usefulness in improving health.

B- Raising the health level of the population by combating diseases caused by malnutrition by adding micronutrients such as iodine, iron, vitamins and the like to foodstuffs or requesting the modification of their components and preventing the marketing of foods that are dangerous to health or potentially dangerous.

C- Encouraging and promoting breastfeeding for children, and for this purpose it has the right to prevent any means of publicity, visual, audible or readable, or any means of displaying notes, instructions, identification cards, display sheets, pictures, films or goods in any way whatsoever, advertising breast milk substitutes and complementary feeding and controlling the production, design and dissemination of information and educational materials related to them.

Chapter VII - Drug Article 34 (a): If it is found that the drug has expired or is not suitable for human consumption by an approved laboratory report, the Director General of the Saudi Food and Drug Authority shall reserve this drug until its destruction is approved.

B-1- The competent court shall issue its decision to destroy the counterfeit or smuggled medicine after the completion of the case. 8. The Director General of the Saudi Food and Drug Authority shall assign one of the inspected pharmacists to supervise the destruction of counterfeit or smuggled medicine.

Chapter VIII - Drinking Water ARTICLE 35:

The following expressions, wherever mentioned in this chapter, shall have the meanings assigned to them below, unless the context indicates otherwise: Drinking water: Water conforming to the technical rule or approved standard specifications for drinking water, bottled water or mineral water

Water source: All public and private groundwater or surface water sources.

Water network: all constructions and extension

Environmental Law no 6 of 2017:

This study must deal with the provisions related to food security in the Jordanian Environment Law, because it includes concepts related to food security by preserving the elements of the environment , ensuring sustainable development.

Environment: The medium that includes living and non-living organisms and the materials it contains, the surrounding air, water, soil, the interactions of any of them, and the facilities or activities established by humans in it.

Elements of the environment: living and non-living elements in the environment such as water, air, soil, species, and genetic origins.

Pollution: Any negative change to any of the elements of the environment that directly or indirectly exceeds the environmental standards and specifications approved by the Ministry, or causes this change, whether it occurs to a tangible or imperceptible degree, or leads to limiting the use of these elements, or reduces their economic, aesthetic or social value, or leads to their partial or total elimination, or affects the practice of normal life for living organisms, and Environmental degradation: Any impact on the environment that reduces its value, distorts its nature, depletes its resources, or damages its

elements, ecosystem services, or the human or natural heritage adopted in a direct or cumulative manner.

Environmental protection: preserving and developing the elements and components of the environment and preventing its degradation or pollution.

Sustainable development: Development that achieves a balance between environmental safety, economic development and social development and ensures the use of natural resources while preserving them to achieve a decent living for future generations. everything that disturbs their

Technical rule: A document specifying the characteristics of the service, product, production methods and management systems and may include terms, symbols, data, packaging, labeling and label requirements that apply to the product or its production methods or are limited to any of them and conformity to them is mandatory.

natural balance.

Establishment: It is the place where an activity that has an impact on the environment is practiced, such as industrial, commercial, craft, agricultural or service activity, and the activity of public official institutions, public institutions, civil and private institutions, projects, lands, buildings, equipment, infrastructure services, and others.

Environmental map: The map that includes a definition of the elements of the environment and the factors affecting it, such as water sources and other natural sources for the regions of the Kingdom, specifically for hot and sensitive environmental points, and the terms of reference for determining land uses from the competent authorities.

Nature Reserve: Areas designated in accordance with the provisions of this Law and designated for the protection of endangered species of plants, animals, birds or organisms that

are prohibited from hunting or possessing outside the boundaries of these areas or for the protection of certain types of rocks and soil that are prohibited from being removed or acquired outside the boundaries of those areas.

Biodiversity: It is the variation between living organisms from different sources, whether from terrestrial, marine or aquatic systems, including differences within species and between these species.

Desertification: The transformation of land in arid, semi-arid and dry sub-humid areas into desert as a result of various factors such as climate change and the practice of any human activity.

Biosafety: Protecting biodiversity from potential risks resulting from the transport, use and circulation of living modified organisms resulting from biotechnology, which may entail adverse effects and risks to human health.

Tasks of the Ministry of Environment: Article 4 of the Environmental Law No. 6 of 2017 stipulates.

Coordinate national efforts aimed at predicting the process of climate change, identifying sectors covered by its effects, and accounting for greenhouse gas emissions and mitigation, such as providing financing, technology transfer, and reallocating available funding and distributing it to climate change activities.

Monitoring the elements of the environment and measuring its components through scientific centers and laboratories accredited for this purpose and in accordance with international manuals and specifications and establishing and operating environmental monitoring networks.

Collecting, classifying, and preserving environmental information, establishing and managing a national environmental information system and database, and

determining the basis for documenting, circulating, using and providing it to those concerned.

Conducting environmental research and studies and issuing related publications, including preparing periodic reports on the state of the environment in the Kingdom and publishing a summary of environmental impact assessment reports and the results of any studies and decisions related thereto on its website.

Prepare emergency management plans and environmental disasters resulting from the action of nature or human action that result or may result in serious damage to the environment and follow up on such plans with the concerned authorities.

Framework Law for Waste Management No. 16 of 2020:

This law contributes to reducing food loss and preserving its safety as follows:

Article 4 (a) stipulates that waste management shall include any of the following operations:

- 1-Reduce waste production
- 2-Reuse
- 3- Sorting from the source
- 4- Combination
- 5-Transportation
- 6-Sorting
- 7-Storage
- 8-Retrieval
- 9-Recycling
- 10-Treatment and final disposal of waste

Article 7 of this law adopts the following principles in waste management:

- 1-The principle of prevention of avoiding the production of waste
- 2-The principle of warning Take preventive measures to avoid any threat or danger to the environment

3-The principle of extended responsibility Holding the responsibility of producers and importers of financial goods or for their products or the residues of their products from the treatment and final disposal of them and for the first production activities

Article 7 of this law adopts the following principles in waste management:

1-The principle of prevention of avoiding the production of waste

2-The principle of warning Take preventive measures to avoid any threat or danger to the environment

3-The principle of extended responsibility Holding the producers and importers of financial goods responsible for their products or the residues of their products from the treatment and final disposal of them and for the first production activities.

4-The polluter pays principle

5-The principle of proximity to waste disposal at the nearest site

Local Administration Law No. 22 of 2021:

We will deal with the local administration law only texts and paragraphs relevant to the study :

Article 16/A/10 monitoring the work of restaurants, cafes, clubs, theaters, cinemas, public amusement parks and the like.

16/A/ 13- Establishing, monitoring, managing and supervising public markets, monitoring animal markets, monitoring markets for the sale of animals, livestock and birds, examining the equipment prepared for slaughter, taking precautions to prevent their infection with diseases, prohibiting their sale outside these markets, and monitoring animals used in transport.

16/A/19-Coordination with the concerned authorities in the management of water distribution among the

population, organizing its distribution, participating in determining the path of the water network, and working to prevent pollution of springs, canals, rivers and wells.

16/A/27- Take the necessary precautions and procedures to maintain public health and prevent the spread of epidemics in coordination with the competent authorities and control over food and water and ensure their compliance with specifications and destroy corrupt and non-conforming ones.

Article 16/C: The municipality may collect about the vegetables and fruits that are squeezed in the markets. Fees.

6.2 The coherence of legal land policy framework, institutional structure, and governance of the food system including key actors:

The food system in any country must have a coherent legal system as detailed above so that it covers all aspects of life to achieve food security and eliminate hunger and the cohesion of all partners in the government sectors, the private sector and civil society institutions.

In Jordan, we find that there is coherence between governmental institutions related to food, health and water, and there are many of these institutions, such as the Ministry of Health, Water and Irrigation ministry , the Ministry of Agriculture, the Aqaba Region

Authority, the Ministry of Environment, the Ministry of Energy and its affiliated bodies, Food Corporation, Ministry of Industry, Trade and Supply. Greater Amman Municipality ,Customs Department, Ministry of tourism , Royal scientific society and others .

There is a relationship between the executive and the legislative authority, where the legislative authority proposes and enacts laws, and it also supervises the government in its work. There is a committee in the Jordanian parliament specialized in agriculture and water, and a specialized committee for agriculture in the upper house and the committee of health . These committees study agricultural, food and water problems and recommend taking action commensurate with the problem¹.

This is done as a matter of monitoring the government's actions, and these committees and legislative councils hold the defaulters accountable or suggest appropriate solutions, and this takes place through public debate sessions in parliament, in front of the people and the media, which contributes to

¹ (<http://jfda.jo/DetailsPage/Ar/NewsDetails.aspx?PID=447>)

increasing the citizen's awareness of his rights, especially his right to food.

The judicial authority plays the role of supervising the executive authority and applying the law to disputes that are brought before it, especially those related to the health, safety and quality of food (kpndly see the court of cassation decision 259/2023 considered the indulgence of the food and drug administration employee with the bakery owner by concealing food safety violation as investment for his job illegally).

There is a great role played by civil society institutions, including the Association of Agricultural Engineers, the Association of Foodstuff Traders, the Association of Restaurant Owners and trade unions in general, as they seek to protect and educate their members.

In Jordan, the constitution grants Jordanians the right to form associations, trade unions and parties, provided that their goals are peaceful and have systems that do not violate the constitution (Article 16). From the Constitution), we establish many unions, such as the Association of Agricultural Engineers, the Association of Veterinarians, the Association of Lawyers, the Association of Foodstuff Traders and Its Inputs, the Association of Restaurant Owners, the Qualitative

Union of Poultry Farmers, the Associations of Cattle Breeders, the Date Breeding Associations and the Fish and Marine Life Association, Jordan Chamber of Commerce. Jordan Chamber of Industry, Pharmacists Syndicate, Consumer Protection Associations, Food Bank Association, Seed Bank, Jordan hotel Association.

6.3 Development and implementation in the food system including international agreement: general, bilateral and multilateral agreements:

The good application of laws and regulations contributes to the guarantee and safety of food security as it is the ultimate goal of the legislative system. The various legislations previously mentioned in Item 6/1 of the aforementioned are numerous and varied, and a number of executive bodies have emerged from them, which causes conflict of jurisdiction between them, and may lead to the loss of rights or The weakness of the executive bodies in carrying out the tasks entrusted to them, as well as this multiplicity of laws leads to the weakness of the authority of the executive institutions, especially in the field of food, which requires speedy implementation, preservation and dealing with its circumstances.

This requires unifying laws and authorities concerned with food security, safety and quality, and setting standards for controlling food losses. The legislator worked to issue the food law referred to earlier and sought to unify the provisions related to food security, safety, quality and control. The legislator also created regulatory bodies, including the institution's board of directors, the technical committee and the supreme committee. And the Food Corporation, and until this day, the Food Council

has not been formed, which requires the speedy formation of it to carry out the tasks entrusted to it.

In the last ten years, the legislator has improved laws he recently issued to reduce conflict and the multiplicity of legislation, but they need more unification and amendment. And the disposer of what the municipality lost its authority as a result of the conflict of jurisdiction (Discrimination Rights 2019/2031), and thus we find that the Jordanian judiciary seeks to unify the authority of food control in the food establishment.

As I mentioned in the introduction, Jordan was a pioneer in signing and ratifying various international agreements, especially in the field of peace, agriculture and international declarations, and applied their texts in domestic laws, harmonizing domestic legislation and international agreements, and this contributes to international cooperation between Jordan and the various countries of the world that are members of collective and bilateral agreements. It also contributes to easing customs restrictions between the member states and contributes to the competitiveness of the Jordanian product and entering new markets. It also contributes to obtaining multiple types and varieties of food, which enhances food imports, especially in the group of agreements related to developed countries such as European countries and America. Bilateral and collective agreements also allow access to It also contributes to obtaining agricultural and animal production inputs, modern varieties of seedlings, seeds, non-harmful pesticides and fertilizers, especially organic ones, and benefiting from the exchange of experiences. With developed countries, finally obtaining technology and benefiting from the digital progress of developed countries, financing and investments.

6.4 Policies: interconnections among good systems component, stakeholders and institutional, coalition, exiting tools and solutions, knowledge and networks that play a key role in national implementation.

I have already referred in point 2/6 to this item in detail, and to avoid repetition, I will deal with the matters that have been dealt with only by referring to the political system in Jordan that is flexible, and through its head and its head, His Majesty the King and the Crown Prince who lead great efforts in the Food Security Council and its work, This is evident from the multiple designs, as it also implements the royal visions in the field of security and safety

His Majesty has stressed on more than one occasion food security:

1- King Abdullah II stressed that there is no retreat from the implementation of political, economic and administrative modernization plans and the importance of political and economic modernization in the fight against poverty and unemployment (Jordan News Website 26/6/2023)

2-King Abdullah II participated in the Borlaug International Dialogue on Agriculture and Food Security (and stressed that controlling globalization will help direct global resources to support pivotal sectors such as agricultural infrastructure. Jordan's strategic location enables us to act as a regional food hub..... We have to plant new seeds so that future generations can live) .

(Petra 16 October 2020)

2-His Majesty King Abdullah II: In more than one meeting, he stressed the progress in implementing the national plan for sustainable agriculture for the years 2022-2025 through a

meeting held at Al Husseinia Palace in the presence of the Prime Minister and the Minister of Agriculture.

His Majesty called for intensifying efforts and cooperation between concerned parties to implement the objectives of the National Food Security Strategy 2021-2030, and called for the adoption of the system of the Supreme Council for Food Security due to the importance of its role in implementing the strategy, which comes within the framework of the vision of economic modernization and the importance of Jordan being a regional center for food security.

(Jordan News Agency 23/6/2023)

3- Crown Prince Al Hussein bin Abdullah II said: Food security and energy sources are important challenges for our countries (Al-Dustour, November 2, 2022)

4- HRH Prince El Hassan bin Talal, during the initiative to launch the Strategic Assessment for Zero Hunger, called for taking steps to improve access to food and nutrition for all (Al-Ghad newspaper, December 10, 2017)

The Jordanian Prime Minister Bisher Al khasawneh launched the National Strategy for Food Security and said: that it is the first strategy prepared in Jordan for food security

He said: In implementation of the directives to declare 2021 as the Year of Food Security and for Jordan to be a regional center for food security, and that Jordan was a pioneer in highlighting food security and giving it advanced priority at various national, regional and international levels, and Jordan's measures contributed to Jordan's progress on the food security index to the level of 49 in the world.

(Kingdom Channel website 29/8/2023)

Minister of Agriculture: He stressed on more than one occasion the national strategy for food security and stressed the

importance of building the capacities of rural women and cooperation with FAO.

Thus, it is clear that the official Jordanian policy is working hard to implement policies related to food security, reduce food waste, improve the quality of food, develop the skills of rural women in Jordan, and implement the national strategy for food security,

the food that was confirmed by the Prime Minister and Minister of Agriculture and Health on the most appropriate occasion, just as Jordan issued more international preparations in its version of the International Council for the Management of Environmental Affairs, and the system The political system allows associations, unions, and parties to defend the interests of their members and open horizons for cooperation with the local community and official and international institutions. However, these efforts need to be further consolidated and work together to develop legislation through agreement on points of disagreement, including the items that the authority is subject to tax, and simplifying concepts and participatory between The public and private sectors, to find investments in the field of plant and animal agriculture to increase production, improve its quality, secure technologies and use modern digitization, especially in the field of controlling crop harvesting, transporting it, recycling surplus and reducing waste by using varieties of high production and quality and using production inputs that maintain food safety as long as possible

6.5 Integrated policy solution that drive food system change

All stakeholders should be invited to discuss the basic elements related to Jordanian food security, and in particular, how to develop and cultivate fallow lands and expand agriculture in the Shafa ghouria areas and take advantage of the

natural advantage of these lands irrigated by rain and dew. Supporting small farmers by finding marketing methods for their products. Applying the concept of reviving vanished professions in the sectors of agriculture, poultry, capital production, livestock, technological and digital development to control production in the fields and farms of plant, animal and poultry production to reduce waste and facilitate the introduction of productive products that contribute to increasing or simplifying production, and it is also necessary to develop the capacities and skills of farmers and food producers And benefit from the experiences of others, whether by rehabilitating them inside or outside Jordan, and establishing a specialized fund to compensate those affected by agriculture. pests. Securing farms, production elements and equipment. Encouraging competition between producers and traders of production inputs and food exporters, developing forest crops and fruits and benefiting from the energies of youth and school students in dry green areas, semi-deserts and rugged mountainous areas. We standardize texts that relate to the same concepts and unite parties related to security and food safety, apply the agricultural pattern and regulate agricultural patterns using modern methods of irrigation and digitization of farms and farmers. Preserving locally produced seeds of high quality, supporting food bank projects, developing its work mechanisms to be acceptable to restaurants and hotels, spreading the culture of food rationing on occasions through the media, satellite channels and websites, allocating special campaigns on the means of communication, allocating a number of awards to restaurants, producers and suppliers The best booklet or publication on preserving and rationing food and distributing surplus food to the poor or food banks Exempting excess food from tax by subtracting quantities that should be distributed to the poor or needy from income Strengthening cooperation with food producers, especially small producers, awareness and directing consumers to the local product Registering famous and distinguished foods and produce as heritage, encouraging domestic tourism and organizing special places for it.

Encourage authorship and research in the agricultural, health and food sectors, support research centers, finance investment projects in food and agriculture through public-private partnership, and market these investments abroad, especially projects for the production of organic fertilizers and any fertilizers suitable for agriculture, and encourage investment in storage, transportation, and agricultural technology, and encourage digital applications

Developing the skills of workers in the judicial police, judges, lawyers, and legal departments in ministries and institutions, and holding training courses and conferences to highlight food issues.

Existing tools and solutions:

- Amending the text of the Constitution to address women's right to food, sound health and a sound environment.

- Amending legislation so that it addresses the human right to healthy and safe food, treats malnutrition directly, protects food from loss and loss, and so that there is a mechanism for distributing food so that it contributes to solving the problem of hunger and malnutrition, providing facilities and support to food banks, encouraging crops with high nutritional value that do not need high amounts of water, supporting animal and plant production, birds and fish with high nutritional value, encouraging investment in the agricultural and animal sector and giving more facilities and privileges.

- Solving farmers' crises and compensating them for their damage, innovating solutions to the problems of food producers, including encouraging creativity and innovation, allocating special awards for innovators, supporting the use of technology in food production and food industries, distributing and preserving it.

- Knowledge and networks that play a key role in national implementation: The sum of what we mentioned above constitutes one network, especially the unification of similar associations or the formation of a Supreme Council for Food Establishments, unifying their visions, developing alliance mechanisms and using modern technology to develop methods of alliance and communication.

-Partnership with the media will provide training and rehabilitation on intertwining and role-playing, developing peaceful means of expression and demand for food and food security goals and leading campaigns within one goal.

Strategies

-National Strategy for Food Security 2021-2030 June 2021

-National Social Protection Strategy 2019-2025

Food and Heritage (Food Heritage)

Protection of Heritage in the field of food

Divestment of Assets by Multinationals Corporations in the Oil and Gas Industry: Decommissioning, Abandonment, and Environmental Justice to the Host Communities under the Nigeria Legal Regime

By

**Ebiemere Osaro
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United Kingdom.**

1. Introduction

- The paper discusses the Nigerian State and the Niger Delta region as the host community to the oil and gas multinational corporations;
- Natural resources and the injustice to the host communities resulting from the operations activities of the multinationals in the upstream sector of the oil and gas industry
- The judicial calls for corporate accountability for environmental and human rights violations in the Niger Delta region in foreign and national jurisdictions.
- Divestment, abandonment, and decommissioning under Nigerian regulatory regime.
- The stake of the host communities

2. The Nigerian State and the Niger Delta Region

- Nigeria is one of the countries in West Africa, located in the Gulf of Guinea on the Atlantic Ocean.
- She is endowed with crude found in her 9 coastal states, namely, Abia, Akwa Ibom, Bayelsa, Rivers, Cross River, Delta, Imo, and Ondo States, and they are states in the Southern parts of the country called the Niger Delta region.
- Niger Delta region is the host community to several multinational corporations in the oil and gas operators

- Nigerian state depend on the resources (crude oil) of the Niger Delta region placing her as the largest producer of sweet oil within OPEC
- In January 2023, Nigeria was the largest producer of crude according to OPEC. Oil is the principal export and major source of foreign exchange. Oil constitute 80% of the FGN's source of revenue and 95% of her export earnings.

3. The Niger Delta Environment and the Multinational Oil and Gas Corporations Operation Activities

- The experience of the Niger Delta region is that of a contraction
- There exist a mutual harmony between the multinational corporations and the Nigerian State on one hand secured by treaties, contracts and agreements at the expense of the Niger Delta region, and exploitation of the Niger Delta and its people bereft of corresponding development of the region
- The region is the most neglected and underdeveloped in Nigeria in comparison with its contribution to the economy development of the Nigerian state. The region is negatively impacted in terms of environmental and human rights violations and abuses.
- Some cases of the environmental violations are:

❖ Oil Spills

- The Ejamaah-**Ebubu Oil** Spill (confirmed and reported by UNEP in 2011)
- Oken Oyaa Oil Waste (also UNEP)
- Ekeremor Oil Spill of 2018
- Agba Ndele Oil Spill in 2018
- The recent (May 2023) Okulu River Oil Spill

❖ Human Rights Violations

- The 1990 Umuechem Massacre

4. Judicial Calls for Corporate Accountability and Justice for Environment and Human Rights Violations.

- Ejamaah-Ebubu v Shell
- Four Farmers & Stichting Milieudefensie v Royal Dutch Shell & Shell Petroleum Company of Nigeria.
- Okpabi & Others v Royal Dutch Shell & Shell Petroleum Company of Nigeria Limited.
- Kiobel & Others v Shell (Proceeding in the Netherlands)

5. Divestment of Oil Assets by Multinational Corporations

- Nigeria currently has five international oil companies operating in the country, they are Shell, Chevron, TotalEnergies, ExxonMobile, and Eni.
- Shell-Joint Venture (TPDCJV) within the past The trend extend to other multinationals with the following target
- decades, has divested much of its business including oil field to several Nigeria-owned companies
- Shell intend to divest 1.8 billion pounds worth of assets
- Eni, 4 billion pounds
- ExxonMobile, 11.9 billion pounds
- All these are business interest onshore and shallow water oil and gas assets and are all being divested to national companies.

6. Why Divestment by Multinational to National Companies

- Stake holders in the industry holds divergence position as to the wave of onshore divestment by the IOCs in the oil and gas assets in Nigeria.
- **The Multinational Corporations**
- **Divestment of oil assets and gas assets is keeping faith with their pledges to reduce the share of carbon emission hopeful of net zero by 2050.**

- Incessant sabotage of their facilities leading to loss of revenue, kidnapping and militancy in the region

➤ **Host Communities and NGOs**

- Failure to replace their age long facilities such as the stretch of the Trans Niger Pipeline (TNP) in the case of Shell, that is corroded and resulting regular oil spills thereby polluting the environment - liability evasion.
- Multiplicity of litigations against the multinational corporations resulted by the failure to comply with the industry standards
- The decisions of foreign courts particularly the Dutch court in The Hague against Shell that placed a condition of installation of spill detection system in all their facilities which Shell has not been able to meet, and such judgment has opened doors to more litigations against the multinationals in their home states

7. Abandonment and Decommissioning

- The oil and gas industry is one of the sensitive and technically oriented sectors with arrays of infrastructure such as well, drills plants, rigs, pumps, vessels, platforms, pipelines, barges, and buildings, among others. Each of these has it significant use, application and peculiar challenges after their deployment. This makes it imperative to be attended to in terms of deployment and recycled to prevent damage to its personnel or and the environment.
- this require a robust legal framework for abandonment and decommissioning in Nigeria as globally required of the oil and gas nations

❖ **What then is Abandonment?**

- Abandonment **is not defined under** Nigeria law. It is used in the statute conjunctively with decommissioning. Mention of abandonment within the Nigerian legal framework is made under Petroleum (Drilling and Production Regulation and the current Upstream Decommissioning and Abandonment Regulations which only provide for decommissioning and abandonment jointly.

- According to Blacks' Law Dictionary, abandonment is the surrender, relinquishment, and disclaimer of cession of property or of right, voluntary relinquishment of all rights, title or claim to property.

❖ **Decommissioning**

- Decommissioning is not also defined in any international and many national legislations, but it is the physical removal and disposal of obsolete installations at the end of their working life. it include the plan of action as formulated by the operators and the government
- In Nigeria, the law provide for Upstream Regulatory Commission responsible for the implementation of decommissioning and abandonment. Under the law, decommissioning is classified into onshore and offshore with their technical and stages in their implementation.

8. Legal Framework on Decommissioning and Abandonment.

❖ **International Legal Regime**

- The framework for offshore decommissioning encompasses international conventions and national law and the host government contract, the onshore are basically national law and host government contract. Nigeria is a state party to the three global conventions.
- These conventions provide for decommissioning and disposal or responsibility of member state government and not the oil and gas producing corporations. They are:
 - The Geneva Convention of 1952
 - The London Dumping Convention of 1972
 - The United Nations Convention on Law of the Sea (UNCLOS) 1982
- Still at the International level is the International Maritime Organisation (IMO) Guidelines and standards for the removal of abandoned or disused installations or structures offshore.
- Within the African region applicable to Nigeria is The Convention for Co-operation in the Protection of the Marine and Coastal of the West and Central African Region (Abidjan Convention). This convention does not expressly disposal of offshore facilities, but its Article 4 requires contracting parties to establish national laws and regulations for effective discharge of the obligations prescribed in the convention. Article 8 of constitution provide for the oil and gas industry.

❖ National Legal Regime

- Many countries either do not have laws and regulations in place to manage decommissioning process or if they do, they have not been tested in practice.
- In Nigeria, prior to the recent enacted legislation, The Petroleum Industry Act, The Oil Pipeline Act made Pursuant to the Oil Pipeline 1956 and The Petroleum (Drilling and Production) Regulation 1969 were the earliest regulations on matters of decommissioning and abandonment.
- This legislations present vague regulations on decommissioning and abandonment.
- This was attributed to lack of understanding of the industry and the power given to the Department of Petroleum Resources (DPR) to certify abandonment procedure lacks sanction for non-compliance. The DPR does not have requisite technological know-how and financial muscle to prevail on the multinational corporations to meet the regulations.
- The birth of EGASPIN which provide for the process of decommissioning and abandonment was faced with the challenges of global concerns on offshore management and major geopolitical conflict from the oil and gas producing communities.
- **Note:** The above laws and regulations were mostly concern with offshore on decommissioning and abandonment.
- The PIA which was enacted as a major reform of the provide key provisions and regulations under sections 232 and 233 of the Act, and it target decommissioning and abandonment of facilities used in upstream sector. It provide for a commission to administer the provisions of the regulations including guidelines on implementation on decommissioning and abandonment
- Fundamental provisions among others in the regulations are:
 - Requirements for a decommissioning and abandonment plan
 - Approval.

- Update on decommissioning and abandonment plan
- Public consultation
- Post-completion programme
- Enforcement
- Funding
- Decommissioning and abandonment liabilities in case of assignment.

9. Divestment, Decommissioning and Abandonment and the Host Communities Environment

- Oil blocks sale and acquisition is on the high-rate in Nigeria. The multinational corporations are selling to new participants, and are mainly national companies
- No doubt, this development as provided in the law is encouraged by the Nigerian government policy and administration.

❑ Question

- ✓ Key question for answers is, **having in mind the clarity of the operators historic versus current operators' liabilities and expected decommissioning (future) liabilities, what are the measures towards balancing the inequalities and environmental injustice between the mutual harmony of the Nigerian state, multinational corporations, and the host communities in the context of divestment, decommissioning and abandonment of oil and gas assets?**
- Answers to this question identifies and constitute attempts at addressing the oil and gas host communities' environmental concerns with respect to exploration and exploitation impact activities, divestment, decommissioning and abandonment on the environment.

- **Clean-Up Standards**

- Prior to divestment by the multinational corporations, their activities have caused hundreds of oil spills yearly from poorly maintained facilities with inadequate clean-up practice that have led to widespread oil contamination. Divestment when these circumstances are unattended to by the polluter multinational corporations believed to be technologically advanced to the national companies of lesser technological standard and deficit environmental credential presents a mutual harmony between the multinational corporations and the Nigerian state to perpetually subject the host communities in a state of abject poverty and irreparable environment degradation and deprivation.

- **Residual Liability**

- This is the potential obligation that remains after decommissioning and disposal of oil and gas facilities. This could be unlimited and somewhat in perpetuity and include environmental impact and damage that extend to future generations
- Tort law places the liability to be on the entities or persons who own property at the time of its shutting down. Divestment relieves the multinational corporations of this liability, leaving the host communities at the mercy of the national corporations without environmental commitment and technological know-how.

- **Encumbrance to use of Land**

- In the Niger Delta, oil and gas facilities are littered all over the multinational corporations abandoned operations sites and locations occasioned by their disengagement due to host communities protest for non-compliance with international operations standards and guidelines and other reasons. The facilities as abandoned leaves the communities in denial of alternative use of the lands.

- **Non-Inclusion in Equity and Joint Venture Participation**

- The operations of oil and gas companies by their facilities and activities affects the economic life of the host communities while the continue to make huge profit and the Nigerian state amasses wealth, the environmental rights of host communities are dealt with perpetual exploitation, underdevelopment, and neglect in the affairs of what affect their economic wellbeing.
- Divestment plan and policy by the multinational corporations and the appropriate government does not integrate host communities. An act of perpetual injustice.

10. Recommendations.

▪ **Pre-Divestment Assessment and Remediation of Oil Polluted and Degraded Sites**

- This should be a mandatory condition for divestment of oil and gas assets and sites from multinational corporations to national companies to ensure satisfactory remediation of environmental damages.

▪ **Industry Compliance**

- The regulatory agencies should ensure the divestment assets are up to date compliance with the industry international standards and national legislations respecting replacement and maintenance of oil and gas facilities before relinquishing to national companies.
- Mandatory 10 years for replacement and maintenance as required under the Oil Pipeline Act must have been observed before divestment.

▪ **Equity and Incorporated Joint Venture Participation**

- Host communities as victims of oil and gas operations hazards that affect their social and economic interests and values should be integrated in the equity in the equity and incorporated joint venture participation of the policy model as provided in the PIA.

▪ **Guarantee Commitment**

- There should be in place a statutory requirement for guaranteed commitment by multinational corporations on behalf of national corporations for assurance that the national corporations are technologically competent and capable of remediating likely that may be caused by oil spill(s) or decommissioning and abandonment projects or where and when possible, intervene by them (multinationals) do the remediation instead of the national corporations in line with international standards and UN Guiding Principles on Business and Human Rights.
- This commitment shall be within a statutorily specified period of time for technology transfer to the national corporations before final disengagement by the multinational corporations

- **11. conclusion**

- It is therefore concluded that the persistent environmental injustice occasioned by the mutual harmony between the Nigerian state and multinational corporations in the form of environment and human rights violations and inadequate of the legal and policy framework to address is an indicator that nothing short of genuine sustainable development and inclusive statutory reform founded on environment and human rights principles that incorporate socio-economic and environmental concerns of oil producing host communities can correct the inequalities and injustice.

**JUST TRANSITIONS AND
CARBON RIGHTS
BENEFIT SHARING
ARRANGEMENTS:THE
ROLE OF COMMUNITY
RESOURCE
MANAGEMENT AREAS IN
GHANA**

**Clement Kojo Akapame
GIMPA Faculty of Law Ghana**

OUTLINE OF PAPER

1. Introduction
 - Background
 - Analytical Framework
2. Current State of Play
 - CREMA & GCFRP
 - Legal Framework
 - Critique of EPA Bill, 2023
3. Findings
4. Recommendations



INTRODUCTION

Background

- This paper seeks to critically analyse the practical on-the-ground realities of forest governance in order to inform a legal framework for carbon rights and a REDD+ benefit-sharing regime in Ghana.
- Community Resources Management Areas (CREMAs) – community-based structure with devolved powers to under forest management in the Off-Reserve areas.
- Equitable benefit sharing is crucial to incentivising the behaviour changes required for improved forest management, towards the aim of reducing deforestation and forest degradation.

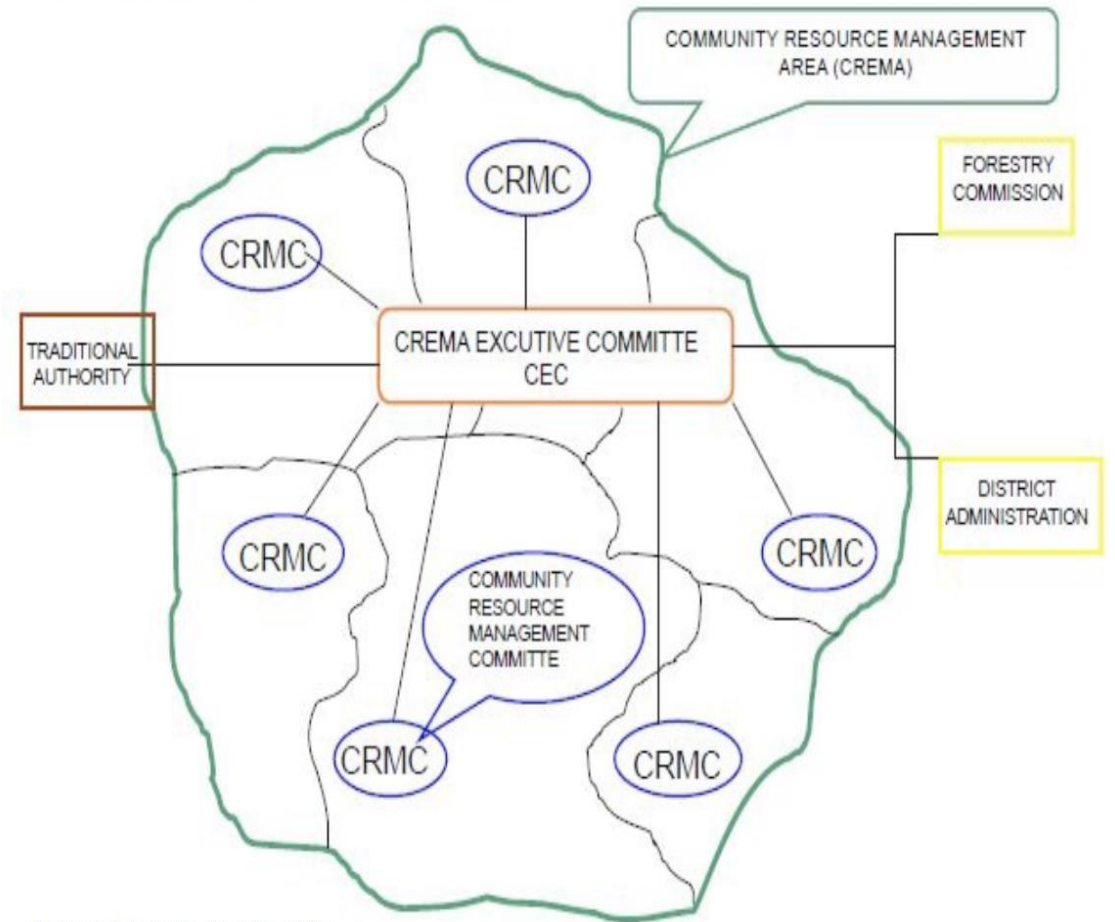
Analytical Framework

- Socio-legal analytical framework.
- Whether the existing policy and legal regime in the development of legal norms on benefits sharing is influenced by interest-driven or norm-driven behavior.
- Seeks to distinguishing between enactment, which consists of the formal acceptance of a legal norm and implementation, which refers to the practical application of a legal norm, as reflected in actual changes in the behavior.
- Takes inspiration from Sebastien Jodoin understanding of the construction of legal norms as resulting from the concurrent or sequential operation of two causal mechanisms: cost-benefit commitment and persuasive argumentation and analyse which of these ought to influence the benefiting sharing regime.

CURRENT STATE OF PLAY: CREMAs

1. Formed on a **voluntary basis**.
 - Free, Prior, and Informed Consent (FPIC)
 - whole community participates in the selection of reps.
2. Est. through Minister of Lands and Natural Resources' authority to appoint ordinary members of the public to perform the duties of Wildlife Officers. **(Sec1 of Act 43)**
3. Now adopted for **ER activities under the GCFRP**.
4. **Basic Structural and Functional Unit** of the GCFRP
 - CREMAs → SUB HIAs → HIA Management Board

ORGANISATIONAL STRUCTURE OF THE COMMUNITY RESOURCE MANAGEMENT AREA

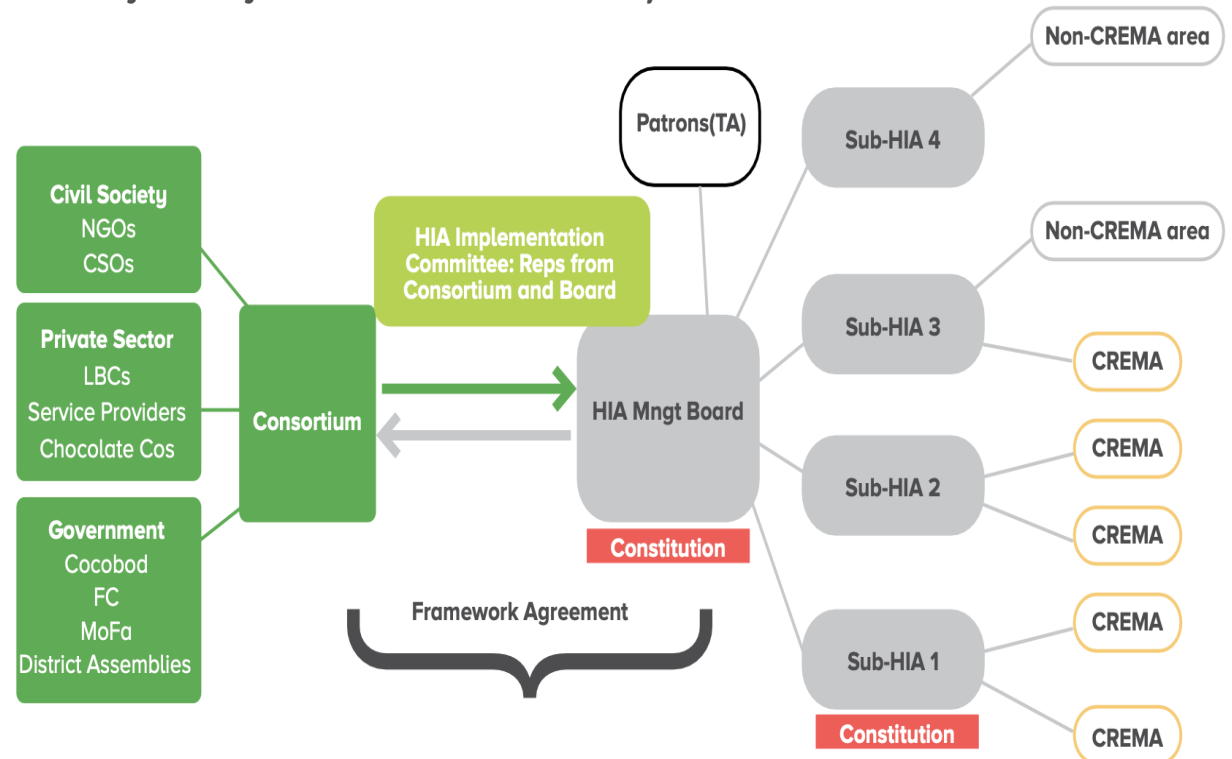


Source 4: Wildlife Division (FC)

CURRENT STATE OF PLAY: THE GCFRP

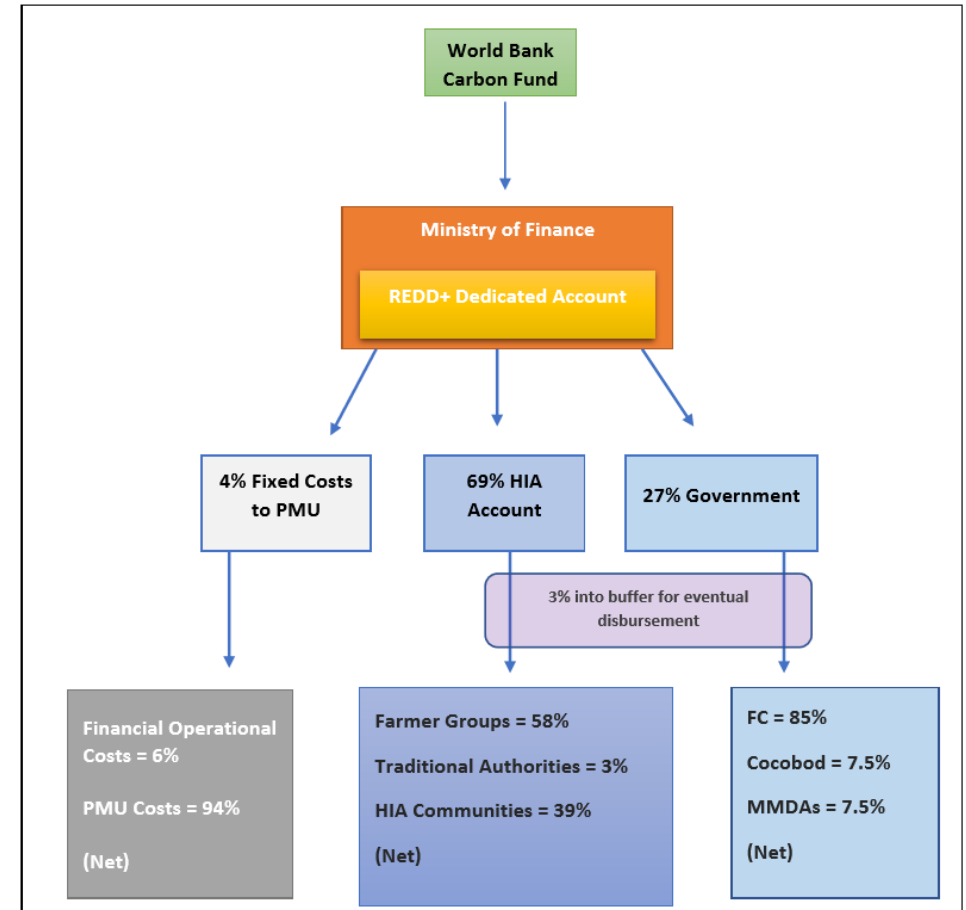
- **GCFRP**: a landscape approach for
 - forest protection and
 - climate smart cocoa production.
 - mobilisation of partners for climate smart intervention on the landscape
- Participating farmers, community members and traditional authorities adopt shaded and climate-smart cocoa production, and forest protection in livelihood activities.
- Direct outcome is decrease in deforestation / degradation in the programme area which results in Emission Reduction.
- Stakeholders receive payments for the Emission Reduction

FIGURE 11:
Detailed diagram of HIA governance bodies and Consortium with key documents



CURRENT STATE OF PLAY: BENEFIT SHARING UNDER GCFRP

- Actors:
 - with legal rights (statutory or customary) to trees and forests
 - Traditional Authorities; Government of Ghana; Landowners;**
 - who take verified actions to achieve emission reductions (performance);
 - Farmers; Communities;**
 - who have proved effective facilitators and essential in facilitating emission reduction activities
 - Cocobod; Forestry Commission; Local Governance Structures**



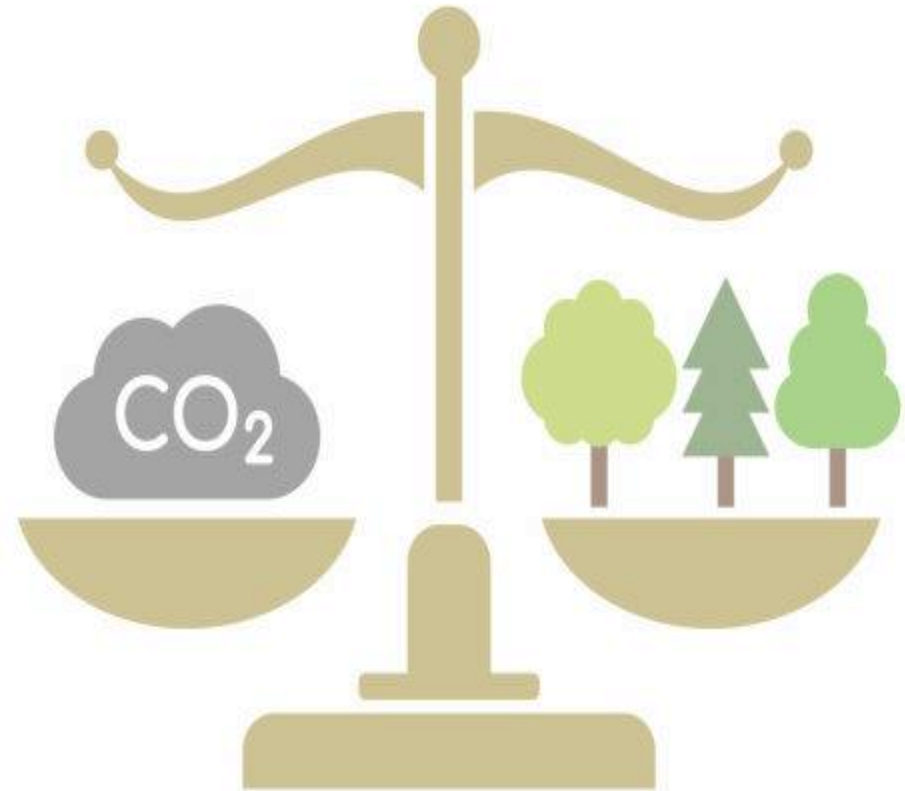
CURRENT STATE OF PLAY LEGAL FRAMEWORK FOR CARBON

1. Absence of Key Definitions

- a. Carbon rights, Emission Reduction Rights and Ownership
- b. Expression of need in **Forest and Wildlife Policy, 2012** and **Benefit Sharing Policy, 2018 (BSP)**
- c. Current practice of **ad hoc contractual arrangements** to clarify Carbon Rights

2. Consequently, legislative framework for carbon rights **is sought from within existing legal frameworks** for:

- Property rights &
- Tree & Land Tenure rights.



CURRENT STATE OF PLAY: LEGAL FRAMEWORK FOR CARBON

3. Regime for Tree & Land Tenure is **COMPLEX** and **PLURALISTIC**

a. operation of different types of interests and actors over the same piece of land.

- **Interests:** Allodial, Usufruct, Leases, Licenses, Customary Tenancies & Rights
- **Stakeholders:** State, Traditional Authorities & Private Persons

b. Interests operate on the land simultaneously and creates different sets of rights

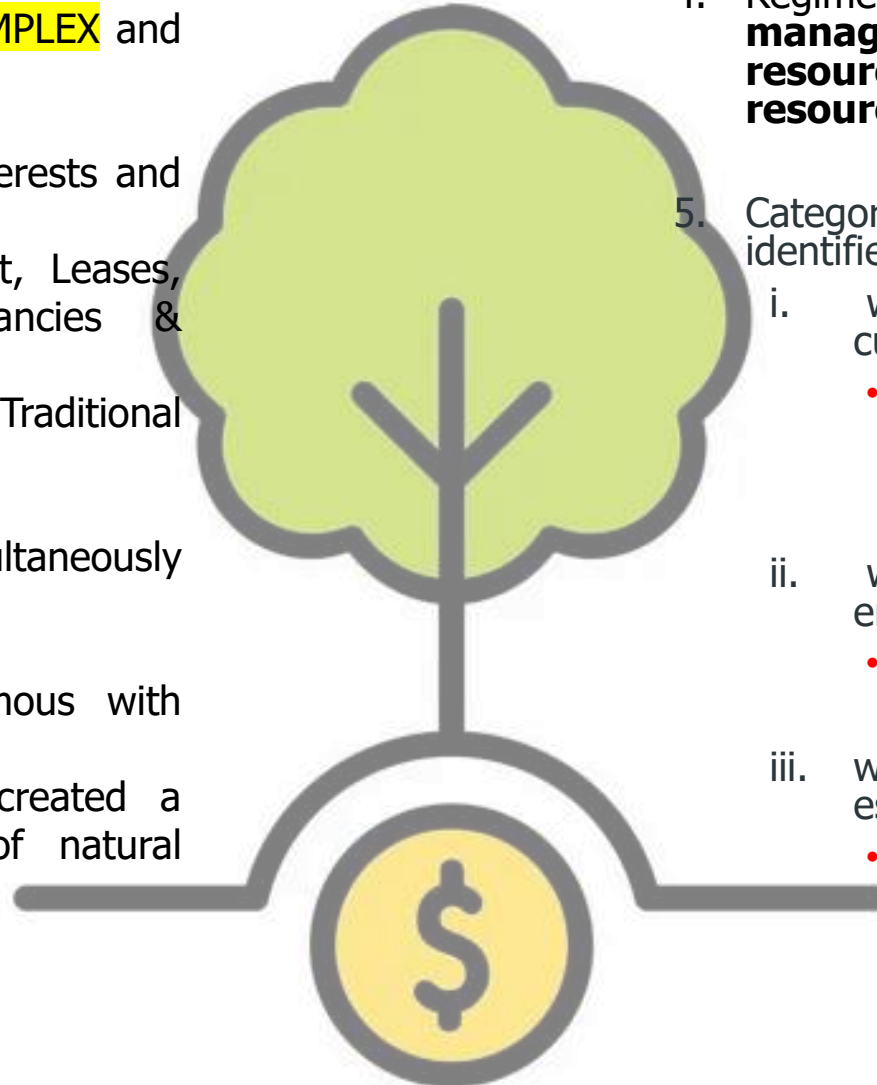
c. ownership of land not synonymous with ownership of trees.

- Statutory intervention has created a state-management regime of natural resources including trees.

4. Regime creates a **competition for management, use and benefit rights over resources found on lands with natural resources.**

5. Categories of Beneficiaries/ Actors that can be identified

- i. with legal rights (statutory or customary) to trees and forests
 - **Traditional Authorities; Government of Ghana; Landowners;**
- ii. who take verified actions to achieve emission reductions (performance);
 - **Farmers; Communities**
- iii. who have proved effective facilitators and essential in facilitating ER activities
 - **Cocobod; Forestry Commission; Local Governance Structures**



CURRENT STATE OF PLAY: CRITIQUE OF EPA BILL ,2023

Definitional Challenges

- Carbon Credit
- Carbon Rights
- Ownership/ Attributes

Integration Challenges

- Failure to take cognizance of existing emission reduction programs. (eg. GCFRP)
- Risk of coordination challenges and impact on Ghana's performance of contractual obligations under the ERPA with World Bank and the expansion of the GCFRP.

Institutional and legal

- a. EPA plays no role in the interventions that create carbon credits; Other government agencies have traditionally led these interventions.
- If Carbon credits are clarified as a natural resource, EPA would lack the constitutional authority to regulate it.
- EPA is, however, well-positioned to do reporting and record-keeping of Ghana's climate obligations

Governance Challenges

- Challenges with inclusion, gender, CSOs with the institutions under the Bill to manage climate change.

Inadequacy of Provisions

- No Emissions Reduction Targets
- No Carbon Pricing Mechanisms
- No Renewable Energy Targets
- No Adaptation and Resilience Measures

FINDINGS: CREMAS

1. Gaps in legal framework for Carbon Credits
 - Risk of 3rd party suits on ownership rights
2. **Constrained capacity** to enter legal relations.
 - Not formed by legislation or incorporated
 - Product of Policy
 - Collaborative Wildlife Management Policy, 2000
 - Ghana Cocoa REDD+ Programme (GCFRP)
 - Intention to be formally established by the Wildlife Bill, 2023
3. Risk of Elite Capture and exclusion in share of benefits
 - Power imbalance between CREMA executives and traditional authorities
 - Social norms and social perceptions (Gender)
4. Lack of framework for transparency and accountability in disbursement of benefits

FINDINGS: LEGAL FRAMEWORK

1) Absence of Definition of Key Terms

- Carbon Right/ Carbon Credit/ Ownership

2) Lack of Clarity on Attributes

- a. Ecosystem Service
- b. Natural Resource
- c. Usufruct Arrangements

3) Uncertainty of Beneficiaries and Benefits Sharing Arrangement

- a. Due to ambiguity over ownership caused by Ghana's pluralistic legal system and complicated land and tree tenure rights.
 - Depending on how carbon credit is defined, different stakeholders can claim ownership of the proprietary rights in carbon credits.
- b. Opens up programmes/projects to third party suits

4) Benefit Sharing Framework established by Government Policy (Benefit Sharing Policy, 2018 (BSP))

- a. Undermines Strict Compliance, Enforcement and Accountability

5) Ad hoc Contractual Arrangements risks treating ER Projects Differently and could create coordination challenges.

LAW



RECOMMENDATIONS



Consolidation of Legislation on Forestry



Comprehensive Legal Framework for ER activities to provide for:

1. attributes, ownership, and benefit sharing
2. safeguards against elite capture ensure inclusion
3. Transparency and accountability of ER benefits
4. Capacity building of communities

RECOMMENDATIONS

1. Climate Change and Development of Carbon Markets

The reform law should include provisions on providing legislative clarity on the climate change commitment of government to include:

1. The definition of and relationship and rights between landowners, tree owners and carbon rights.
2. The ownership, registration, and transfer of carbon rights to facilitate the development of the emerging carbon markets.
3. The creation of perpetual Carbon rights as an interest that “run with the land” which means that carbon rights remain attached to the land even if there is a change in land ownership.
4. The reform law should place a duty on State actors and its decision-makers to take climate change into account when making specified decisions affecting land use and the forests
5. The reform law should give legislative backing to the benefit sharing arrangement for undertaking interventions in climate change.

THANK YOU



Energy Transition and Environmental Justice



THE DILEMMA OF NASCENT PETROLEUM ECONOMIES IN AN
ERA OF ENERGY TRANSITION: The Case of Ghana

Sub-theme: Natural Resources, Inequalities and Environmental
Injustice

University of Bradford School of Law

26th July, 2023

Humu-Annie Seini

OUTLINE



- Introduction
- North – South Divide
- Ghana
- Commitment to Addressing Climate Change
- The Petroleum Sector
- Ghana’s Dilemma
- Ghana’s Energy Transition Framework
- Perspectives on Transition
- Opportunities and Challenges
- Conclusion
- The Way forward and Points for further Reflection
- Sources

Introduction



- Energy transition
- North-South Divide
- Development or Environment
- Climate Reality



The Republic of Ghana

- Socio – economic issues
- 2.3% annual population growth
- Annual energy demand increment approximately 11%
- Natural resources
- Medium Human Development Index - 133
- Environmental issues and climate change

Commitment to Addressing Climate Change



Problems

- flooding,
- droughts,
- decreasing crop yields,
- heat stress,
- air pollution

Commitment to Addressing Climate Change



- 1992 UN Conference on the Environment and Development
- UN Framework Convention on Climate Change
- 1997 Kyoto Protocol
- National Climate Change Policy 2013
- National Climate Change Adaptation Strategy, 2012
- 2015 Paris Agreement
- National Adaptation Plan Framework, 2018
- Updated Nationally Determined Contribution under the Paris Agreement (2020 – 2030)
- reducing its GHG emissions by 64 MtCO₂e by 2030 (Conditional targets) and 24.6 MtCO₂e (unconditional actions) by 2030.
- Contingent upon its ability to raise between US\$9.3 and 15.5 billion in investments to enable it meet its targets



Ghana's Petroleum Sector

- 19th Century
- 2007 Jubilee Field Discovery - renewed hope
 - First Fast Track Development Field in the World
- approximately 2.5 billion barrels of proven petroleum resources
- Mainly offshore
- Voltaian Basin



Petroleum Sector Continued

Regulatory Framework for the upstream Petroleum Sector

- Article 256 (7) of the Constitution
- Petroleum Commission Act, 2011 (Act 821) pursuant to Article 269 of the 1992
- Petroleum (Exploration and Production) Act, 2016 (Act 919)
- Petroleum (Exploration and Production) (Local Contact and Local Participations) Regulations, 2013 (L.I. 2204)
- Petroleum (Exploration and Production) (Health, Safety and Environment) Regulations, 2017 (L.I. 2258)
- Petroleum Revenue Management Act, 2011 (Act 815)

Petroleum Sector Continued

2022 Production profiles



- unitised Jubilee Field accounted for 30,523,813.00 bbl and 68,481.76 MMSCF of gas
- TEN Field, also operated by TGL accounted for 8,612,822.00 bbl and 55,678.63MMSCF of associated gas
- Sankofa Gye Nyame Fields yielded 12,619,846.12 bbl and 129,394.66 MMSCF 71,147.88 MMSCF of associated gas and non-associated gas respectively.
- 2022 US\$1.43`billion the highest ever
- Cumulative 2011-2022 US\$ 8.79billion



Petroleum Sector Continued Challenges

- COVID-19 pandemic
- ramifications of the Paris Agreement.
 - Funding
 - Technology
- World Market prices

Ghana's Dilemma



- socio economic challenges
- Socio-economic development
- Energy Transition
- Equitable transition
- Energy Progression

Ghana's Energy Transition Framework



- 2022-2070
- *This document lays out a framework for decarbonizing the energy sector and reaching net zero emissions by 2070 while ensuring socioeconomic growth and the use of Ghana's natural resources.*
- *This is a long-term net-zero framework ... to complement existing efforts with new measures as increased renewable energy penetration, conversion of thermal plants to natural gas...*

Ghana's Energy Transition Framework Contd.



- *The framework will ensure that Ghana's transition will be achieved in a just and equitable manner ...urgent need to transform her economy through the exploitation of the natural resources ...*
- *...discoveries of critical (green) minerals including lithium and graphite...comes with opportunities*

Perspectives on Transition



- Energy Transition
- Just transition
- Energy Progression

Underlying Hurdles



- North-South Divide
- Competing priorities
- Principle of Common but differentiated responsibilities
- Investments in the petroleum sector
- Renewed interest in Ghana's petroleum Resources
- Local content and localisation
- Capacity building
- Financial capacity
- Technological capacity

CONCLUSION



Nascent oil producing countries need the oil to address pressing socio-economic issues.
They are committed to energy transition but need to address underlying factors
The North – South Divide must be bridged

The Way Forward and Points for further Reflection



Address underlying factors

Bridge the gap

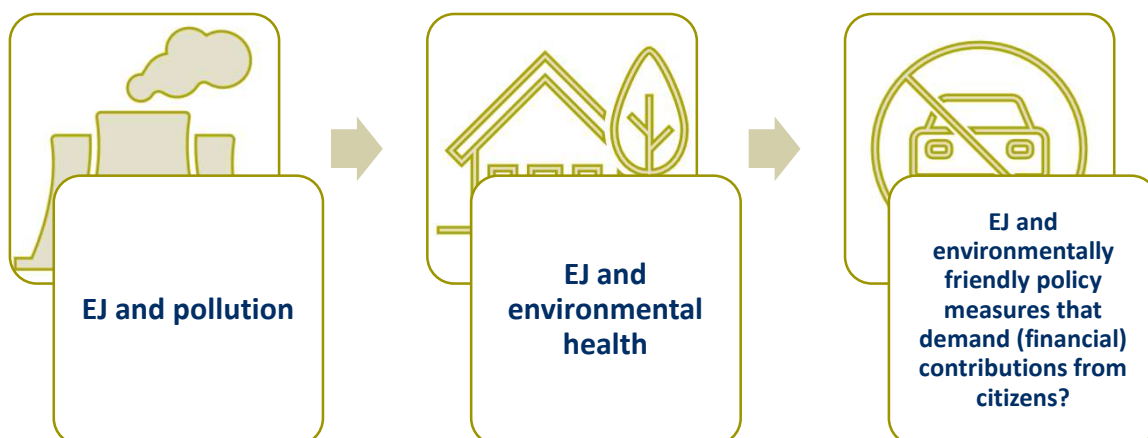
Alternative approaches

Justice considerations in the urban climate transition: a dual case study on Belgian LEZ zones and the obligation to renovate and decarbonise residential buildings

Florence Van Durme
26 July 2023

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Environmental justice: a morphing concept ?



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Research questions

What is the role and relevance of environmental justice principles when Belgium's different governmental levels adopt environmental legislative and regulatory measures that require contributions from citizens?



Do these measures take into account the diversity of the societal context and the importance of fairly distributing burdens across society?

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LEZ and ZEZ



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Overview



Ground transportation = major local contributor to urban air pollution



LEZ = Restrictions depending on EURO emission



Flanders: Antwerp, Ghent, Brussels
-> Surveillance technology and fines



- Flemish decree of 27 November 2015
- Order of the Government of Flanders on low emission zones of 26 February 2016



If not authorized:
- Fine: 150 euro per violation
- Or day pass: 35 euro



Potential to buy a (day, week, month or year) permit for certain types of vehicles that do not meet the standard and certain types of residents

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LEZ: distribution of air quality benefits



Historical centers EU cities

- Prestige, generally wealthy
- LEZ benefits these areas

Vicinity of freeway rings that surround cities

- Highest levels of pollution, LEZ does not typically benefit these areas
- + LEZ increasing pollution there?

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Burden of LEZ

LEZ applies to everyone regardless of socio-economic status

- BUT probability of being affected relates to social group

Exceptions

- Permit: applies to diesel-powered vehicles that meet the Euro 4 standard (or for certain specific vehicles)
- **Reduced tariff** for residents of the LEZ who are entitled to higher reimbursement rates

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Controversy in Belgium

▪ Ghent:

- Expansion LEZ is causing debate within the Ghent majority.
 - Social effects and additional social measures
 - Decided not to expand
 - Investment in additional electric shared cars, additional shared bicycles and in improving public transport infrastructure

▪ Mechelen / Leuven:

- No LEZ after cost-benefit exercise

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Obligation to renovate and decarbonise residential buildings



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Overview



Households are responsible for almost 30% of CO2 emission in Europe
EU targets: level A by 2050



Belgium: Anyone buying a house with energy label E or F must renovate it to at least level D within five years from 2023

Step by step to level A in 2050



Article 11.2/2.1 Energy Decree
Subsidies: Decree of 19 November 2021 amending the Energy Decree of 8 May 2009 and the Flemish Housing Codex of 2021

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Costs

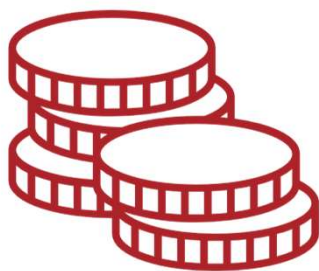
Simulations by VITO/Energyville

- **In order to raise the ecoscore of most houses with label F or E:**
 - to label D: 4.000 to 15.000 euros
 - To label A: 50.000 to 100.000 euros

Who pays?

- Buying a house becomes more expensive
- Subsidies?

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Johan Albrecht, Environmental economist: *“Even with subsidies, extensive renovation remains unfeasible for the lowest incomes. Subsidies have not greatly increased the renovation rate but have increased the wealth inequality.”*

Request for explanation on energy renovation policy – 12/01/2022

- Appears that subsidies have hardly led to more renovations
- Subsidies too low to ensure that people with lower incomes can still renovate
- International research: financial incentives mainly go to renovators who have the capital to renovate even without incentives

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Additional problems

- Cities: extra high threshold for renovation
- Energy poverty is a growing problem in the EU
- Rise in living costs after renovation
- Opting for easiest and cheapest measures

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Incorporating
environmental
justice
objectives in
law-making



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Preliminary findings

▪ Considering full equity design ?

- Equity = increasing access to power, redistributing and providing additional resources, and eliminating barriers to opportunity, in order to empower low-income communities to thrive and reach full potential (Mohnot, Bishop, Sanchez)

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Preliminary recommendations

Justice dimensions to consider

Distribution

- Tenants?
- Higher mortgage?
- Disruption of domestic life?

Recognition

- Acknowledge and recognize diversity
- Restorative justice
- Vulnerable households less present?

Participation – procedural

- Early and understandable communication: adapt way of communication
- Mix of participation methods

Capability

- Capacity building

Responsibility

- Past and future responsibility
- Capability to carry responsibility

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Preliminary recommendations

▪ **Obligatory renovation**

- Start 2023: Renovation loans and subsidies appear very popular: follow up needed to check which groups make use of them
- Additional funding is needed to realize energy transition
- Include non-energy related benefits of the renovation

▪ **LEZ / ZEZ**

- Mitigate burdens on already affected communities and maximize benefits for those communities
- Regulation that treats all vehicles alike: possibly more egalitarian?

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Questions?

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