



Ministry of Industry,
Investment & Commerce



JULY 2022

NATIONAL INVESTMENT POLICY

WHITE PAPER

Message from the Most Honourable Prime Minister



The Most Honourable Andrew Holness, Prime Minister of Jamaica

The Government of Jamaica welcomes the drafting of this National Investment Policy, which marks another milestone for Jamaica. This will be the first time the Jamaican Government has created a policy to ensure a holistic, coherent and coordinated approach to driving private sector investment and smoothing the path for local and foreign investors. The role of investment as an economic driver cannot be overstated. To facilitate this, it is the role of the Government to create the enabling policy environment to attract and retain investment within the country, and this is what the National Investment Policy (NIP) seeks to do.

I am very proud to present this document to the world as we continue our mission to create a business and investment-friendly environment within which businesses can thrive. Our role as the Government of Jamaica is to facilitate this growth and remove the guesswork from Government to Business interactions.

Investment leads to economic growth which has the potential to eradicate poverty, increase access to jobs, upskill our people and improve the standard of living of each and every Jamaican.

To keep our investments growing, we have to continue to be nimble in an ever-changing world. The COVID-19 pandemic and the ravages of climate change have taught us stark lessons, changing the patterns of demand for goods and services while demanding new forms of delivery. The demand for adaptability requires us to be willing to undertake the necessary reforms to create a vibrant market economy and business environment, and this Policy is proof that Jamaica is committed to achieving this goal. Our rules and regulations must encourage investment and make doing business in Jamaica a transparent and predictable exercise.

Unleashing Jamaica's economic potential requires us to keep investing in efforts that make the country responsive and able to capitalise on opportunities as they arise. The NIP will help us to achieve this and lead to more growth and opportunity for each and every investor in Jamaica, both local and overseas. It represents a huge leap forward to achieving our Vision 2030, of making Jamaica a developed country, where we will all be happy to raise families and do business.

Message from the Minister of Industry, Investment and Commerce

I am pleased to present to you Jamaica's National Investment Policy (NIP), the first document of its kind aimed at driving foreign and local investments in Jamaica. The policy demonstrates the Government of Jamaica's (GOJ) commitment to achieving our goal of being a very welcoming destination for business investors from the region and elsewhere overseas. Jamaica has to become the region's preferred location for trade and investment. As we seek to attract increased investment to drive further economic development, it is incumbent on the Government to ensure that we continuously improve the enabling environment and build a responsive and facilitatory approach that will bring investors to the country. This requires us to make our procedures and regulations clear, concise and predictable to create a rules-based and level playing field for investors. We in and across government must make it easy and efficient for entrepreneurs, investors and businesses to do business in Jamaica.



Senator The Honourable Aubyn Hill, Minister of Industry, Investment & Commerce.

The NIP is guided by a broad vision 'to position Jamaica as a major player in the global investment community, driven by economic growth and the creation of new and well paying jobs. This Policy is in alignment with the GOJ's overarching thrust to integrate government processes through modern, transparent and reliable procedures that are facilitatory, effective and easy to use by every Jamaican and overseas investor. By prioritizing and streamlining the treatment of both local and foreign investors, we are highlighting our continued commitment to invite investment into the country to help create new jobs and grow the economy.

There are several parts of our Government which perform a variety of roles in delivering approvals for the country's local and foreign direct investment projects. They are guided by separate policy directives which often lead to overlapping processes which almost invariably result in disturbing inefficiencies. This Policy offers a broad framework that is deliberate in its efforts to achieve coherence in our government to business activities. We intend to enhance the sustainable improvement of Jamaica's investment climate, even as we hone our operations to meet international norms and best practices. We expect to provide a consistent approach to promoting, facilitating and securing investments. We will be watching the marketplace and will make amendments as the market requirements change.

As the Ministry of Industry, Investment and Commerce plays its part in the Government's efforts to realise economic expansion and increased job creation activities, we believe that this Policy is timely, relevant and needed.

Message from the Leader of the Opposition

The National Investment Policy aims to *“develop a comprehensive policy framework that will guide the development, administration and monitoring of the private investment community; so as to ensure cohesion among all related initiatives, programmes, incentive regimes and all other stakeholder contributions.”* It was developed as a response but not limited to a variety of systemic issues related to; facilitating local investment, overlapping mandates of private and public actors seeking to engage in the investment ecosystem and, challenges in calculating and recording the amount of private investment within the local economy.

The Opposition commends the Policy’s vision, *“To position Jamaica as a major player in the global investment community, in an effort to boost economic growth and achieve sustainable development.”*



Mr. Mark Golding, Leader of the Opposition

In particular, we are keen to support the development of logistics networks which would facilitate increased engagement in international markets. Opposition Spokesperson on Industry, Investment & Global Logistics Mr. Anthony Hylton, MP, shared that *“it is critical that we update our trade policies so that Jamaica is able to engage more actively in global markets and supply chains.”* He further suggested that *“continued focus be placed on accelerating Jamaica's business reform efforts, including an improvement of our ranking in the World Bank's “Ease of Doing Business Report”.*

The Opposition is encouraged by the outlined duties of investors in Jamaica’s businesses and overarchingly, our economy, including but not limited to; compliance with national laws and policies compliance with international obligations, management of natural resources, climate change mitigation/adaptation measures corporate social responsibility, and good corporate governance.

We are keen to continue dialogue as this policy is implemented. The Opposition believes deeply in making Jamaica a primary regional logistics hub and the preferred place to do business, live and raise a family.

Message from the Chairman of the National Investment Policy Steering Committee

It is a known fact that the successful attraction and facilitation of investments in Jamaica relies primarily on the existence of an enabling environment for sustaining private investment inflows. *Government cohesion, transparency, and efficiency* are the foundation of an enabling business environment.

During my first board retreat as JAMPRO's Chairman in 2016, I identified bureaucracy as one of the biggest challenges that JAMPRO, and wider Jamaican business community faced. I am of the view that bureaucratic reforms will improve the quality of governance, and consequently improve the ease of doing business experience for local and foreign investors. The National Investment Policy creates the channel through which we can eliminate bureaucracy and get the government to work closer together.

If we want to facilitate growth and economy development, *we must roll out the red carpet and roll in the red tape*. The NIP will undoubtedly transform our country's investment landscape and promote growth. I am confident in its ability to achieve its mandate, and this confidence was the catalyst for my decision to take on the mantle of chairing the Policy Steering Committee for National Investment Policy.



Senator Don Wehby, Chairman of JAMPRO as well as the National Investment Policy Steering Committee

The COVID-19 pandemic emerged in early 2020, and while Jamaica has experienced some degree of economic contraction, we are now on course for recovery and building back even stronger than before! We will continue to focus on improving the business environment, advancing policy reforms, and generating economic growth. During this recovery process, the NIP will undoubtedly act as an acceleration tool for investment projects.

Attracting FDI is critical to the growth of both developing and developed countries. However, it is particularly important that developing countries such as Jamaica position themselves to attract these inflows. Of equal importance is the attractiveness of the country's business environment to local investors, who will continue to be the backbone of the economy and whose increased economic activity and success will also act as a pull factor for FDI. The NIP will improve the overall business environment, thus positioning Jamaica as a major player in the global investment community in a bid to achieve economic growth through sustainable development. It signals the Government of Jamaica's commitment to a continued public-private partnership in nation building.

The critical importance of a NIP cannot be over-emphasized! Based on case study evidence provided by UNCTAD, it can be argued that the most successful IPAs are those that have developed an integrated investment promotion strategy that is aligned to national development goals. The NIP promotes transparency as it is a clearly defined road map that removes all ambiguity and uncertainty from the investment process. It outlines the role and function of the government in marketing, promoting, and facilitating investment and it tells the investor what to expect – thus acting as an accountability guide.

This comprehensive policy framework will guide the development, administration and monitoring of the private investment community; so as to ensure cohesion among all related initiatives, programmes, incentive regimes and all other stakeholder contributions. Government cohesion and a coherent policy framework are a very important driver of long-term prosperity and economic competitiveness. Cohesive societies are politically stable and focus on economic growth and business development.

I am pleased with the outcome of the policy development process, and I look forward to continuing my role as Chairman of JAMPRO in its implementation and the deepening of private investment across Jamaica.

Message from the President of JAMPRO

JAMPRO, through its stewardship of the implementation of the National Investment Policy (NIP), is committed to realising the goal that underpins the policy: achieving sustained economic growth through increased private sector investment. The policy must result in a more attractive playing field for innovation and investment in the productive sector and thus become an intrinsic element in Jamaica's competitiveness. The achievement of the ten (10) policy goals is anchored in a coordinated national, bi-partisan approach and partnership with the private sector and civil society, aptly named the National Competitiveness Council (NCC).



Diane Edwards, President

The National Competitiveness Council (NCC) is a public-private partnership body established to drive initiatives to create an enabling business environment, thereby stimulating an increase in private sector investment. Its existence bears testament to the impact that can be created from such partnerships. Jamaica has made significant progress in improving the business environment such as the establishment of the Jamaica Development Applications Portal (JDAP); improving property registration and enforcing contracts; and achieving a rank of 6th in the world in the Doing Business Report for the ease in starting a business. Without a whole-of-government, public-private sector partnership approach, this would not have been possible. Such an approach is also important in fostering an environment of transparency and openness to facilitate investor projects. Hence, the GOJ ministries and agencies, and private sector stakeholder implementation teams listed in the NIP, have a critical role to play in achieving the key policy goals.

The policy goals are focused on (i) strengthening a mechanism for coordinated strategic investment planning; (ii) streamlining customer-centric investor experience across government; (iii) positioning Jamaica as the investment destination of choice in the Caribbean; (iv) enforcing and guaranteeing protection of investor rights in Jamaica; (v) strengthening the policy framework for safeguarding Intellectual Property; (vi) improving the framework for sustainable, productive and equitable development, use and management of the country's land resources and other GOJ assets; (vii) spurring investments and respond to the needs of investors through Immigration and Labour service delivery; (viii) incentivizing investments; (ix) strengthening Jamaica's economic position and broaden investment growth opportunities through the Global Logistics Hub Initiative; (x) strengthening; and (xi) engaging with, and facilitating, established investors in a bid to retain and expand their investment interest in Jamaica through proactive facilitation and advocacy responsiveness. mechanisms for trading across borders that will support national economic growth. Together they frame a modernised policy aimed at attracting and facilitating investment opportunities and creating jobs.

Achieving sustainable economic development requires the inter-agency, private sector led coordination to provide a seamless investor experience to identify, facilitate and realize greater investments in the country. JAMPRO believes wholeheartedly in the NIP as an essential building block in the thrust to improve the ease of doing business, thereby stimulating greater growth and development.

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1.0 Abbreviations and Glossary of Terms

Acronyms

ASYCUDA	Automated System for Customs Data
BERA	Business Environment Reform Agenda
BITS	Bilateral Investment Treaties
BOJ	Bank of Jamaica
CAGR	Compound Annual Growth Rate
CARICOM	Caribbean Community
CARIFORUM	Caribbean Forum
CITES	Convention on International Trade in Endangered Species
CSME	Caribbean Single Market and Economy
CSR	Corporate Social Responsibility
CRSR	Convention Related to the Status of Refugees
DBR	Doing Business Report
EGC	Economic Growth Council
ESSJ	Economic and Social Survey Jamaica
EU	European Union
FCA	Fair Competition Act
FCGP	Jamaica Foundations for Competitiveness and Growth Project
FDI	Foreign Direct Investment
GCR	Global Competitiveness Report
GCT	General Consumption Tax
GDP	Gross Domestic Product
GFCF	Gross Fixed Capital Formation
GFMD	Global Forum on Migration and Development
GLHI	Global Logistics Hub Initiative
GMG	Global Migration Group
GOJ	Government of Jamaica
HEART/NSTA	Human Employment and Resource Training / National Service Training Agency
ICT	Information and Communications Technology
IDB	Inter-American Development Bank
IDT	Industrial Disputes Tribunal
IIA	International Investment Agreement
IP	Intellectual Property
IPA	Investment Promotion Agency
JAMPRO	Jamaica Promotions Corporation
JCA	Jamaica Customs Agency
JCC	Jamaica Chamber of Commerce
JIPO	Jamaica Intellectual Property Office
JSEZA	Jamaica Special Economic Zone Authority
JSWIFT	Jamaica Single Window for Trade
LDI	Local Direct Investment
MCs	Municipal Corporations
MDAs	Ministries, Departments and Agencies
MEGJC	Ministry of Economic Growth and Job Creation
MIIC	Ministry of Industry, Investment and Commerce

MOAF	Ministry of Agriculture and Fisheries
MLGRD	Ministry of Local Government & Rural Development
MLS	Multiple Listing Service
MLSS	Ministry of Labour and Social Security
MNC	Multinational Corporations
MFAFT	Ministry of Foreign Affairs and Foreign Trade
MFN	Most Favoured Nation
MIND	Management Institute for National Development
MOHW	Ministry of Health and Wellness
MOT	Ministry of Tourism
MTF	Medium Term Framework
NBP	National Business Portal
NCC	National Competitiveness Council
NCST	National Commission on Science and Technology
NEPA	National Environment and Planning Agency
NIP	National Investment Policy
NIPIC	National Investment Policy Implementation Committee
NIPTF	National Investment Policy Task Force
NLA	National Land Agency
OUR	Office of Utilities Regulation
PAJ	Port Authority of Jamaica
PASMP	Protected Areas Systems Master Plan
PIMS	Public Investment Management System
PIOJ	Planning Institute of Jamaica
PPP	Public-Private Partnership
PSC	Policy Steering Committee
SCT	Special Consumption Tax
SDG	Sustainable Development Goal
SEZ	Special Economic Zone
SIDS	Small Island Developing States
SIL	Strategy Implementation Lead
SMEs	Small and Medium-sized Enterprises
SRIP	Shovel Ready Investment Projects
STATIN	Statistical Institute of Jamaica
TAJ	Tax Administration Jamaica
TEF	Tourism Enhancement Fund
TWP	Temporary Work Permit
UN	United Nations
UNCTAD	United Nations Conference on Trade and Development
USAID	United States Agency for International Development
WB	World Bank
WTO	World Trade Organization

Key Definitions and Terms¹

It is important to clearly explain key definitions and terms that are common to investment policies and establish the working definitions and terms for the policy. The terms on investments are the set of aspects relevant to both domestic and foreign investments in Jamaica. The terms are relevant not only to understand the subjective and objective areas of treatment provided for in the policies and legal framework on investment of the country but also to compile, measure and analyze investment flows and also to guide the approach to the main policies and strategies on private investment in the country.

Capital Goods: tangible assets such as buildings, machinery, equipment, vehicles and tools that an organization uses to produce goods or services in order to fabricate consumer goods and goods for other businesses.

Direct Investment: the investment in a company incorporated under the laws of Jamaica with the aim of acquiring control or exercising significant influence in its management. The investor demonstrates his intention to achieve a long-term interest in the acquisition of the share capital of the company.

Direct Investor: A direct investor could be classified to any sector of the economy and could be any of the following: (i) an individual; (ii) a group of related individuals; (iii) an incorporated or unincorporated enterprise; (iv) a public or private enterprise; (v) a group of related enterprises; (vi) a government body; (vii) an estate, trust or other societal organization; or (viii) any combination of the above. In the case where two enterprises each own 10% or more of each other's voting power, each is a direct investor in the other. A direct investor has a direct investment enterprise operating in a country other than the economy of residence of the foreign direct investor.

Foreign Direct Investment (FDI): a category of investment that reflects the objective of establishing a lasting interest by a resident enterprise in one economy (direct investor) in an enterprise (direct investment enterprise) that is resident in an economy other than that of the direct investor. Also referred to as inward direct investment in the reporting economy.

Foreign Direct Investor: An entity (an institutional unit) resident in one economy that has acquired, either directly or indirectly, at least 10% of the voting power of a corporation (enterprise), or equivalent for an unincorporated enterprise, resident in another economy.

Green Investment: Investment activities that are focused on companies or projects committed to the conservation of natural resources, the production and discovery of alternative energy sources, the implementation of clean air and water projects, or other environmentally conscious business practices.

Gross Fixed Capital Formation: Measured by the total value of a producer's acquisitions, less disposals, of fixed assets during the accounting period plus certain specified expenditure on services that add to the value of non-produced assets.

Host Economy: the country that receives FDI from the foreign investor(s).

Home Economy: the country of origin/residence of the company that invests in the foreign economy/host economy.

¹ The investment terms defined in this section are based on (i) The OECD Glossary of Statistical terms; (ii) United Nation Conference on Trade and Economic Development (UNCTAD) - Key Terms and Concepts in IIAS: A Glossary; and (iii) OAS Dictionary of Trade Terms.

Indirect Investment: the investment in a company incorporated under the laws of Jamaica without the investor's objective of acquiring control or exercising significant influence in its direction.

Investments²: Every kind of asset invested by both national and foreign investors in accordance with the laws and regulations of Jamaica. Therefore, this is a broad definition and includes the following illustrative list:

- (a) movable and immovable property and other property rights;
- (b) shares in companies or other forms of interest in such companies;
- (c) a claim to money or to any performance having an economic value;
- (d) copyright, industrial property rights, know-how and technological process;
- (e) concessions conferred by law;

Investment, however, does not include the following:

- (a) a debt instrument;
- (b) claims to money that arise solely from commercial contracts for the sale of goods and/or services;
- (c) and any intangible asset or other claims to money that do not involve at least one of the types of interests as set out in paragraph (a) through (e) above

Investor: A natural person and economic entities established in accordance with the laws of Jamaica who implement investments in their territory.

Local Direct Investment (LDI): a category of investment that comes from a Jamaican natural person or a company, or from foreigners residing in Jamaica, whose capital is invested in the country with the intention of having a lasting interest in the development of a business. This investment can be made through participation in other companies already established in accordance with Jamaican law.

Multinational Companies (MNCs)/Transnational corporations (TNCs): Both terms are used indistinctly to define incorporated or unincorporated enterprises comprising parent enterprises and their foreign affiliates. A parent enterprise is defined as an enterprise that controls assets of other entities in countries other than its home country, usually by owning a certain equity capital stake.

National Investment Policy: The actions of the Government of Jamaica aimed at responding to the diverse demands of society through the constant improvement of an investment climate that encourages investment decision-making in the country.

Outward Direct Investment: investment by a resident direct investor in a non-resident direct investment Enterprise. The direction of the influence by the direct investor is “outward” for the reporting economy. Also referred to as direct investment abroad.

Pre-establishment: the entry of investments and investors of a Party (member country of a trade or investment agreement) into the territory of another Party. Each Party allows investors of other Parties to establish an investment in their territory on terms no less favourable than those that apply to domestic investors (national treatment) or investors from third countries (most-favoured-nation treatment). In

² See recommendation for the use of a broad assets-based definition of Investments for Jamaica in the Pre- and Post- Establishment Section of this NIP.

the case of the provision on performance requirements, pre-establishment refers to the prohibition of imposing certain performance requirements as a condition for the establishment of an investment.

Post-establishment: the operation of an investment. It guarantees that foreign investors and their investments (those of another member country of the trade or investment agreement), once established or admitted, are treated no worse than domestic investors and their investments (national treatment) or any other foreign investors and their investments (most-favoured-nation treatment).

Portfolio Investment: Covers the acquisition and disposal of equity and debt securities that cannot be classified under direct investment or reserve asset transactions. These securities are tradable in organised financial markets.

Priority Project: A privately funded project assessed to be of national interest to the country, and which is to be given prioritized treatment on the basis that it is expected to have a strategic impact on the sustainable development of the country by contributing to the growth of the economy and increasing the competitiveness of the country regionally and/or globally.

Privatisation: refers to private participation/investment in Government-owned assets, enterprises, public infrastructure and services, that is, the transfer of ownership, property or business from the government to the private sector.

Public-Private Partnership: a long-term procurement contract between the public and private sectors, in which the proficiency of each party is focused in the designing, financing, building and operating an infrastructure project or providing a service, through the appropriate sharing of resources, risks and rewards. The definition is limited to assets of high value and areas where the Government is faced with fiscal constraints and is obligated to provide the infrastructure service.

Quality Jobs³: A multi-dimensional concept that achieves three of five of the following:

- (a) *Living wage* – this must be sufficient to support a decent standard of living — or, at minimum, exceeds the median wage offered within the employer’s industry.
- (b) *Basic benefits* – this shall increase economic security, improve health, and promote work-life balance, it may include paid leave, health insurance, and a retirement savings plan.
- (c) *Career-building opportunities* – this shall help employees develop the skills, networks, and experiences necessary to launch a career or advance along a career path.
- (d) *Wealth-building opportunities* – this will enable and incentivize an employee to build the assets they need to manage financial emergencies and achieve long-term financial security.
- (e) A fair and engaging workplace that balances the priorities and wellbeing of employees with the needs of the business. Examples include offering flexible and predictable schedules, treating all staff with respect and dignity, actively soliciting employees’ ideas to improve the business, and helping staff understand how their work contributes to the business’s success.

Special Economic Zones (SEZs): Geographic areas of Jamaica designated as Special Economic Zones and being classified as General Zones or Specialized Zones. In the latter case, the Zones are limited to specific economic activities such as maritime or aviation related zones, for example, dry docks, bunkering facilities, aircraft maintenance and repair or tank farms.

³ Source: PCV InSight (2016) Moving Beyond Job Creation: Defining and Measuring the Creation of Quality Jobs. Retrieved from: <https://www.pacificcommunityventures.org/2016/04/14/defining-and-measuring-the-creation-of-quality-jobs/>

2.0 Executive Summary

The Government of Jamaica (GOJ) demonstrates its commitment to promoting economic growth and job creation through private investments with a clear, transparent and predictable framework. To this end, the GOJ intends to adopt a National Investment Policy (NIP) to support this commitment. Under the leadership of a Cabinet established Policy Steering Committee (PSC), and with funding support from the Jamaica Foundations for Competitiveness and Growth Project (FCGP), with consultancy support from Global Partners Consulting (GPC) and technical support from the Jamaica Promotions Corporation (JAMPRO), the National Investment Policy (NIP) was prepared. The NIP is aimed at positioning Jamaica as a major player in the global investment community by streamlining the processes of investment attraction and facilitation.

This White Paper for the National Investment Policy of Jamaica describes the international and local context within which private sector direct investment occurs, explains the main issues and challenges that the NIP seeks to address and explores recommended policy changes for resolving them. The aim is to shape a modern policy that provides a path for achieving the country's established goals and objectives for sustainable economic development. Through the NIP, the GOJ seeks to achieve the establishment of an enabling environment that facilitates private investments by both locals and foreigners, which will contribute greatly to economic development. It is designed to ensure that a policy framework is in place to guide Government entities in offering support to sustainable and strategic investment planning that can mobilize investments that contributes to sustainable development.

Jamaica has been actively engaged in creating, managing, promoting, marketing and facilitating investment opportunities within a strong policy and legal framework for decades. Given Jamaica's track record and experience in the global and local investment arena, there are data and research that provides a backdrop for the context of attracting and facilitating investments. The National Investment Policy seeks to be a comprehensive framework that is deliberate in its efforts to better manage the development of Jamaica's investment climate, at the same time being guided by international best practices and norms. The Policy will reflect the country's current realities, as well as create the structures necessary to achieve the desired future state, as outlined in Jamaica's Vision 2030, as *'the place of choice to live, work, raise families, and do business.'*

Vision

The vision of the National Investment Policy is *'Jamaica positioned as a major player in the global investment community driven by economic growth through sustainable development'*.

Guiding Principles

The vision, policy statements, policy issues and strategies outlined and discussed through the Policy are undergirded by five guiding principles, namely:

- Business Efficiency
- Public Sector Cohesiveness
- Global Competitiveness
- Transparency
- Sustainability

Policy Statements

Policy statements that support the guiding principles and embody the government's commitment to developing a NIP are as follows:

- I. In order to ensure a seamless investor experience, all public Jamaican entities (located in Jamaica or abroad) involved in investment promotion, industry regulation and business facilitation will do so in keeping with the spirit and principles of the National Investment Policy of Jamaica and in coordination with the national investment promotion agency.
- II. The Government of Jamaica is seriously committed to improving business conditions in the country in an effort to allow private sector to invest and grow businesses, in a bid to drive economic growth.
- III. The Government of Jamaica makes no distinction between local and foreign investors, giving equal treatment to both classes of investors in keeping with the laws of the country and without bias to either group of investors.
- IV. The Government of Jamaica is ready to take bold decisions that facilitate and support prioritised investment projects that are driven by market forces, based on agreed criteria, and in keeping with national objectives.
- V. The Government of Jamaica reserves its sovereign right to identify and define special investment regimes to promote the development of certain areas or economic activities it deems important to national development.
- VI. The Government of Jamaica is committed to growing industry and commerce in the country, particularly through the implementation of linkages programmes that connect local and foreign investors.
- VII. The Government of Jamaica is committed to partnering with the private sector to optimise the use of bilateral and multilateral agreements.
- VIII. The Government of Jamaica has no restrictions on overseas investment by domestic enterprises (outward investment).

Key Policy Issues, Goals and Strategies

The following is an outline of the key policy issues addressed as well as the policy goals that underpins the Policy and the specific strategies of the Policy.

Table 1: Summary Policy Strategies

POLICY ISSUE 1: <i>Coordinated National Approach to Sustainable Investment Planning</i>	POLICY GOAL: <i>To establish a coordinated strategic investment planning framework that informs investment strategies, supports inclusive sustainable economic development and is aligned to national development mechanisms.</i>
POLICY OBJECTIVE: To establish a high-level coordinating and approval mechanism for national investment planning	
POLICY STRATEGIES:	
<ul style="list-style-type: none"> ▪ Establish a specific national body (or designate a current body) as the formal governance structure to oversee sustainable investment planning matters. ▪ Designate privately funded projects as a ‘priority project’ on the basis of specific criteria and as recommended by the national investment promotion agency; ▪ Establish specific criteria that allows the Government to develop and implement special investment regimes to support the operationalisation of ‘priority projects’ ▪ Prioritise the inclusion of clearly articulated investment and job creation targets in the strategic business plans of government entities that engage with investors. 	

<ul style="list-style-type: none"> ▪ Introduce EOIs as part of the PIMS approval process for commercial project concepts that might interest the private sector so as to avoid Government crowding out private investments. ▪ Prompt Government agencies to work, and share information, with the national investment promotion agency in facilitating investments insofar as there is no conflict in their legislation. ▪ Establish a mechanism to ensure investment decision making processes adhere to current national sustainable development planning guidelines. ▪ Ensure local linkages and national entrepreneurship opportunities are integrated into investment promotion and facilitation strategies. ▪ Establish a policy and/or programme to encourage and drive linkages among local and foreign investors. 	
POLICY ISSUE 2: <i>Business Process and Environment Reform</i>	POLICY GOAL: <i>To streamline a customer-centric investor experience across government that offers strategic guidelines to identify, facilitate and realize greater investments in the country through the deliberate efforts of government entities established to facilitate business.</i>
POLICY OBJECTIVE: To make it easier to do business in Jamaica	
POLICY STRATEGIES:	
<ul style="list-style-type: none"> ▪ Establish the National Competitiveness Council as a public/private body that will: <ul style="list-style-type: none"> ○ Strengthen institutional arrangements with investment promotion and MDAs to allow transparency which is essential in business reform efforts; ○ Align High-level vision with key performance targets and detailed action plans at all levels, including for legislation; ○ Reinforce mechanisms for the integration of continuous private-sector feedback throughout the reform process; ▪ Fast track the implementation of the National Business Portal (NBP) to facilitate multiple business to government transactions as a virtual one-stop shop for investors, particularly those based overseas and those in the Jamaican diaspora. In addition, mandate the usage of the NBP by MDAs for all investor related Government to Business processes as a tool in order to ensure transparency and openness in the facilitation of investors. ▪ Implement mandatory registration of investment projects that meet specific criteria to allow for inter alia transparency, feedback and guidance from relevant agencies, foresighting for Government projects that might be impacted by the project, and for forecasting the impact of the project on the economy. ▪ Prioritise focus on the reform of specific recommendations for reform of the Development Application Review Processes (DARP): <ul style="list-style-type: none"> ○ Reactivate the public/private partnership between the GOJ and the private sector with the aim of updating and implementing the Agenda for Development Application Review Processes (DARP) ○ Implement a strategic planning framework, to include performance management in the Municipal Corporations (MCs) ○ Implement re-engineered development applications process ○ Prioritise the completion and ongoing updating of the National Spatial Plan, in a bid to ensure that it is comprehensively developed and informed by local development plans and consistently updated with current and relevant data. 	
POLICY ISSUE 3: <i>Investment Promotion and Marketing</i>	POLICY GOAL: <i>To position Jamaica as the investment destination of choice in the Caribbean region for international companies and investors through application of current and cutting-edge strategies and technologies,..</i>
POLICY OBJECTIVE: To implement a robust marketing and promotion campaign that target sustainable private investments	
POLICY STRATEGIES:	
<ul style="list-style-type: none"> ▪ Design and implement a sound investment promotional strategy as per international best practices and based on global and local trends, which is shared and consistently supported by all relevant Government agencies. ▪ Design and implement an awareness campaign among different government stakeholders, including overseas missions, who interact with investors to foster a sense of urgency when dealing with investors that encourages professional, high-quality and expedited service delivery. ▪ Create a framework for the development and implementation of an economic diplomacy programme focused on maximising the presence of Foreign Service Offices (FSOs) or the creation of Honorary Investment Advisors in target investment markets by using them to reach out to potential investors, particularly in markets where the diaspora can be leveraged to support such programmes. ▪ Revisit and enhance the investment map that will provide an electronic platform for showcasing project concepts and land parcels available for investment. 	
POLICY ISSUE 4: <i>Treatment and Protection of Investors</i>	POLICY GOAL: <i>To institutionalise innovation and investment by domestic and foreign firms through stronger frameworks for effective enforcement with guaranteed protection of investor rights in Jamaica.</i>
POLICY OBJECTIVE: To reduce the incidence and impact of investor disputes on investments in Jamaica	
POLICY STRATEGIES:	

<ul style="list-style-type: none"> Define a policy position for resolving disputes between the Government of Jamaica and private investors (investor/state dispute settlement). Establish dispute settlement mechanisms for investors, including local arbitration and/or mediation as a first resolution point for investor disputes. 	
POLICY ISSUE 5: Intellectual Property	POLICY GOAL: To safeguard Intellectual Property in keeping with international standards.
POLICY OBJECTIVE: To support the creation and promotion of a modern legislative framework that allows ease of access to intellectual property protection	
POLICY STRATEGIES:	
<ul style="list-style-type: none"> Support the enactment and implementation of the new Patents and Designs Law, and the Trademarks Act, 2021 to encourage the registration of patents and trademarks. Prioritise the passing of several supporting and related legislation on intellectual property in order to establish Jamaica as a premier IP registration jurisdiction. 	
POLICY ISSUE 6: Access to Land and other GOJ assets	POLICY GOAL: To create an improved framework for sustainable, productive and equitable development, use and management of the country's land resources and other GOJ assets.
POLICY OBJECTIVE: To enhance and expedite access to GOJ assets, including land, for investment purposes	
POLICY STRATEGIES:	
<ul style="list-style-type: none"> Review and update the Land Divestment Policy, including making its use mandatory across all MDAs. Build a land bank with detailed information on all the land owned by the different government agencies providing guidance on types of developments that can be supported on specified parcels of land. Centralize the land divestment process within the National Land Agency (NLA), particularly for MDAs that do not have an ongoing land divestment mandate, where control of the process is retained by the government entities owning land, but the NLA would be responsible for coordination and ensuring guidelines of the divestment process are followed. Develop and maintain a publicly available list of GOJ assets that have been approved for divestment and or public-private partnerships. Implement and enforce sale/lease contract clauses requiring investor performance against contractual obligations for all contracts covering land and other GOJ assets. Make clear and in simplified language the various channels for accessing GOJ assets and the criteria, processes and relevant entities to be engaged for each channel. 	
POLICY ISSUE 7: Labour and Immigration	POLICY GOAL: To establish best-in-class Immigration and Labour service delivery that will spur investments and respond to the needs of investors.
POLICY OBJECTIVE: To improve the supply and delivery of labour and immigration services	
POLICY STRATEGIES:	
<ul style="list-style-type: none"> National training institutes should continuously focus on assessing local and global demand for job skills, and then i) implement appropriate training programmes; and ii) support formal apprenticeship programmes that incentivise on-the-job training. Upgrade the national job bank to contain comprehensive labour market information (including graduates and professionals available by career, employment by career, availability of skilled labour, parish information, etc.) and promote it among the relevant target audience. Request that the relevant data collection entities track labour indicators in Jamaica (technology transfer, productivity of the workers per sector and skills available). Create a visa category to allow for the easier movement of potential and existing investors as well as approved employees. For work permits and visa requests/ processing, develop an online system that will house the Business-to-Government online interface for all government entities involved in the permitting and visa facilitation processes. Implement a strategic economic residence programme that encourages direct investments and job creation based on specified criteria. Establish an arrangement whereby major strategic projects are allowed to use external labour initially, if they meet specific criteria, including a lack of local skilled labourers, clear economic benefit, a transfer of skills/technology. 	
POLICY ISSUE 8: Incentivising Investments	POLICY GOAL: To realise the maximisation of long-term benefits of private investments, where the benefits exceed the costs, and the costs of achieving given goals are kept to their lowest feasible level.
POLICY OBJECTIVE: To create a mechanism to monitor and review incentives to ensure maximum impact	
POLICY STRATEGIES:	
<ul style="list-style-type: none"> Intermittently review and rationalize incentives by evaluating each of the current incentive regimes to balance the higher revenues and social benefits with the indirect costs of incentives, the revenue losses from incentives and within the context of the global vs. local business environment. Identify and implement a system of non-fiscal incentives. 	

<ul style="list-style-type: none"> ▪ Implement a reporting mechanism for all persons registered under an incentive regime to report annually on various metrics including, but not limited to, value of investments, number of jobs created, and level of revenues. ▪ Explore new incentive mechanisms that support sustainable development priorities including green investments, blue economy and other regimes. 	
POLICY ISSUE 9: Supply Chain and Logistics	POLICY GOAL: <i>To secure investment growth opportunities by leveraging Jamaica's strategic logistics position.</i>
POLICY OBJECTIVE: To increase Jamaica's integration with global trade and supply chains	
POLICY STRATEGIES:	
<ul style="list-style-type: none"> ▪ Streamline Government's trade-related processes to allow for multimodal movement of goods, particularly where they are being moved intra-island. ▪ Increase market access through the ability to connect with other hubs and international markets, which are already of interest to global operators. ▪ Address customs-related regulatory obstacles by way of a new customs law that would focus on facilitating the efficient processing of customs-related transactions and encourage voluntary compliance with customs laws and procedures. ▪ Ensure implementation of the World Trade Organisation Trade Facilitation (Bali) Agreement. ▪ Increase the efficiency of port logistics processes. ▪ Ensure a competitive equitable environment compared to other SEZs in Central America, the Caribbean and Asia by optimising efficiency against regulations in a bid to control zone activities. ▪ Identify, promote and expedite development of areas for SEZ locations that require minimal capital expenditures by potential investors. 	
POLICY ISSUE 10: International Trade	POLICY GOAL: <i>To strengthen mechanisms for trading across borders that will support national economic growth.</i>
POLICY OBJECTIVE: To establish efficient trade support and facilitation systems that strengthens investments and spurs national economic growth	
POLICY STRATEGIES:	
<ul style="list-style-type: none"> ▪ Rationalise the processes and costs related to trade in a bid to enhance competitiveness ▪ Improve compliance with quality standards, sanitary and phytosanitary (SPS) as well as other measures including enhanced compliance with international and regional standards through the implementation of the National Quality Policy, 2017. ▪ Improve the use of preferential tariffs while improving competitiveness in preparation for reciprocal trade. ▪ Secure effective representation on the National Technical Barriers to Trade Mirror Committee. ▪ Encourage the development of new products that have a high comparative advantage and that offer a high potential for growth of exports. ▪ Leverage the provisions of the Foreign Trade Policy to drive market access for investments in goods and services. 	
POLICY ISSUE 11: <i>Aftercare, Retention and Re-investment</i>	POLICY GOAL: <i>To create mechanisms to engage with, and facilitate, established investors in a bid to retain and expand their investment interest in Jamaica through proactive facilitation and advocacy responsiveness.</i>
POLICY OBJECTIVE: To strengthen investor after-care services in a bid to ensure retention and re-investment	
POLICY STRATEGIES:	
<ul style="list-style-type: none"> ▪ Ensure ongoing communication with investors on new or changing policies that could affect their operation. ▪ Partner with the Jamaica Chamber of Commerce to create a government bureaucracy scorecard as part of the quarterly business confidence surveys. ▪ Implement attraction strategies to identify and engage companies in Jamaica that have other types of investments in other countries. ▪ Implement a consultative mechanism in MDAs to engage industry associations and chambers of commerce to garner insight on industry trends, including challenges, particularly when reviewing or deliberating on policy changes affecting industries. ▪ Encourage investor membership in industry associations and chambers of commerce. ▪ Centralize through JAMPRO, ongoing assessment of client satisfaction with key government entities that engage with investors. 	

Governance and Implementation Framework

The implementation of the National Investment Policy of Jamaica is a critical process that requires the highest level of coordination and communication among the various Government Ministries, Departments and Agencies (MDAs) that deal with investment matters in order to be successful.

The Ministry of Industry, Investment and Commerce supported by JAMPRO has ownership of the National Investment Policy. The Governance framework for the implementation of the NIP has three levels, namely: Direction; Coordination and Execution.

- I. The highest level (Direction) will be coordinated by the Economic Growth and Job Creation Subcommittee of Cabinet, led by the Most Hon. Prime Minister and comprising the Minister with portfolio responsibility for investment as well as all relevant sector Ministers and the heads of relevant Agencies.
- II. The second level (Coordination) will be led by the NIP Task Force to be chaired by the Minister with responsibility for investment, which will facilitate coordination of the policy implementation activities and will consist of the relevant Ministries, Departments and Agencies (MDAs) of Government. The Chair may consult with International Development Partners and Private Sector as necessary.
- III. The Execution level will consist of the Implementation Entities working in close collaboration with the Jamaica Promotions Corporation, who will be the lead implementing partner undertaking execution of the NIP.

For each level, there are government agencies and private sector representatives that participate with specific roles and responsibilities. The integration and functioning of the three levels are crucial for the success of the NIP. In addition, the implementation of the Policy requires execution by the national investment promotions agency, with cooperation among all actors involved in attracting LDI and FDI in Jamaica so as to position the country as an attractive investment destination through image-building activities, investment generation, investor servicing/facilitation and policy advocacy.

3.0 Introduction, Background and Rationale

The GOJ is committed to positioning Jamaica as a major player within the global investment community by establishing a positive environment for mobilizing private investments to fuel the country's economic progress. The National Development Plan: Vision 2030 acts as the programmatic framework for formulating and implementing policies and strategies that encourage private investments. The aim is to put Jamaica in a position to achieve developed country status by 2030.

Under Vision 2030, the GOJ is working to improve the business environment by enhancing the institutional and regulatory framework for business, investment and operations; developing efficient local and external markets for goods, services, labour and capital; and improving opportunities for micro, small and medium-sized enterprises. As part of this National Development Plan, public-private partnerships are expected to play a key role in developing strong economic infrastructure and in building a logistics-centred economy—both of which are key national strategies for raising Jamaica's global investment profile.

While the Vision 2030 Plan articulates the country's overall development strategy, the National Investment Policy focuses on the encouragement and facilitation of private investments and the policy framework that affects investments. It is designed to ensure that a policy framework is in place to support sustainable and strategic investment planning and mobilize investment that contributes to sustainable development. The NIP is an economic blue-print aimed at increasing efficiency and effectiveness among MDAs for attracting and facilitating investments. It represents a new, transformational initiative of the Government of Jamaica aimed at reforming and revolutionizing the country's investment landscape by providing a practical framework for facilitating private investments and coordinating the efforts of all agencies involved in promoting local and foreign investment in Jamaica.

Attracting and facilitating investments in Jamaica relies heavily on creating the environment for sustaining private investment inflows. In this regard, the country is determined to take sustainable measures to attract larger Local and Foreign Direct Investment inflows and improve the business climate. In 2015, the United Nations Conference on Trade and Development (UNCTAD) gave international investment policy advice that guides Governments on the path of establishing proactive and investment friendly policies in their bid to achieve sustainable development. Using 2020 data, a World Bank Study recently showed that 42% of multinational corporations believed that a country's legal and regulatory environment was critically important to an investment decision while an additional 42% deemed it important.⁴

In keeping with this global direction, the country has demonstrated this commitment over the last 10 years by reforming more than 50 business processes and approving legislation for simplifying government processes that affect private companies' investment cycles. In most of the cases, as shown in this White Paper, these initiatives are aligned with international best practices for the attraction of private investments. In cases where there are gaps or areas for improvement, this White Paper makes appropriate recommendations.

⁴ An Investment Perspective on Global Value Chains, World Bank (May 2021)

4.0 Situational Analysis

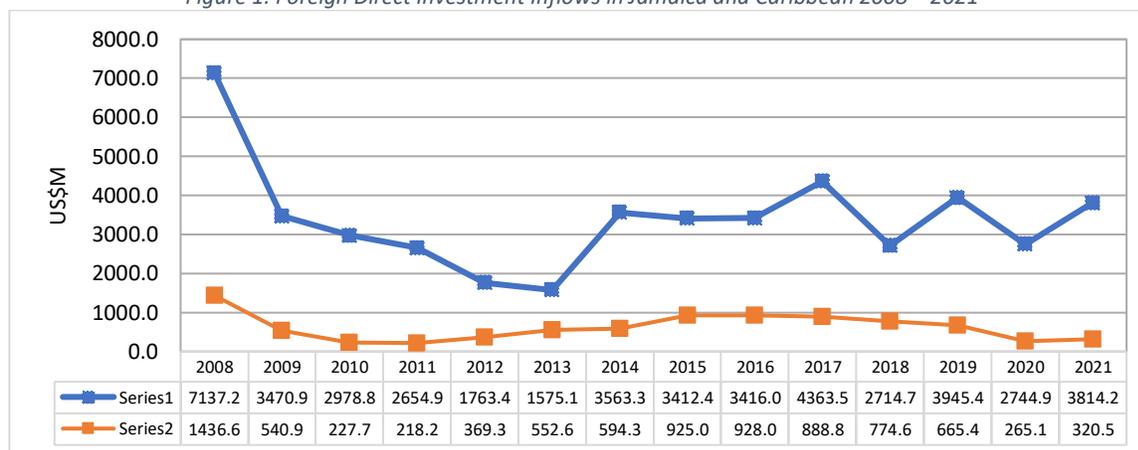
Jamaica has been actively engaged in creating, managing, promoting, marketing and facilitating investment opportunities within a strong policy and legal framework. Given Jamaica’s track record and experience in the global and local investment marketplace, there is data and research that provides a backdrop for the context of investments for more than a decade. To this end, this situational analysis documents provides recent FDI trends, modalities of investment, impact of investments on the economy and trends in the Jamaican business environment.

General Foreign Direct Investment Trends

As with most countries, the Jamaican economy saw a contraction in FDI starting from 2008 and continued with a steady decline thereafter for four years. Since 2013, there has been a steady increase in FDI across the Caribbean and Jamaica, although in recent years there has been a slight decline. However, the COVID-19 crisis caused a dramatic fall in FDI for 2020 when global FDI flows fell starkly in comparison to global GDP and trade by 35% to \$999 billion. While this decline of 35% is less than the originally projected 40%, the recovery to 2019 levels of FDI will take at least 3 years while GDP and trade levels will recover faster.

The Latin America and Caribbean (LAC) region suffered the largest decline among developing regions measured at 45% falling to \$88 billion. Within this context, Jamaica saw a 44 % decline, from US\$665 mn in 2019 to US\$325 mn in 2020⁵. This marks the fourth consecutive year of declining FDI inflows to the country. In 2021, the figure stabilised somewhat with a US\$5 mn decrease to US\$320.5 mn in the FDI inflows to the country (or just over 1% decline). Within the Caribbean region, Jamaica ranks fifth 6th behind the offshore financial centres of BVI (\$39 billion) and Cayman Islands (\$25 billion); and traditional leading host economies the Dominican Republic (\$3.1 billion), the Bahamas (\$360 million) and Trinidad& Tobago (US\$342 mn). Inflows into the Dominican Republic declined as a result of some divestments in telecommunications and reduced SEZ flows. Despite this, over \$1.1 billion in projects were announced in financial services, renewable energy and medical devices. Inflows into Trinidad and Tobago declined tremendously by over 300% resulting in negative inflows after a withdrawn earning and increase in intra company loans.⁶

Figure 1: Foreign Direct Investment Inflows in Jamaica and Caribbean 2008 – 2021



Source: World Investment Report

⁵ This figure was produced by Bank of Jamaica which is significantly different from the figure in the graph based on the UNCTAD’s World Investment report for 2020 FDI to Jamaica.

⁶ World Investment Report 2021 (UNCTAD) – June 2021

Foreign Direct Investment and Gross Domestic Product (GDP) Trends

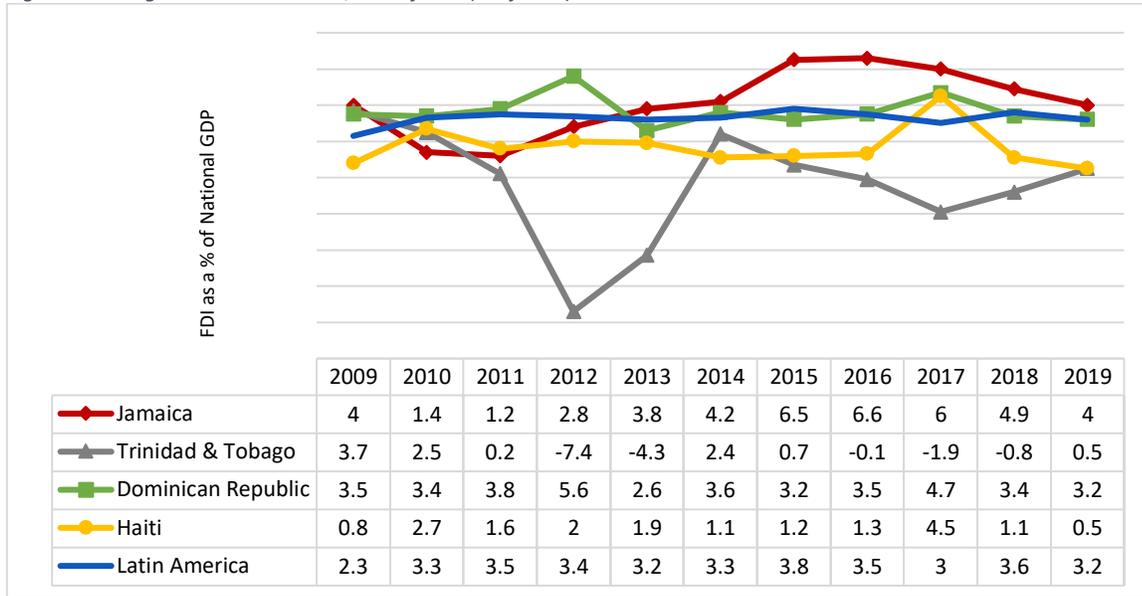
The World Bank's analysis of Jamaica's FDI and GDP growth over the 1990s identified low measured GDP growth despite high investment rates during that decade. Researchers concluded that GDP was underestimated due to high intensity of services and informal economy. With more accurate measuring techniques, GDP growth would be higher over those years and the direct relation between FDI and GDP would be stronger. However, the data showed that investment was concentrated in few areas, including crime prevention and reduction, which caused relatively low direct impact on GDP⁷ as companies focused on non-operational business expenses.

Prior to the COVID-19 pandemic, recovering from the 2008 recession FDI had been playing an increasingly important role in Jamaica's economy. In 2011, the post-financial period, FDI represented 1.2% of the country's GDP, whilst in 2019 FDI represented 5% of GDP recording a steady increase. Different components can help explain part of this changing pattern in the attraction of FDI. These include (i) general global trends on FDI flows determined by financial markets, competition and political stability; (ii) the development of global value chains where the parts of a specific product are manufactured and assembled in different countries; (iii) an economically and politically stable environment in Jamaica conducive to private investment and (iv) improvements in Jamaica's business environment.

Another way to view the increasing role of FDI in Jamaica is to compare it with the region. While in 2010 Jamaica's FDI to GDP ratio was lower than that of Latin America and the Caribbean region, which for 2010 was 3.3%, this changed in 2013 when Jamaica's FDI to GDP ratio surpassed that of the region, with FDI representing 3.8% of the GDP in the Jamaican economy. Figures for 2019, saw Jamaica surpassing the region, with FDI to GDP being 5% compared to 3.2% for Latin America and the Caribbean. Despite this growth, Jamaica will still have to deal with strong competition in the attraction of FDI within the region, such as from the Dominican Republic, Haiti and the fast-rising economy, Panama — which have exhibited excellent results in a variety of services over recent years. Jamaica's progress in terms of investment attraction is notable, but the race is still far from over and a more targeted effort will be required to realise the potential of the country's investment product.

⁷ Foreign Direct Investment and Growth: Does the Sector Matter? Harvard Business School. (2003)

Figure 2: Foreign Direct Investment, net inflows (% of GDP)



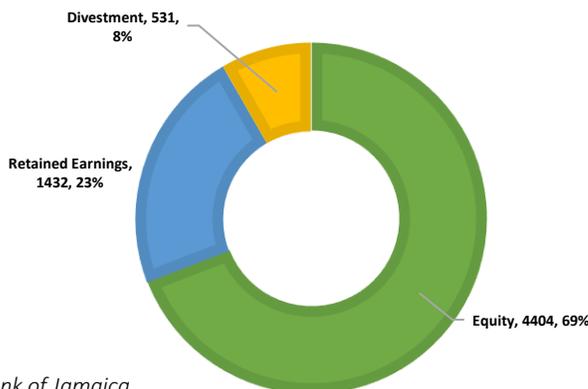
Source: World Bank - World Development Indicators

Modality of Investment, Sector and Country of Origin

In terms of the modality of investment, the country of origin and the main beneficiary sectors of FDI into Jamaica, the following can be said:

- Modality of Investment:** Equity Capital has traditionally been the main source of inward investment for Jamaica, averaging 69% of the total inward FDI between 2012 and 2021. This was followed by Reinvested Earnings,⁸ with an average proportion of the total inward FDI of 23% in 2019. In recent years, the divestment of the Kingston Container Terminal along with other minor assets has led to an upsurge of Divestments earnings resting at 8% for the period although there have been little activity in this area in the last four years (amounting to US\$7 mn since 2018).

Figure 3: Foreign Direct Investment Inflows in Jamaica By Modality of Investment (US\$M) 2012-2021

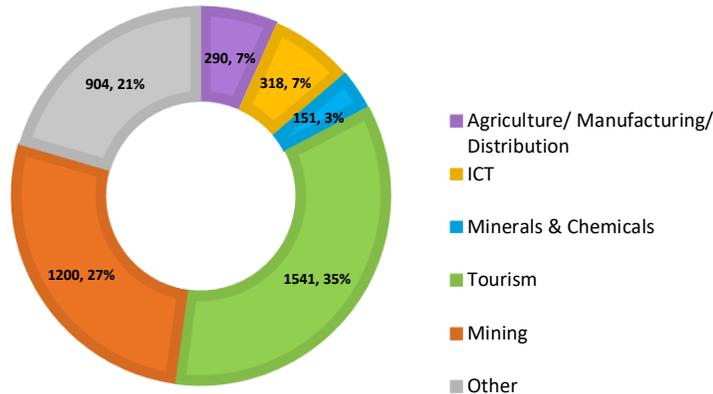


⁵
Source: Bank of Jamaica

⁸ Reinvested Earnings is the percentage of net earnings not paid out as dividends but retained by the company to be reinvested in its core business or to pay debt.

- **Sector Performance of FDI:** Regarding the main beneficiary sectors, Tourism, and Mining received most of the overall FDI inflows in the last 10 years amounting to over US\$1 bn in investments each. This is followed by the Information Technology & Communications Sector and the Agriculture/Manufacturing/Distributions Sector tying at US\$318 mn. In 2021, the sectors attracting the most FDI are the telecommunications, tourism and construction.

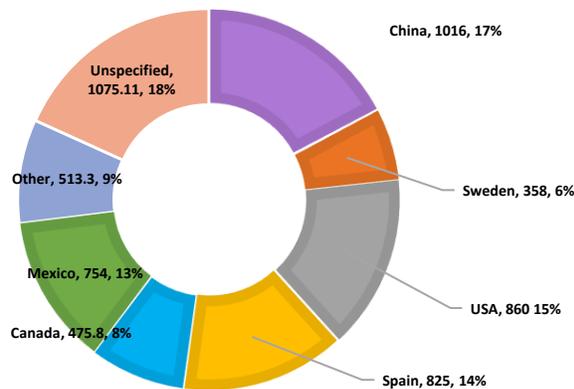
Figure 4: FDI Inflows in Jamaica by Sector 2012-2021



Source: Bank of Jamaica

- **Country of Origin:** In the last nine years, the top five countries that have been home to investors investing in Jamaica have been USA, Mexico, China, Spain and Canada. Investments Chinese firms Jiuquan Iron and Steel Company (JISCO) and China Harbour Engineering Company (CHEC) makes China the leader on the list while New Fortress Energy out of the USA has been instrumental to that country’s position. Mexico’s placing has been influenced by tourism investments by major chains such as Palace Resorts and Karisma.

Figure 5: FDI Inflows in Jamaica by Country of Origin (US\$M) 2013-2021



Source: Bank of Jamaica

Impact of Investment in Jamaica

The impact of private investment (both international and local) in a country’s economy can be measured in various ways. Economic theory and empirical studies around the world confirm that FDI is a positive

element that in most cases supports growth and diversification in developing countries. In general, these studies prove that FDI has proven, in many instances, to be a very efficient way to integrate a developing country into a world economy. This is evidenced by the transfer in technology, technical know-how, innovation, best practices and increased value in goods and service offerings experienced from foreign direct investment.

FDI indeed facilitates the path to re-specialization, going from resource-based industries towards manufacturing and service activities. It also allows for improvements in the export capacity and technological modernization in the firms where the investment is allocated. This is mainly thanks to transnational companies that bring to the country their international networks and abilities to import and export.⁹

The economic benefits obtained from FDI and LDI seem to vary by sectors. In primary sectors, FDI and LDI might have a negative impact on growth as a result of exhausting of natural resources, while, due to the limitations on measurement, the true impact of FDI and LDI in services industries is unclear. However, evidence from the secondary sectors, such as manufacturing, is solid regarding FDI, as FDI in manufacturing definitively supports growth. Nevertheless, the net effect of FDI on the host economy depends on varied factors, not only on the size of the flows. Among other elements, some researchers point to the scale of the initial FDI, intensity of labour and technology in the companies receiving it, the level of human capital in the host country, reinvestment of transnational firms and the extent of local inputs and services procured by the entering companies.¹⁰

The indicators described below show the impact on investments in Jamaica.¹¹

■ **GDP per Capita:** Jamaica’s economy, as measured by GDP per capita, has performed better during the last five years, as from Figure 6 it may be observed that there has been a steady increase since the 2008 financial crisis. This pattern is similar to the performance of FDI inflows in the country, where as FDI inflows contracted at an annual CAGR of -6.14% between 2007 and 2011, and then grew at a CAGR of 15.43% between 2012 and 2016. There has been a decreasing trend from 2017. Foreign direct investment, net inflows (% of GDP) in Jamaica was reported at 5 % in 2019.



Figure 6: Gross Domestic Product Per Capita Growth 2008-2020 (%)

⁹ Romanian Journal of Economic Forecasting, April 2009. Institute of Economic Forecasting; Romanian Journal of Economic Forecasting, April 2009. Institute of Economic Forecasting; The Road to Sustained Growth in Jamaica. A World Bank Country Study. 2004.

¹⁰ Foreign Direct Investment on Growth: Does the sector matter? Harvard Business School.

¹¹ Unfortunately, national statistics in Jamaica does not reflect the performance of local direct investment although there is anecdotal evidence to suggest that in the last three to five years, investment by local companies or investments facilitated by the local banking sector have become more and more significant in the country’s economic performance. As a result, however, much of the data-driven analysis refers to the interaction between FDI and economic growth factors, such as GDP or GFCF.

- **Gross Fixed Capital Formation (GFCF):**

The economic climate in Jamaica based on the country's performance in both GDP growth and FDI recovery has been on a steady climb since the post-crisis period, as illustrated in the figures above. The trend is in

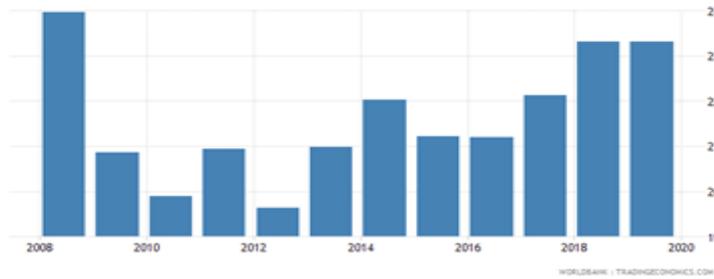


Figure 7: Gross Fixed Capital Formation as a % of GDP (2008-2020)

Source: <https://tradingeconomics.com>

keeping with that seen for GFCF, as such the impact of GFCF on the Jamaica economy has also reflected this. In the last five years, GFCF has shown a growth pattern similar to the pattern of FDI inflows, coming to 23.31% of GDP in 2019¹². Still there is room for improvement if the country wishes to achieve the pre-financial crisis levels of GFCF.

- **Technology and Innovation:** The effect of higher FDI in the field of technology and innovation can be shown through two indicators for which there is information available: (i) the number of patents submitted in Jamaica and (ii) the capacity of innovation of Jamaica. In order to measure this, the World Economic Forum developed the Networked Readiness Index (NRI)¹³. This index is a key indicator of how countries are doing in the digital world, primarily it outlines how well an economy is using information and communications technologies to boost competitiveness and well-being. For Jamaica, there is a positive correlation between its innovation capacity and FDI inflows according to the data collected. The index placed Jamaica at 70 in 2020 out of 134 countries, prior to this the country ranked 78 in 2019, 76 in 2017 and 83 in 2015. As the Fourth Industrial Revolution (4IR) advances, deliberate efforts of digital transformation is needed, as evidenced by the COVID-19 pandemic.
- **Employment:** Investment expenditure contributes significantly to economic growth and employment. In the case of Jamaica, a review of the performance of the FDI flows and the employment rate shows that after the significant contraction of the employment rate that started in 2007, Jamaica's employment rate started to grow again in 2013. This positive trend coincides with the FDI inflows growth that started in 2011, when FDI also started to have more impact on the country's GDP. In October 2019, Jamaica's unemployment rate dipped to 7.2%, the lowest in decades, which continues to be a testament to the country's recovery of FDI and as at January 2020 the unemployment rate stood at 7.3%. However, as a result of the COVID-19 crisis by the end of 2020, the country's unemployment rate, while still lower than previous years, increased to 8.9%. By April 2022 however, the Jamaican unemployment rate fell to an all-time low of 6.0%.
- **Exports:** Between 2008 and 2012, exports and FDI inflows showed a similar pattern. Both indicators declined between 2008 and 2011, but whereas FDI started to recover in 2012, exports remained depressed over the period leading up to 2017. However, with the Chinese investments in the country's mining sector in 2016, there was a sharp increase in exports in 2018 by 34% as a direct

¹² Although identifying FDI as a determinant in the growth of GFCF would require an econometric analysis that is beyond the scope of this paper, one can note different factors that, combined, could be said to have contributed FDI growth to GFCF. The growth of FDI as a percentage of GDP in the last five years and the growth of FDI inflows in the same period certainly had a direct impact on GFCF in Jamaica.

¹³ In 2019, the WEF handed over the production of the NRI to its original editors Soumitra Dutta and Bruno Lanvin. The NRI framework was revised and updated. This led to the renaming of the index from the Networked Readiness Index to Network Readiness Index. In the 2019 edition, published by Portulans Institute, the NRI was reviewed to include 4 pillars: Technology, People, Governance and Impact.

result of the FDI received two years earlier. This speaks to the point that the type of investment experienced, and a deliberate strategy to attract export-led investment, can have a positive impact on the country's export performance. Notwithstanding this however, the mining industry suffered a blow with the closure of the JISCO factory in late 2019 and the negative impact on exports is expected.

It should also be noted however, that the ongoing growth of investments in sectors such as tourism, which have an historical link to imports of manufactured items during the construction phase, and food items during the operational phase, can negatively impact the country's trade balance, especially if there are no strong linkages programme to drive the absorptive capacity of local companies.

Trends in Jamaica's Business/Investment Climate

With the objective of making Jamaica a more attractive location for private investment, successive Jamaican Government administrations have introduced several policy and regulatory reforms. In fact, over the past 10 years Jamaica has implemented more than 50 business processes reforms and legislation/policy changes. By analyzing the track record of the past 10 years, it is evident that Jamaica is deeply committed to improving business conditions and is following international best practices to facilitate business and attract more LDI and FDI.¹⁴

Steps taken to improve the country's business climate include tax reform that aim not only to raise tax revenues but also to simplify tax procedures and payments. Jamaica is also consistently working on a Doing Business Reform Agenda that focuses on improving the country's ranking and, through initiatives such as streamlining development approvals, facilitating the business start-up process, increasing access to capital and improving trading across borders with the National Competitiveness Council (NCC) as the secretariat for the reform initiatives.

It cannot be directly assumed that these reforms have impacted more FDI inflows, but the country's progress can be noted in the recent improvements in two International Competitiveness Indexes, namely the Global Competitiveness Report and the Ease of Doing Business Report.

In the Global Competitiveness Report, within the last six years Jamaica has shown consistent improvement on its ranking, moving from position 97 of 144 countries in 2012 to position 70 of 137 countries in 2017. However, with a change of methodology in the 2018 report, Jamaica's ranking for 2017 was normalised at 78th and the country fell two places to rest at 80th out of 141 countries in 2019.¹⁵ A few indicator areas declined including ICT Adoption (as noted earlier) and Skills, but in large the country experienced an improved ranking in all other areas including Business Sophistication, Institutions, Innovation and Infrastructure. In 2020, the country missed being included in the index due to the COVID-19 pandemic.

¹⁴ For a detailed list of the Legislation and Policy Changes since 2008, please see Annex 1.

¹⁵ The country's score for the GCR cannot be easily assessed to due to recent changes in the GCR's methodology

Jamaica has been steadily improving in the score for the Doing Business Report over the last decade by implementing a slew of reforms that impact the country's ease of doing business. However, as seen in Figure 8, while positive, the movement has been slow, which has resulted in inconsistent movements in the country's ranking, where the Report stacks performance against other countries.



Figure 8: Ease of Doing Business in Jamaica 2010 – 2020 - DBR Score

In respect of these rankings, after five years of continuous decline or stagnation, in 2014 the business climate in Jamaica began to improve. Jamaica's ranking followed two consecutive years of rapid ascension after it placed six spots above its 2015 ranking to 65 in 2016. Jamaica was positioned at 71 in the last Doing Business Report done for 2020, a ranking that was three places better than Costa Rica, which is still viewed as one of the fastest-growing economies in the Latin American and Caribbean region.¹⁶ Most notably, Jamaica also ranked at #6 in the world for 'Starting a Business' and #15 for 'Getting Credit in that Report'.

It should be noted that despite the recent decline in rankings, Jamaica continues to record significant reforms and have shown improvements in the absolute measures utilised by World Bank and the World Economic Forum, as evidenced by the DBR scored in Figure 8 above. This reinforces the need for the Government of Jamaica to not only implement reforms, but to do so in a timely manner to remain competitive vis-à-vis other global players.

A system monitoring the impact of different indicators over time, with the cooperation and involvement of different agencies, would provide more precise conclusions as to what factors are having more impact on the attraction of FDI.

Current Plans, Policies, Strategies and Legislation

In Jamaica, the flow of FDI into the country has been growing in recent years given a combination of factors including improvement of the world's financial markets and the advancement of better business conditions in the country. The GOJ has committed to deepen business climate reforms to facilitate investment that promote sustainable economic growth, and as such, this policy evaluates the plans, policies, strategies and legislation that are part of Jamaica's investment regulatory framework and makes recommendations to improve the investment climate by closing regulatory and administrative gaps.

Many developing countries regulate FDI explicitly by enacting investment codes or passing laws that deal with the establishment of public investment boards or similar institutions. Others have not enacted FDI-related legislation, instead, they have enacted industry-specific laws which regulate FDI¹⁷. In Jamaica, the regulatory framework that impacts the FDI is a set of constitutional rights, programmatic principles, multinational and bilateral agreements, and legislation that guide the role of investments within the framework of the National Development Plan and related laws, regulations and policies.

¹⁶ It is important to mention that for 2017, the Doing Business publication adjusted its methodology. Therefore, as stated by the World Bank, 2017 rankings cannot be directly compared with those for 2016.

¹⁷ United Nations Conference on Trade and Development (2008) *The Investment Policy Review Programme: A Framework for Attracting and Benefitting from Foreign Direct Investment* (Geneva).

Jamaica's NIP consists of an overarching set of four core dimensions that serve as guidelines or action menus for mobilizing private investments and ensuring that the policy contributes to sustainable development:

- **National Development Plans and Policies** include all national policies that impact economic development and investments;
- **Strategies for the mobilization of private investments** include special strategies for promoting economic growth in different areas of the economy;
- **Fundamental Rights and Guarantees** include the basic protection and guarantee of private property and entrepreneurship, bearing in mind the country's social wellbeing; and
- **Legislation that impact the cycle of investments** include all the regulations pertaining to the creation of a business, as well as regulations on labour, taxes and incentives.

To promote consistency and coherence among the different instruments and tools affecting private investments in Jamaica, the NIP will as part of the GOJ's effort show the coherence of existing policies, strategies and regulations regarding the promotion of investments.

National Development Plans and Policies

Jamaica has in place several plans, policies and strategies that directly address the importance of investment as a means of promoting economic growth. The GOJ's goals and objectives, summarized here as part of the country's NIP, are in line with international best practices for the promotion of private investments and economic growth.

Economic Growth Plans

To achieve economic growth as a long-term expansion of the economy's productive potential, Jamaica has three relevant economic growth strategies that are in line with the objectives of the NIP and support the sustainable economic growth of the country, namely:

1. **Vision 2030 and its Medium-Term Frameworks (2007)** – Vision 2030, as noted before is Jamaica's only national development plan that represents the country's commitment to achieving developed country status by the year 2030. The Medium-Term Frameworks (MTFs) are the monitoring and evaluation mechanisms for the implementation of Vision 2030.

In its fourth instalment, which was recently concluded, the **MTF 2018-2021** outlines that the country will continue to pursue the Economic Reform Programme (ERP), which has been credited with macro-economic gains, and provide greater focus to economic growth and job creation. The MTF 2018–2021 sought to address delays and problems in licensing and approval processes for construction projects, as well as in the acquisition, titling and transfer of land, and further simplification of tax administration processes. The GOJ also intends to facilitate private sector-led economic projects in areas of comparative advantage through PPPs.

In addition, the country has a **Roadmap for the Implementation of Sustainable Development Goals (SDGs)**, which has been aligned to Vision 2030 and which is monitored and reported within Vision 2030's overarching framework. The PIOJ has undertaken work to integrate both documents for better alignment in guiding implementation and reporting across Government.

2. **Growth Inducement Strategy (2011)** – This recognizes the need for a systematic approach to designing and implementing integrated policy solutions aimed at modernizing and transforming

the Jamaican economy to meet the challenges of operating in a dynamic and competitive world. Like the Vision 2030, the Strategy is monitored through the Planning Institute of Jamaica (PIOJ).

3. **National Growth Agenda (2015)** – This was developed as Jamaica’s response to the country’s poor economic performance from 2008 to 2012, as in that period, Jamaica’s economic growth averaged -8%, with only one fiscal year of positive growth.¹⁸ The Agenda underpinned the relationship between the Government of Jamaica and the International Monetary Fund during the successful implementation of an Extended Fund facility between 2012 and 2016, and the creation of a Stand-By Agreement as of 2016.

National Policies Impacting Investment

The National Investment Policy is aligned to numerous other policies including those that are sector-based. These include but are not limited to the following:

- **The MSME and Entrepreneurship Policy (2018)** – Establishes the key actions to be undertaken by government to develop the micro, small and medium enterprises to evolve and capitalise on the opportunities to grow.
- **Policy Framework and Procedures Manual for the Divestment of Government-owned Lands (2015)** – The objective of this framework was designed to harmonize the various mechanisms and procedures that obtains in several public sector entities, which are custodians of government lands (not including lands with buildings, etc.).
- **Privatisation Policy Framework and Procedures Manual (2012)¹⁹, alongside the Public-Private Partnership (PPP) Policy and Institutional Framework (2017)** – The Policy sets out the principles that should guide the decision-making by MDAs which seek to divest or privatise assets through various modalities, including the use of PPPs to improve infrastructure and the delivery of public services.
- **National Industrial Policy (1996)** – Establishes the national priorities of the Government in facilitating the growth of specific industries in Jamaica.
- **National Land Policy (1997)** - The goals and objectives of this Policy are to ensure the sustainable, productive and equitable development, use and management of the country’s natural resources.
- **Food and Nutrition Security Policy (2013)** – The goal of the of the policy is to contribute to national economic development by achieving sustainable food and nutrition security.
- **Foreign Trade Policy (2017)** – This Policy seeks to enhance Jamaica’s performance in trade, specifically in the export sector, through strengthening the country’s foreign trade policy regime.
- **National Mining Policy (2019)** – This will create the framework for the country to leverage mining for sustainable development and poverty reduction. There is direct link to the NIP given that a thriving mining sector in Jamaica can create government revenues, jobs, skills development, and business opportunities for local communities.

¹⁸ See: The Government of Jamaica (2015) Growth Agenda Policy Paper (2015–2016). Kingston. P. 12.

¹⁹ Government is currently reviewing and finalizing an updated version of this Policy.

- **The National Culture Policy (2018)** – The aim of the policy is to contribute to national development by facilitating the growth and expansion of the cultural and creative industries.
- **The National Climate Change Policy and Action Plan (2015)** - Creates an institutional mechanism and structures to facilitate the development, coordination and implementation of policies, sectoral plans, strategies, and legislation to address the impacts of climate change.
- **Tourism Networks Policy & Strategy (2019)** – This seeks to strengthen the tourism’s linkages with the productive sectors of agriculture and manufacturing by increasing the tourism sector’s sustainable consumption of locally produced goods and services by building out strategies that will create more economic opportunities along the tourism value-chain, increase retention of tourism spend, diversify the tourism product and establish standards to enhance service quality.
- **Forestry Policy (2017)** – Supports the conservation and protection of forest ecological systems, and Incorporation of socio-economic considerations into forest management. This is in keeping with the environmental sustainability that underpins the NIP.
- **Special Economic Zones Policy (2015)** - To provide a framework for Special Economic Zones in Jamaica where globally competitive firms will thrive, driving growth and development for all in a logistics-centred Jamaican economy.
- **Community Tourism Policy and Strategy (2015)** – Provides the policy framework for the development of an internationally competitive community tourism sub-sector.
- **The National Sports Policy (2013)** - Establishes the foundation for the development of sport to enhance its contribution to national development.
- **National Policy on Gender Equality (2011)** - To mainstream gender, within a human rights-based framework, in all state institutions and their apparatuses, in partnership with private sector, non-governmental and civil society organizations, to ensure that females and males have equal access to opportunities, resources, and rewards in order to eliminate discrimination based on gender and to promote sustainable human development.
- **Strategic Environmental Assessment Policy (2003)** - Assessment Policy which ensures that the Government of Jamaica commits to ensuring that all its policies, plans and programmes adequately consider potential environmental effects and impacts, and where these are adverse, incorporate appropriate measures to reduce or eliminate these effects and impacts.
- **Policy for Jamaica’s System of Protected Areas (1997)** - To support the establishment and maintenance of a comprehensive, ecologically representative and effectively managed national and regional system of protected areas.
- **National Quality Policy (2017)** – this policy will enhance economic growth using the National Quality Infrastructure (NQI) to facilitate the production and export of quality goods and services.

Policies in Progress that will Impact Investments

- The **National Visa Policy** is being developed to strengthen Jamaica’s border management capacity while facilitating trade and development through a revision of the legislative and regulatory framework and the development of a Visa Policy which will also see the creation of a Business Visa. There is a natural link between the National Visa Policy and the NIP as they are

part of the same continuum, with broadly similar objectives of facilitating trade and foreign direct investment.

- The **National Science, Technology and Innovation Policy** is being developed to catalyse national development. It is the first long-term policy that envisions a ‘dynamic Science, Technology and Innovation culture, unleashing creative potential and catalyzing economic development and sustainable prosperity, contributing to social transformation, empowering Jamaicans to excel in an evolving world and contribute to the global frontiers of science.
- The **National Policy on Culture and the Creative Economy** is being developed to the establish an enabling environment for the Culture and Creative Industries to thrive; as well as to enhance and safeguard the creative expression and innovation of the Jamaican people.
- The **Beach Access and Management Policy** is being developed to increase access to the foreshore by the public and to improve the standard of beaches available to the public. It also provides guidance on how the nation’s beaches can be used for private investment.
- The **National Health Insurance Plan for Jamaica** is being developed to provide appropriate levels of access, coverage and financial protection to the population. There is an intrinsic link with the National Investment Policy as having health insurance can help businesses provide coverage for employees which will translate into more benefits for individuals and an increase in economic activity.
- The **National Policy for Joint Ventures and Unsolicited Bids** is being developed to standardize the approach of the Government of Jamaica (GOJ) in conducting transactional arrangements with one or more parties, whether private sector entities or other non-governmental bodies based locally, regionally or internationally. In addition to complementing the Public Sector Investment Programme (PSIP), this policy will introduce greater cohesion and completeness on how joint ventures are formally brought into effect, offering greater predictability to the investor community by eliminating the uncertainties, while also addressing the matter of unsolicited bids across Government.

It is noteworthy to mention that while this policy focuses on private investments, the Government of Jamaica has established the Public Sector Investment programme to deal with investments in the public sector, including investment that may involve private sector such as those under the Divestment and PPP Policy mentioned earlier. The Public Investment Appraisal Branch (*formerly the Public Investment Management Secretariat – PIMSEC*), serves as the single point of entry for all public investment projects intended for the PSIP. The PIAB – which sits in the Ministry of Finance and Public Service – supports the Public Investment Management System (PIMS) by appraising project concepts and proposals and providing technical support and advice to the Public Investment Management Committee (PIMC) to facilitate effective pre-investment decision-making. It is important to distinguish between the bodies mentioned above, who manage public investments as opposed to the National Investment Policy framework, whose focus is on private investments only.

Strategies and Initiatives for the Mobilization of Private Investment

In addition to economic plans, policies and strategies, Jamaica has instituted fundamental initiatives for mobilizing private investment to achieve specific development objectives. These current strategies are outlined and include recommendations for their enhancement in order to support the NIP.

- a. The **National Competitiveness Council and its National Business Environment Reform Agenda:** Since its inception in 2010, the National Competitiveness Council (NCC) has been facilitating the implementation of various business reforms to improve the local business environment and encourage economic development and investment. Under the BERA, the NCC must seek ways to improve the ease of doing business across the various stages of a firm's life cycle.
- b. The **Global Logistics Hub Initiative (GLHI):** the GOJ aims to establish Jamaica as the premier logistics node within the Americas. A critical aspect of achieving this objective is the creation of a logistics-centred economy, which provides a friendly environment for both businesses and consumers. The initiative, consistent with Vision 2030, involves creating state-of-the-art logistics zones, upgrading and further developing air and seaport infrastructure and establishing an enabling environment which will allow businesses to fully exploit Jamaica's strategic location.
 - The **Special Economic Zones (SEZ)** strategy is aligned to the GLHI and promotes two-way trade between zones and the rest of the local economy. Geographic areas of Jamaica may be designated as SEZs, being classified as General Zones or Specialized Zones. In the latter case, the zones are limited to specific economic activities such as maritime or aviation-related zones: dry docks, bunkering facilities, aircraft maintenance and repair or tank farms, for example.

Sector Strategies

- The **National Five-year Outsourcing Strategy: 2015 – 2020** was developed to create a holistic approach for developing the outsourcing sector by integrating all aspects of the industry such as policy, infrastructure, training and marketing. The primary impact of the Strategy was to increase job creation in the sector from 14,000 to 32,000 by March 2020. The Strategy is deemed successful as it not only accomplished its main goal of job creation but also the establishment of a finishing school by HEART-NTA to produce well trained individuals for the industry.
- The **National Five-Year Manufacturing Growth Strategy for Jamaica 2020-2025** has been developed to focus attention on the environment necessary to grow and expand Jamaica's manufacturing industry and increase the industry's contribution to the country's economic development projections by achieving \$81 billion annually in manufacturing output by the year 2025.
- The **Global Digital Services Sector Strategy 2021-2025** will facilitate access to training and higher skilled jobs in the global services sector, namely in knowledge process outsourcing, information technology outsourcing and business process outsourcing. The main objectives are to improve the skills development system to provide the sector with better skilled workers particularly in higher value-added jobs and to strengthen Jamaica's capacity to attract foreign direct investment and increase exports.

Pending Strategies and Plans

In addition, there are two additional strategies due to obtain Cabinet consideration for implementation starting in 2022:

- The **National Agribusiness Strategy** will create an enabling environment to facilitate the development of agribusiness in Jamaica. It aims to establish a modern, profitable agribusiness sector in Jamaica that will affect the social and economic transformation of the rural economy,

with relevant business models and supporting ecosystems that function to ensure food and nutritional security. Key components of the strategy seek to fast track the incorporation of climate-smart models, establish an Agribusiness Intelligence Unit, and address the persistent challenges of distribution and storage capacity.

- The **Green Economy Investment Strategy**: designed to build economic and environmental resilience, promote inclusive economic growth, transform the energy sector to utilize indigenous renewable resources more intensively, overcome the fiscal limits arising from high levels of indebtedness and the current programme of adjustment and further progress toward sustainable development. The strategy envisions mitigating the historical trends of economic activities that are dependent on free or cheaply priced natural resources and imported petroleum for energy, utilize technology that have high impacts on the natural environment and distribute income unequally.
- The **National Spatial Plan** will provide the strategic spatial and governance framework to guide national development planning and investment decision making for the optimal and effective use and management of Jamaica’s natural resources. This is critical to investment projects that interact with the built environment, and for which access to data is a critical element of business decision-making.²⁰

Investment Protection: Pre and Post – Establishment of Investors

Jamaica does not make any distinction between pre- and post-establishment of investors. All investments in Jamaica are protected according to Jamaica’s national investment framework regardless of the stage of decision-making process or the type of investment. It is important, however, to pay attention to the following pre-and post-establishment considerations.

A. Pre-Establishment of Investors

Pre-establishment means that foreign investors and their investments will be granted treatment no less favourable than that granted to Jamaican domestic investors and their investments at the initial entrance stage of the investment. As such, regarding **Pre-Establishment of Investors**, though these rights are applicable to all investors, the Bilateral Investment Treaties (BITs) for the Promotion and Protection of Investments are fundamental instruments for protecting investors’ rights. In recent years, an increasing number of International Investment Agreements (IIAs) has included pre-establishment commitments, extending national treatment and Most Favoured Nation (MFN) obligations to the “establishment, acquisition and expansion” of investments.

Bilateral Investment Treaties

Jamaica has several bilateral investment promotion and protection treaties in force with Argentina, China, France, Germany, Italy, Netherlands, the Republic of Korea, Spain, the United Kingdom, the United States and Switzerland. These bilateral treaties are based on the view that an open investment policy contributes to economic growth. They also provide for dispute settlement options between investors and the host country, which include friendly settlements, the use of local courts or even arbitral channels.

Despite the position of some experts who have indicated that the application of national treatment to the pre-establishment phase reduces the government’s margin to manoeuvre for the adoption of

²⁰ The National Spatial Plan is pending approval from Cabinet.

policies in favour of domestic investors, in practice Jamaica establishes equal treatment among investors regardless of the place of origin of the capital to invest.

Based on this and also international trends, the adoption by Jamaica of an investment definition based on assets is essential not only to maintain consistency in relation to the provisions of bilateral agreements and chapters on investments in commercial agreements, but also because of its importance for the formulation of policies to promote investment of nationals in the country, mainly through a correct protection of the intellectual rights of local creators or innovators.

The assets-based concept is also recommended since: (i) The cash contributions to the share capital of the company receiving the investment and (ii) The contributions of intellectual rights duly recorded, constitute investment. The rationale is that the government can promote intellectual rights seeking to deepen the concept of a knowledge-based society, based on the knowledge of its citizens to encourage innovation, entrepreneurship and the dynamism of its economy.

Double Taxation Treaties

Jamaica has double taxation agreements with Canada, CARICOM, China, Denmark, France, Germany, Israel, Japan, Mexico Norway, Spain, Sweden, Switzerland, and the United Kingdom. It also signed a bilateral Income Tax Convention with the United States in 1981, which seeks to avoid double taxation while preventing income tax evasion. In 2014, both countries signed an inter-government agreement for reciprocal information sharing as part of the implementation of the U.S. Foreign Account Tax Compliance Act (FATCA). Recently, in 2018, Jamaica signed an agreement of this type with Mexico. These legal instruments are incorporated into the internal legal order and their purpose is to eliminate or lessen international double taxation that affects or hinders the exchange of goods and services and capital movements, technologies and persons, exclusively benefiting natural or legal persons, residents or domiciled in any of the Contracting States.

B. Post-Establishment of Investors

Regarding **Post-Establishment considerations**, some important conditions apply to foreign investors in their post-establishment phase, in accordance with Jamaica's laws and regulations:

Labour-Related Laws

Investors consider labour costs and availability to be even more important to their investment decisions than tax rates. Several reasons have been advanced for promoting labour market productivity: enhance efficiency, boost competitiveness, use new technological innovations, be cost-effective, adapt to changes in commodity and other markets and maintain a family-work-life balance.

Jamaica is a member of the International Labour Organization (ILO), which governs international issues related to labour and worker rights. There are several local laws that address employer-employee relations and ensure harmony in the labour market.

The Employment (Termination and Redundancy Payments) Act (2008) – repeals the Masters' and Servants' Law to provide for the notice required to be given for the termination of employment contracts, the right of certain employees to certain facilities for returning to their homes on termination of their employment contracts, employers' payments to employees dismissed by reason of redundancy, or for purposes incidental to or connected with such matters. This Act provides redundancy pay to

employees who are let go with at least two years of continuous employment.²¹ Workers with up to 10 years of employment are entitled to two weeks' payment for every year worked, while workers with over 10 years' employment are entitled to three weeks' payment except in cases such as firing for cause.

The Foreign Nationals and Commonwealth Citizens (Employment) Act (2011) – regulates the hiring of foreign nationals in Jamaica. Work permits are issued at the discretion of the Ministry of Labour and Social Security.²² Under Section 3 of the Act, a foreign national who wishes to work in Jamaica must first apply for an appropriate work permit. The Act, which seeks to give first preference to Jamaicans, requires organizations planning to employ foreign nationals to prove that they have attempted to employ a Jamaican national.

Finally, minimum wage is subject to annual review by the GOJ and employers are subject to a monthly statutory remittance of payroll deductions based on the provisions of **the Minimum Wage Act (2011)**.

The Employment (Flexible Work Arrangements) (Miscellaneous Provisions) Act (2014) – flexibility in the labour market is crucial to the country's ability to compete and survive in the global economy. The Flexible Work Arrangement allows employers and employees to agree on a 40-hour workweek with overtime being effective thereafter. The legislation provides the prospect for increase in employment opportunities, enhancement of production, while offering employers and workers the opportunity to structure their working arrangements to balance the business operations and their professional and domestic lives. Flexible work arrangements are characterized by variations in the work schedule. This means instead of working the traditional Monday to Friday from 9:00 a.m. to 5:00 p.m. for 8 hours a day, the employer may agree to changes to:

- the start and end time of the workday (staggered work hours)
- the number of hours worked each day
- the number of days worked each week
- the days of the week on which he/she work

Taxation

Taxation levels may influence investors' decisions about where to invest within a specific region. However, the high visibility of income tax rates can mislead policy makers on their importance in attracting foreign investors and motivating entrepreneurs. In an effort to simplify the tax system and broaden the tax base to attract larger FDI inflows and improve the business climate, Jamaica has issued or amended a large amount of legislation since 2011, including the Fiscal Incentives Act and the SEZ Act. The GOJ has also been making efforts to simplify and streamline its incentive programmes for businesses.

In 2014, the Omnibus Incentives Legislation, comprising four initiatives, was introduced to create a transparent and automatic fiscal incentives framework:

- Fiscal Incentives (Miscellaneous Provisions) Act 2013
- Income Tax Relief (Large Scale Projects and Pioneer Industries) Act, 2013
- The Customs Tariff (Revision) Amendment Resolution 2013
- Stamp Duty (Amendments of Schedule) Order 2013

Tax Administration Jamaica (TAJ) is the country's premiere revenue-collecting agency. Its main objectives are to foster voluntary compliance, collect the revenue due in an equitable and efficient manner,

²¹ It is worth mentioning that, following an internationally accepted practice, female staff members are entitled to two months of paid maternity leave.

²² A work permit is a document or card bearing a number issued to an expatriate, which authorizes that individual to work in a country for a specified period.

contribute to a competitive business environment and facilitate economic growth and development. TAJ administers tax laws relevant to direct foreign investment in Jamaica.

The **Income Tax Act (1955)** provides for the imposition of the Income Tax. The Act establishes the criteria to define the net taxable income, as well as the persons who are taxpayers. According to Section 5 of the Act, a resident corporation is taxable on its worldwide income. Non-resident companies are subject to tax on Jamaican-sourced income. The Income Tax Act has been amended over the years to reflect changes in the business environment, the following represents the most recent amendments.

- **Income Tax Act Amendment (Junior Stock Exchange) (2014):** As of January 1, 2014, companies listed on the Junior Stock Exchange are not required to pay income tax during the first five years and 50 percent for the next five years.
- The **Income Tax Amendment Act (2016)** amends the Income Tax Act to state that a newly eligible company and an existing company shall be entitled to tax incentives such as the exemption from payment of all income tax the company would have otherwise been liable to pay under the act in respect of income, profits, and gains.
- The **Income Tax Amendment Act (2018)** gives a more permanent effect to the revenue measures set out in the Provisional Collection of Tax.
- The **Income Tax Amendment Act (2019)** provides for an increase in the personal income tax threshold; to provide an initial allowance on capital expenditure in respect of the purchase for renovation of industrial buildings; to give permanent effect to matters previously effected provisionally and for connected matters.
- The **Income Tax Relief (Large-Scale Projects and Pioneer Industries) Act 2013** targets large-scale projects and/or pioneering projects and provides for enhanced tax credits.

The **General Consumption Tax (GCT)** is a value-added tax (VAT) for which the standard rate is currently 15%. Higher or lower rates of GCT are applicable to certain goods and services. For example, the provision of telephone services and handsets is subject to GCT at the rate of 25%, while licensed tourist accommodation and other specified tourism services are subject to a reduced GCT rate of 10%.

Customs Duties and Related Imports. Customs duty is levied on the customs value of specific goods imported, which is determined in accordance with the World Trade Organization (WTO) rules on customs valuation. The rates are specified by a prescribed Customs Tariff, having regard (where appropriate) to the Common External Tariff agreed between Caribbean Community (CARICOM) member states; or negotiated under Free Trade Agreements, notably the EPA.

The **Special Consumption Tax (SCT)** is imposed at various rates on the importation or manufacture of 'prescribed goods' (certain petroleum products, ethanol, alcoholic drinks, tobacco and motor vehicles), and the **Property Tax** applies to all land in Jamaica which is valued for property tax purposes on the 'site value' or 'unimproved value'.

It ought to be noted that in October 2021, 136 countries and jurisdictions, including Jamaica, representing approximately 90% of global Gross Domestic Product, implemented a global minimum tax rate of 15%. The global minimum tax agreement does not seek to eliminate tax competition, but puts multilaterally agreed limitations on it, and will see countries collect new tax revenues annually. This seeks to ensure a fairer distribution of profits and taxing rights among countries with respect to the largest and

most profitable multinational enterprises. It will re-allocate some taxing rights over multinational enterprises from their home countries to the markets where they have business activities and earn profits, regardless of whether firms have a physical presence there. As the Government of Jamaica streamlines this agreement into the taxation framework of the country there will be some measure of impact on private investors.

Immigration

Foreign nationals coming to Jamaica on business may require a business visa or for those wishing to work will be required to obtain a work permit before arriving in Jamaica.

Business Visas. Jamaica's Immigration procedures are governed by Acts such as the Immigration Restriction (Commonwealth Citizens) Act (1945); the Aliens Act (1946); the Passport Act; the Foreign Nationals and Commonwealth Citizens (Employment) Act and the Jamaican Nationality Act. It also includes all other legislation having bearing on Immigration and Passport aimed in general at controlling the movement of non-Jamaicans entering and remaining in the country. There are general requirements which may also take into consideration health and safety considerations. The Passport, Immigration and Citizenship Agency has responsibility for processing applications for permanent residence.

Access to Finance

It should be noted that Jamaica has no restrictions on the movement of funds into or out of the country. In addition, the Government of Jamaica has sought to implement a number of features of a development economy that offers flexibility in financing businesses, and in the case of Jamaica, MSMEs. This has resulted in the creation of frameworks to support credit reporting as well as the collateralisation of moveable property. In addition, the Government has consolidated the operations of a number of disparate funding agencies over the years in a bid to channel financing support either through the Development Bank of Jamaica and the National Export-Import Bank of Jamaica, with the latter focusing more narrowly on innovative funding support to traders through direct lending.

The DBJ has developed various funding programmes including a partial loan guarantee that was recently recategorized by the central bank and is now categorised as collateral rather than a mere guarantee. The DBJ has also implemented a robust programme of support through venture capital, while establishing the *modus operandi* for private sector lenders to follow.

Legislation that Impacts Investment

Jamaica has numerous legislation that impacts the pre- and post-establishment of investors in the country. While a few of these have been mentioned there are a significant number of other pieces of legislation that may affect investors. While some legislation may be specific to the investment activity such as application processes and criteria, the right to appeal certain decision and the rules of sanctioning and enforcement, most address multiple areas including creation and maintenance of databases, establishment of entities, and other general rules.

Generally, the types of legislation and regulations created over the last few decades include:

- 1) **Legislation to drive promotion of industries:** The **Jamaica Promotions Corporation Act, 1990** that established JAMPRO is perhaps the most significant piece of legislation in respect of the promotion of industry for investments. In recent years, other more specific legislation have been promulgated to establish specific industries such as the **Special Economic Zones Act, 2016** as well as the **Jamaica International Financial Services Act, 2010**.

- 2) ***Legislation to regulate industries:*** Most legislation established that affect investors fall under this category and includes legislation established for the issuing of licences, permit and other authorisations from Government as well as mandatory registration of certain business activities.
- a. Some of these may be general such as those related to the **Companies Act, 2004** (and all subsequent amendments), which regulates the registration of businesses and companies and guide them in their operations, or the **Customs Act, 1941** (and all subsequent amendments) or even the previously mentioned legislation covering labour laws or work permits.
 - b. Others may be specific to the industry such as the **Dangerous Drugs (Amendment) Act, 2015** which *inter alia* established the cannabis and hemp industries in Jamaica, or the **Telecommunications Act, 2000** which *inter alia* established the Spectrum Management Authority. Also under this category is the **Casino Gaming Act, 2010**, which guides the establishment of casinos as a part of integrated resort developments in Jamaica.
 - c. In some instances, legislation has been promulgated to establish standards that must be maintained within an enterprise operation either generally (such as the **Bureau of Standards Act, 1986**) or for specific industries (such as the **Food Storage and Prevention of Infestation Act**, and the **Food and Drug Act**). In addition, these standards may be a part of other legislation such as the **Factories Act**, which addresses standards in manufacturing facilities such as factories, or the **Local Governance Act, 2016**, which in addition to addressing local government matters also addresses the issuing of Business and/or Trade Licences.
- 3) ***Legislation to guide general activities, including investments:*** There are some broad-based legislation that affects the activities undertaken by both businesses and citizens of the country. This includes all development and infrastructure activities that require planning, building or environmental approval and which are governed by legislation such as the **Building Act, 2018**, **Local Improvements Act**, the **National Resource Conservation Act, 1991**, or the **Town and Country Planning Act, 1958**. It also includes land related legislation such as the **Registration of Titles Act, 2005**, or the **Income Tax Act, 2013**.
- 4) ***Legislation granting benefits to investors:*** in 2013, the Government of Jamaica undertook a review of the incentive framework in Jamaica, which saw the repeal of several pieces of legislation and replacement with more specific benefits that would accrue to all investors as per the **Fiscal Incentives Act, 2013**. Most sector-specific legislation was replaced although provision was made for duty relief incentives under the **Customs Tariff (Revision) (Amendment) Resolution, 2013**. Notwithstanding these changes, long-standing support legislation such as the sector-specific **Bauxite and Alumina (Encouragement) Industries Act, 1950**, or the geographically defined **Urban Renewal (Tax Relief) Act, 1995**, remained and continues to support investors.
- 5) ***Legislation that protects investors:*** the **Fair Competition Act, 1993**, and the **Customs Duties (Dumping and Subsidies) Act, 1999**, are perhaps two of the most important pieces of legislation that offer protection to investors. One new piece of protection is given to companies under the updated **Insolvency Act, 2013** which grants protection from creditors and offers support in restructuring a company. In addition, as mentioned previously, there is also a number of legislation that support Intellectual Property Rights including the **Trademarks Act, 2021**; the **Copyrights Act, 2020**; the **Patent and Design Act, 2020**; and the **Geographical Indications Act, 2010**. In addition, there are some legislations that the investors must adhere to as the Government seeks to protect the rights of consumers. These include the **Consumer Protection Act, 2005** and the **Hire Purchase Act, 1974**.

- 6) **Legislation supporting access to credit for investors:** investors in Jamaica benefit from support from a robust framework for banking and access to finance. At its core is the **Bank of Jamaica Act, 1960**, which governs the establishment and operations of commercial Banks in Jamaica. This is supported by other legislation that impacts other types of financial institutions such as the **Building Societies Act, 2020**, and the **Financial Services Commission Act, 2001**. Government funding support to investors, including venture capital formation as discussed earlier, is government under the **Development Bank of Jamaica Act, 2003**. In addition to this, over the last decade the Jamaican Government has sought to increase access by allowing for the collateralisation of moveable property and use of a National Collateral Registry as per the **Security Interest in Personal Property Act, 2013**; as well as transparency of borrower's information through the **Credit Reporting Act, 2010**, which has given rise to two credit bureaus in Jamaica.

It cannot be overstated that there exist a number of legislation that might not have been mentioned just for the sheer number of investor-related legislation. However, it is expected that proper guidance from an attorney or from the relevant Government agency should be sought to ensure that an investor is mindful of the relevant requirements of their investment.

Fundamental Rights and Guarantees

Three fundamental rights and guarantees adopted from UNCTAD's *Investment Policy Framework for Sustainable Development: National Investment Policy Guidelines* are part of Jamaica's NIP Framework: (1) Real Property, (ii) Intellectual Property and (iii) Competition. While the Government of Jamaica goes not define these as fundamental rights, investors are protected under relevant legislation as detailed below:

- **Real Property**

Real property rights are constituted in the **Registration of Titles Act (1889)**, which facilitates and protects the acquisition and disposition of all property rights. In addition, the **Land Acquisition Act (1947)** (last Amendment 1976), establishes the expropriation process in Jamaica, which follows the provisions of both Anglo-Saxon and Continental law for a public declaration of land requirement for public purpose and the preservation of the affected owner's financial balance. Jamaica acknowledges the importance of FDI and there is no discrimination to the acquisition of property by foreign vs local investors.

- **Intellectual Property (IP)**

IP rights are becoming increasingly important within national economies and the Jamaica Intellectual Property Office (JIPO) administers the relevant IP laws as set out in the **Jamaica Intellectual Property Office Act, 2002**.

Jamaica's commitment to Intellectual Property (IP) protection is reflected in the fact that Jamaica is signatory to every major international copyright and related rights treaty and agreement administered by the World Intellectual Property Organization (WIPO) and the World Trade Organization (WTO). Through the Jamaica Intellectual Property Office (JIPO), an agency of the Ministry of Industry, Investment and Commerce, companies and individuals operating in the country are encouraged to register their IP locally in order to reap the full benefits of their creativity and enjoy protection from piracy.

The **Patents and Designs Act, 2020**, repealed the Patent Act, 1857 and the Designs Act, 1937 and is aimed at modernising Jamaica's IP regime by bringing the country in line with international standards. In

addition, the Government is working to fast-track the process of adopting and implementing the international trademark registration system by virtue of the **Trade Marks (Amendment) Act, 2021**, which will facilitate international registration of trademarks by way of one application that is recognised worldwide. The opportunity of having a single registration covering a wide range of countries offers several advantages, both in terms of portfolio management and cost savings, as opposed to a portfolio of independent national registrations.

- **Competition**

A firm facing vigorous competition offers more innovative products and more choices for the consumer, and domestic competition enhances a firm's ability to compete in international markets²³. In Jamaica, competition is addressed by **The Fair Competition Act (FCA), 1993** which ensures that the benefits of the competition process in Jamaica are unhindered by anticompetitive activity, the Fair-Trading Commission (FTC) being the administrative body responsible for implementing the FCA; **The Consumer Protection Act, 2005** which provides for promotion and protection of consumer interests in relation to the supply of goods and the provision of services for ensuring the protection of life, health and safety of consumers; **The Sale of Goods Act (1895)** administered by the Consumer Affairs Commission, the agency in charge of fostering ethical relations between providers and consumers of goods and services in the Jamaican marketplace, through effective advocacy, research, public education and complaint resolution; and **The Partnership (General) Act, 2017**²⁴ which governs the process for foreign partnerships pursuing business transactions in Jamaica and facilitates mergers and conversion of such arrangements.

Outward Investments

The effects of outward FDI on domestic investment may vary from one home country to another, depending on firms' underlying motives for investing abroad and on the characteristics of each home country's economy.

Despite fears that outward direct investment by Jamaican companies may lead to a 'hollowing out' of industry and loss of exports, studies of countries with long experiences of high levels of outward direct investment such as the United States of America, Korea, and China, all indicate that outward direct investment and exports are broadly complementary.

The Government of Jamaica has no restrictions on overseas investment by domestic enterprises (outward investment). According to UNCTAD, Jamaica's total amount of outward investment in 2019 was US\$446 million, significantly up from US\$13 million in 2018.²⁵ In fact, to compare, between 2005 and 2018 the total amount of outwards investment in Jamaica was US \$987 million.²⁶

²³ Sampson, Cezley (1997) *Competition Policy: Jamaica's Experience*. Economic Reform Today. Number One. Kingston.

²⁴ Act not yet in force as no Regulations yet promulgated.

²⁵ UNCTAD (2020). *World Investment Report 2020*

²⁶ UNCTAD (2020). *World Investment Report 2020*

5.0 Framework for the Policy

Vision

The vision of the National Investment Policy is to see:

‘Jamaica positioned as a major player in the global investment community driven by economic growth through sustainable development’.

Approach of the NIP

The National Investment Policy was developed using a consultative and participatory approach in its bid to document policy issues and strategies to be implemented by Government in challenging areas that impact direct investments taking into consideration environmental, social and governance (ESG) principles, including gender equality. The implementation of the Policy is expected to allow private sector investors – based locally and overseas, including those in the Jamaican diaspora – to contribute directly to employment creation, innovation and economic growth.²⁷

Guiding Principles of the NIP

The Policy is guided by five core principles, which emphasise the need for openness and transparency, business efficiency, public sector cohesiveness, global competitiveness and sustainability. The following will be principles that will undergird policy implementation:

1. Business Efficiency

The NIP supports efficiency in all processes that facilitate investment including ensuring coordination and collaboration by portfolio ministries, agencies and other relevant bodies to ensure seamless service and ease of doing investment business.

2. Public Sector Cohesiveness

The NIP seeks to improve the working relations among all MDAs playing a role in the promotion and facilitation of all investment types. It rests on the support of all MDAs effectively working together in an effort to drive growth and development.

3. Global Competitiveness

The NIP establishes the standards and mechanisms necessary to support investments will aim to adhere to international best practices that will enable Jamaica to remain competitive and the place of choice to do business.

²⁷ See Appendix 2 for detailed outline of the consultative process utilised.

4. Transparency

The NIP seeks to ensure that investment processes are transparent, predictable and accessible to all and will support a robust and ethically driven investment environment where decisions are made based on agreed objectives that are beneficial to Jamaica.

5. Sustainability

The NIP is driven by economic, social and environmental pillars of sustainability towards ensuring that economic growth strategies and development will meet the needs of the present population without compromising the ability of future populations to do so.

Main Policy Statements

Policy statements that support the guiding principles and embody the government's commitment to developing a NIP are as follows:

- I. In order to ensure a seamless investor experience, all public Jamaican entities (located in Jamaica or abroad) involved in investment promotion, industry regulation and business facilitation will do so in keeping with the spirit and principles of the National Investment Policy of Jamaica and in coordination with the national investment promotion agency.
- II. The Government of Jamaica is seriously committed to improving business conditions in the country in an effort to allow private sector to invest and grow businesses, in a bid to drive economic growth.
- III. The Government of Jamaica makes no distinction between local and foreign investors, giving equal treatment to both classes of investors in keeping with the laws of the country and without bias to either group of investors.
- IV. The Government of Jamaica is ready to take bold decisions that facilitate and support prioritised investment projects that are driven by market forces, based on agreed criteria, and in keeping with national objectives.
- V. The Government of Jamaica reserves its sovereign right to identify and define special investment regimes to promote the development of certain areas or economic activities it deems important to national development.
- VI. The Government of Jamaica is committed to growing industry and commerce in the country, particularly through the implementation of linkages programmes that connect local and foreign investors.
- VII. The Government of Jamaica is committed to partnering with the private sector to optimise the use of bilateral and multilateral agreements.
- VIII. The Government of Jamaica has no restrictions on overseas investment by domestic enterprises (outward investment).

6.0 Key Policy Issues and Strategies

The policy issues outlined in the NIP were derived through comprehensive consultations including the results of the deliberations of the six thematic working groups formed by the PSC to assist in the policy development process. The eleven (11) main policy issues, their respective goals, general considerations, objectives and strategies are discussed below.

Policy Issue 1: Coordinated National Approach to Sustainable Investment Planning

Policy Goal: To establish a coordinated strategic investment planning framework that informs investment strategies, supports inclusive sustainable economic development and is aligned to national development mechanisms.

Policy Considerations

Many governments may be confronted with challenges associated with establishing priorities that serve not only national objectives but investment interests. It is therefore a critical requirement that a coordinated national planning framework for investments be instituted including decision makers at the highest levels. This will support establishment of coordinated and clear national investment objectives and priorities to which Ministries and Agencies will be aligned.

This will support a holistic planning approach that should account for all aspects of the investment value chain including but not limited to, targeted investment opportunities, access to key resources including land and other physical assets, treating with (in a sustainable manner) the human, social and environmental requirements that support growth of a green economy and other factors. This coordination requires strong partnerships across the relevant Government partners as well as agile policy direction and guidance to ensure that the objectives of Government – which may change from time to time – are clearly understood and can be acted upon by all the relevant players. Jamaica, while it is in the process of finalising a National Spatial Plan, as guided by the National Physical Plan, development orders, local sustainable development plans, the Protected Areas Systems Master Plan 2015 (PASMP) and other relevant policies, should ensure that investments augur well for the built and natural environments and the ecosystems services and resources they provide. Some of these services and by extension resources e.g., water catchment for potable water, are critical inputs for various kinds of national investments. The context of Climate Change also demands that investments are such that they should adapt to likely impacts and where possible mitigate ongoing effects of Climate change.

Additionally, a strong investment policy regime will ensure that the spill over effects allow domestic enterprises to grow from foreign investments are addressed and policy coordination mechanisms put in place to ensure this occurs (UNCTAD, 2015). UNCTAD's Investment Policy Framework for Sustainable Development (2015) suggests that 'new generation' investment policies place inclusive growth and sustainable development at the heart of the efforts to attract and benefit from investment. At the national level, embedding investment policy in development strategy, designing policies for responsible investment and sustainable development and implementation of institutional mechanisms for policy relevance and effectiveness are essential.

It is also critical that strong policies are identified and implemented to ensure that investment projects that are facilitated by the Government have the most pervasive impact possible on the local economy through strong linkages that are encouraged and supported by policy and legislative positions.

Policy Objective: To establish a high-level coordinating and approval mechanism for national investment planning, primarily by:

- Establishing and institutionalising a national investment planning framework to support coordinated investment planning, development and management;
- Ensuring that investment decision making is informed by global contextual realities and key national development plans and policies that support sustainable development; and
- Providing, through a strong linkages framework, a seamless mechanism for inclusion of local enterprises in the Jamaican investment value chain.

Policy Strategies

- Establish a specific national body (or designate a current body) as the formal governance structure to oversee sustainable investment planning matters;
- Designate privately funded projects as a 'priority project' on the basis of specific criteria and as recommended by the national investment promotion agency;
- Establish specific criteria that allows the Government to develop and implement special investment regimes to support the operationalisation of 'priority projects'
- Prioritise the inclusion of clearly articulated investment and job creation targets in the strategic business plans of government entities that engage with investors;
- Introduce Expressions of Interest (EOIs) as part of the Public Investment Management System (PIMS) approval process for commercial project concepts that might interest the private sector to avoid Government crowding out private investments;
- Prompt Government agencies to work, and share information, with the national investment promotion agency in facilitating investments insofar as there is no conflict in their legislation;
- Establish a mechanism to ensure investment decision making processes adhere to current national sustainable development planning guidelines;
- Ensure local linkages and national entrepreneurship opportunities are integrated into investment promotion and facilitation strategies; and
- Establish a policy and/or programme to encourage and drive linkages among local and foreign investors.

Policy Issue 2: Business Process and Environment Reform

Policy Goal: To streamline a customer-centric investor experience across government that offers strategic guidelines to identify, facilitate and realize greater investments in the country through the deliberate efforts of government entities established to facilitate business.

Policy Considerations

Critical to investment is a business environment that is conducive to investment. It has been said that Government needs to set the right framework in place to drive investment and then stand aside to let private sector be the drivers of growth. To ensure that this happens there is a need for a continuous feedback loop where private sector can indicate where their challenges are, and have the assurance that the Government will respond to fix them. To facilitate this, the National Competitiveness Council (NCC) emerged in 2010 as a forum for public-private dialogue for reform to the business environment that also focuses on identifying, driving, monitoring and reporting reform.

Housed within JAMPRO, the NCC manages and monitors the reforms being implemented by the GOJ's ministries, departments and agencies (MDAs) on an ongoing basis. The Council works to identify challenges private-sector entities face in their transactions with the GOJ and works with key agencies to establish timelines for addressing issues. To date, Jamaica has implemented some key reforms including the mandatory system of e-filing for all major taxes, support for the drafting of the Insolvency Act, development and implementation of the Security Interest in Personal Property (SIPP) Act and the National Collateral Registry, and the implementation of the Business Registration Super-form. The GOJ is also working on other business reforms under the BERA including the close monitoring of Jamaica's performance on key global competitiveness indices such as the Doing Business Report, the Logistics Performance Index and the Global Competitiveness Report.

Some investment opportunities given their economic potential, time sensitivities and other factors may be afforded with 'priority' status in order to be fast-tracked. In keeping with the guiding principle of transparency clear criteria should be outlined for categorising projects as priority.

Policy Objective: *To make it easier to do business in Jamaica, by:*

- Establishing a national mechanism to identify investor bottlenecks and reduce government regulatory complexity and uncertainty by eliminating unnecessary burdens created by bureaucracy at different levels of service to investors;
- Balancing the GOJ's need to regulate investors on key industries vis-à-vis investor facilitation that encourages investment creation and expansion;
- Providing a transparent, accessible and timely online process for the administration of licenses, permits and other authorisations; and
- Creating an information flow between investors and government to allow for foresighting and facilitation.

Policy Strategies

- Establish the National Competitiveness Council as the premier public/private body that will
 - Strengthen institutional arrangements with investment promotion and MDAs to allow transparency which is essential in business reform efforts;
 - Align high-level vision with key performance targets and detailed action plans at all levels, including for legislation;
 - Reinforce mechanisms for the integration of continuous private-sector feedback throughout the reform process;
- Fast track the implementation of the National Business Portal (NBP)²⁸ to facilitate multiple business to government transactions as a virtual one-stop shop for investors, particularly those based overseas and those in the Jamaican diaspora. In addition, mandate the usage of the NBP by MDAs for all investor related Government to Business processes as a tool in order to ensure transparency and openness in the facilitation of investors;
- Implement mandatory registration of investment projects that meet specific criteria to allow for *inter alia* transparency, feedback and guidance from relevant agencies, foresighting for Government projects that might be impacted by the project, and for forecasting the impact of the project on the economy;

²⁸ The National Business Portal (NBP) is a component of the GOV.JM initiative, which focuses on making select simplified approval-related government B2G processes available online and is intended to will complement and support implementation of the policy through the development of an online platform that will house the Business-to-Government online interface for all government entities involved in the investment or business facilitation process.

- Prioritise focus on the reform of specific recommendations for reform of the Development Application Review Processes (DARP):
 - Reactivate the public/private partnership between the GOJ and the private sector²⁹ with the aim of updating and implementing the Agenda for Development Application Review Processes (DARP);
 - Implement a strategic planning framework, to include performance management in the Municipal Corporations (MCs);
 - Implement re-engineered development applications process; and
 - Prioritise the completion and ongoing updating of the National Spatial Plan, in a bid to ensure that it is comprehensively developed and informed by local development plans and consistently updated with current and relevant data.

Policy Issue 3: Investment Promotion and Marketing

Policy Goal: To position Jamaica as the investment destination of choice in the Caribbean region for international companies and investors through application of current and cutting-edge strategies and technologies.

Policy Considerations

Jamaica has a strong machinery in place to support promotion and marketing of investment opportunities. JAMPRO is the lead agency with this mandate and is supported in its efforts by numerous ministries, departments and agencies. JAMPRO has also strategically positioned its regional offices (Kingston, Canada, New York, London and Montego Bay) in order to improve access to the local and international investing community. Jamaica is competing for investments regionally and internationally and to this end has to ensure that as an investment location it is competitive. Improving the doing business requirements will go a far way in creating an enabling environment for investments. Promotion and marketing initiatives must also continue to take into account the current national strategies being employed for mobilisation of investments namely: BERA, SEZ, GLHI and PPP, as well as regional strategies such as the proposed Regional Investment Promotional Strategy (RIPS). It is important to note that there is an urgency that national investment strategies be developed to address gender imbalances that may be present across local and international investors to ensure that the Jamaica investor community has adequate gender diversity. In addition, as a country that boast a number of people in the diaspora equal to its population, there must be strategies that embrace investors from the diaspora as well as members of the diaspora that can support the thrust to attract investments into the country. It is imperative that these promotional strategies are shared and agreed at the highest levels of Government and across all relevant MDAs to ensure that all entities are cognisant of the strategies being employed or which are available to attracting investors.

Competitive strategies will include maintaining currency with investment trends, investment forecasting to prepare for future types of investments and understanding sector-based market needs. Best practices for promotion and marketing access are included in approaches being applied by JAMPRO. Where best practices are applied it will enhance the ability to package investment opportunities. Jamaica possesses some inherent strengths in some areas that should be further leveraged to foster further growth e.g.

²⁹ The partnership was initially created under the Legislation and Regulations Project (Legs and Regs), initially funded by the United States Agency for International Development (USAID) and executed in partnership with the Jamaica Chamber of Commerce (JCC).

Jamaican being the largest English-speaking destination in the Caribbean that can support Outsourcing services.

Policy Objective: *To implement a robust marketing and promotion campaigns that target sustainable private investments by:*

- Guaranteeing the coordination and cooperation among all actors involved in attracting LDI and FDI to Jamaica so as to position the country as an attractive investment destination through image-building activities, Investment generation, investor servicing/facilitation and policy advocacy;
- Increasing the level of sustainable private investments in Jamaica and the generation of new jobs; and
- Sharing with government partners the investment promotion objectives and the government ethos required for success.

Policy Strategies

- Design and implement sound investment promotion strategies as per international best practices and based on global and local trends, which is shared and consistently supported by all relevant Government agencies;
- Design and implement an awareness campaign among different government stakeholders, including overseas missions, who interact with investors to foster a sense of urgency when dealing with investors that encourages professional, high-quality and expedited service delivery;
- Create a framework for the development and implementation of an economic diplomacy programme focused on maximising the presence of Foreign Service Offices (FSOs) or the creation of Honorary Investment Advisors in target investment markets by using them to reach out to potential investors, particularly in markets where the diaspora can be leveraged to support such programmes; and
- Revisit and enhance the investment map that will provide an electronic platform for showcasing project concepts and land parcels available for investment.

Policy Issue 4: Treatment and Protection of Investors

Policy Goal: To institutionalise innovation and investment by domestic and foreign firms through stronger frameworks for effective enforcement with guaranteed protection of investor rights in Jamaica.

Policy Consideration

There is a strong policy and legislative framework that supports rights of investors in Jamaica and this protection is facilitated by constitutional provisions. Jamaica adheres to best practices for basic protections and guarantees. The core principles of the investor include these rights:

- Equitable and non-discriminatory treatment for foreign and domestic investors, particularly in contract enforcement and payment of debts to the State;
- Investment in all sectors, under all corporate structures, in any form (direct, portfolio, etc.), as permitted and regulated by law;
- Fair compensation where nationalization, expropriation or activities with similar effect becomes necessary where those actions have negatively impacted the investment performance or for national security reasons;

- Freedom to transfer profits abroad in foreign currency after paying the taxes and fees required under the law;
- The opportunity to benefit from investment incentives under the terms and conditions required by law;
- Land ownership;
- Protection of intellectual and industrial property; and
- The choice to settle disputes in a local court of law or to seek arbitration under the country's Arbitration Act.

Where any of these rights are violated there is a supporting legal system that is equipped to facilitate resolution of disputes.

Policy Objective: *To reduce the incidence and impact of investor disputes on investments in Jamaica, by*

- Enabling and enforcing a legal framework for the protection and promotion of investor rights both locally and overseas;
- Protecting investor interests in the event of expropriation; and
- Providing alternative dispute resolution methods.

Policy Strategies

- Define a policy position for resolving disputes between the Government of Jamaica and private investors (investor/state dispute settlement); and
- Establish dispute settlement mechanisms for investors, including local arbitration and/or mediation as a first resolution point for investor disputes.

Policy Issue 5: Intellectual Property

Policy Goal: To safeguard Intellectual Property in keeping with international standards.

Policy Considerations

IP rights are becoming increasingly important within national economies and the Jamaica Intellectual Property Office (JIPO) administers the relevant IP laws as set out in the **Jamaica Intellectual Property Office Act, 2002**. JIPO is responsible for protecting, promoting, disseminating and leading the proper use of IP from the focus of eight different areas: Copyright and Related Rights, Trademarks, Geographical Indications, Industrial Designs, Patents, Layout-Designs (Topographies), New Plant Varieties and Traditional Knowledge and Cultural Expressions.

The recently promulgated **Patents and Designs Act, 2020**, seeks to modernise legal framework for patents and designs allowing for greater inventiveness and innovation by extending the duration of patent protection, which was previously 14 years; achieving a clearer definition of the concept of novelty; introducing the principle of industrial applicability; and introducing the concept of inventive activity. Jamaica's ascension to the Patent Corporation Treaty (PCT) ought to be materialized by its implementation, which will afford international protection and or protection in several countries without having to file in each country.

In addition, the recent passing of the **Trademarks Act, 2021**, will realize allow for Jamaica becoming a signatory to the Madrid Protocol, which is important to reduce the costs incurred by businesses to

register trademarks in multiple jurisdictions. It is also hoped that Jamaica can promote its IP registration services to a wider regional and global market if efficiencies are allowed to materialise.

Policy Objective: *To support the creation and promotion of a modern legislative framework that allows ease of access to intellectual property protection, by:*

- Implementing key initiatives to strengthen the intellectual property rights framework in Jamaica; and
- Enhancing efforts for information dissemination on Intellectual Property.

Policy Strategies

- Support the enactment and implementation of the new Patents and Designs Law, and the Trademarks Act, 2021 to encourage the registration of patents and trademarks; and
- Prioritise the passing of several supporting and related legislation on intellectual property in order to establish Jamaica as a premier IP registration jurisdiction.

Policy Issue 6: Access to Land and Other GOJ assets

Policy Goal: To create an improved framework for sustainable, productive and equitable development, use and management of the country's land resources and other GOJ assets.

Policy Considerations

There is a robust planning, policy and regulatory framework for treatment of access to land for investment purposes, but despite these frameworks, various gaps exist which include readily accessible information on lands that are available for investment and also the time taken to secure land titles. The land administration system needs to be reliable and should ensure that all property transfers be registered and that proper checks to ascertain the absence of competing claims be conducted before an entry in the registry is made.

Best practices for access to land involve two dimensions: (1) Acquisition of land process and (2) Protection of the investor's rights (quality of land administration system). The National Land Agency, has under the public sector modernisation programme, taken steps towards improving its business services including reduction of time for access to titles. A readily accessible land bank would be helpful for investors. JAMPRO's Shovel-Ready Investment programme (SRIP), implemented in partnership with NEPA, seeks to pre-package investment opportunities to fast-track development approvals is a current mechanism that improves business processes around land access for investment.

The absence of a current National Spatial Plan that provides guidelines for land use and development mitigates against a national streamlined approach to investment approvals. Guidance on land use is required by the National Environment and Planning Agency (NEPA), the Town and Country Planning Authority as well as the relevant Municipal Corporations and their input is critical for certain types of development approvals. Not only will environmental factors be considered but an assessment of support services and infrastructure required for specified developments and whether it can be accommodated within identified land parcels. Coordination between lead ministries and agencies with portfolio responsibilities for land access processes will be important.

In respect of other assets, the PPP and Divestment Policy as well as the soon-to-be promulgated Joint Venture Policy governs how projects are divested or implemented via partnerships between the Government and private sector. The criteria established for pursuing PPP projects include: Viability,

Value for money, Marketability, Fiscal responsibility. This policy should apply to all government PPP transactions which are the remit of the central government and which meet the policy's definition of a PPP. Such transactions must be of sufficient value and scope to create a significant positive impact on the economy and the society.

Policy Objective: *To enhance and expedite access to GOJ assets, including land, for investment purposes, by:*

- Implementing divestment and acquisition mechanisms that are transparent and rational;
- Using more innovative, dynamic and participatory approaches to negotiating settlements, addressing environmental issues and finding solutions to land use planning and development challenges;
- Providing updated and uniformed information on government-owned assets available for investments;
- Promoting and facilitating equitable, broad-based ownership and appropriate sustainable utilization of land; and
- Channelling investors through appropriate policy mechanisms to invest in, or access, Government assets.

Policy Strategies

- Review and update the Land Divestment Policy, including making its use mandatory across all MDAs;
- Build a land bank with detailed information on all the land owned by the different government agencies providing guidance on types of developments that can be supported on specified parcels of land;
- Centralize the land divestment process within the National Land Agency (NLA), particularly for MDAs that do not have an ongoing land divestment mandate, where control of the process is retained by the government entities owning land, but the NLA would be responsible for coordination and ensuring guidelines of the divestment process are followed;
- Develop and maintain a publicly available list of GOJ assets that have been approved for divestment and or public-private partnerships;
- Implement and enforce sale/lease contract clauses requiring investor performance against contractual obligations for all contracts covering land and other GOJ assets; and
- Make clear and in simplified language the various channels for accessing GoJ assets and the criteria, processes and relevant entities to be engaged for each channel.

Policy Issue 7: Labour and Immigration

Policy Goal: To establish best-in-class Immigration and Labour service delivery that will spur investments and respond to the needs of investors.

Policy Considerations

A qualified, skilled and efficient labour force is amongst the key requirements for most investments in Jamaica. Jamaica seeks to, through various institutions and mechanisms, ensure that there is currency with global investment trends in order to meet labour requirements. Various national training institutions providing primary, secondary, technical and vocational training, through to tertiary level

education, continue to provide a strong educational foundation for Jamaica's labour force. Additionally, under CARICOM's CSME regime, there is the free movement of skills which supplements Jamaica's labour force.

There are, on occasion, gaps that remain to be filled for key functions which may not be met through local supply. This therefore means that Jamaica will be taking steps to ensure that its labour force will be equipped to fill these opportunities in the near future and in the interim and/or where the skill is highly specialised facilitate immigration requirements to ensure labour supply. Best practices for labour and immigration revolve around the ease of hiring skilled expatriates; and investment assessment made based on (i) restrictions that control the inflow of skilled immigrants; (ii) good practices for processing temporary Work Permits; and (iii) assessment of the availability of local skills. Mechanisms to monitor compliance of investors with local labour laws is also an imperative with implications for treatment of worker rights, time period for project execution and other factors.

Policy Objectives: *To improve the supply and delivery of labour and immigration services, by:*

- Minimising and combatting long term national unemployment;
- Establishing a robust database on available labour in Jamaica by occupation and skills;
- Identifying and addressing regulatory and cross sectorial gaps that hinder the provision of efficient labour and immigration services; and
- Modernizing the visa services infrastructure for skilled workers.

Policy Strategies

- National training institutes should continuously focus on assessing local and global demand for job skills, and then i) implement appropriate training programmes; and ii) support formal apprenticeship programmes that incentivise on-the-job training;
- Upgrade the national job bank to contain comprehensive labour market information (including graduates and professionals available by career, employment by career, availability of skilled labour, parish information, etc.) and promote it among the relevant target audience;
- Request that the relevant data collection entities track labour indicators in Jamaica (technology transfer, productivity of the workers per sector and skills available);
- Create a visa category to allow for the easier movement of potential and existing investors as well as approved employees;
- For work permits and visa requests/ processing, develop an online system that will house the Business-to-Government online interface for all government entities involved in the permitting and visa facilitation processes;
- Implement a strategic economic residence programme³⁰ that encourages direct investments and job creation based on specified criteria; and
- Establish an arrangement whereby major strategic projects are allowed to use external labour initially, if they meet specific criteria, including a lack of local skilled labourers, clear economic benefit, a transfer of skills/technology.

³⁰ This programme would be akin to business migration programmes in the United States or Australia that grant residency – and not citizenship – status based on an investment of USD1,800,000 and AUD1,500,000 (approx. USD1,034,250) respectively.

Policy Issue 8: Incentivising Investments

Policy Goal: To realise the maximisation of long-term benefits of private investments, where the benefits exceed the costs, and the costs of achieving given goals are kept to their lowest feasible level.

Policy Considerations

As far back as 2013, the GoJ implemented a comprehensive tax policy reform which involved, inter alia, an overhaul of the then existing tax incentives system in lockstep with an important structural benchmark agreed with the International Monetary Fund (IMF) for the establishment of a consolidated, generalized incentives regime. The objectives of the incentive reform include the following:

- Elimination of existing sector-based incentive programmes
- Transition to a generally competitive business tax regime
- Provision of generalized incentives for employment and capital investment
- Introduction of a rule-based and non-discretionary system
- Incentivisation of compliance
- Minimization of tax-induced increases in production cost/cost of doing business

The reform significantly downsized the system of tax incentives, exemptions, and zero rates and sought to promote economic growth achieved with equity, transparency and simplicity. Through it, the policy intent of the GoJ is to create a competitive general tax regime that incentivizes productive activity across all sectors to stimulate investment and improve the overall business environment. It is pertinent to underscore the fact that the then existing sector-based incentives had to be discontinued because of its proclivity to encourage misallocation of limited economic resources.

Consequently, the new incentive regime—represented by the Fiscal Incentives (Miscellaneous Provisions) Act, 2013 or the Omnibus Legislation—ushered in a transparent and automatic fiscal incentive system, where eligibility to access the incentives is not based on sector alignment but rather on productive activity. The GoJ has created an incentive framework through which companies doing business in Jamaica can benefit from performance-based fiscal incentives which are primarily designed to reduce the cost of doing business in Jamaica.

Another salient implication of the broad-based incentives reform is in connection with discretionary waivers where these were deliberately restructured to no longer be discretionary but rather it was made to be rules-based.³¹

Notwithstanding the above however there has been an argument that the intermittent review of incentives is necessary to deal with the changes priorities of Government and to lead to the growth of underperforming industries and areas, which the Government has identified as a priority. To this end, a mechanism should be put in place to ensure that incentives given, and matching benefits promised are tracked and investors held accountable. Incentive data should be tracked such that the country can measure the extent to which revenue forfeited has resulted in more strategic economic gains. This kind of information through a defined evaluation process will provide useful guidance on whether or not the incentive regime should minimise or increase the number of incentives given. Evaluation activities and factors typically include how a proposal measures up to the criteria a country has established to evaluate proposals, a comparison of the cost of the incentive against the benefits that the project is expected to produce and an evaluation of the impact on the tax base and revenue. This should include the impact on the tax base and revenue of the jurisdiction offering the incentive, among other criteria. Sustainable

³¹ Direct input above was extracted from a document developed by the Ministry of Finance and Public Service

development investment-oriented incentives could also be explored as a means of promoting investment in relevant sectors and conditional upon their sustainable development contribution.³²

Policy Objective: *To create a mechanism to monitor and review incentives to ensure maximum impact by:*

- Balancing the potential impact of incentives on investment against the fiscal objectives of government by exploring the creation of non-fiscal incentives;
- Creating an incentives database that allows the monitoring and tracking of incentives issued and their impact on the economy; and
- Creating incentives that will help to grow target sectors through training and development of the labour force.

Policy Strategies

- Intermittently review and rationalize incentives by evaluating each of the current incentive regimes to balance the higher revenues and social benefits with the indirect costs of incentives, the revenue losses from incentives and within the context of the global vs. local business environment;
- Identify and implement a system of non-fiscal incentives;
- Implement a reporting mechanism for all persons registered under an incentive regime to report annually on various metrics including, but not limited to, value of investments, number of jobs created, and level of revenues; and
- Explore new incentive mechanisms that support sustainable development priorities including green investments, blue economy and other regimes³³.

Policy Issue 9: Supply Chain and Logistics

Policy Goal: To secure investment growth opportunities by leveraging Jamaica's strategic logistics position.

Policy Considerations

Jamaica sits at the intersection of several maritime and aviation routes to the Americas, Europe and Western Africa. Businesses located in Jamaica can readily access large commercial markets in North, Central and South America (totalling over 800 million people). The Jamaica Logistics Hub will provide businesses with prime savings opportunities for swift delivery to final consumers at substantial cost. The Logistics Hub Initiative (LHI) is multifaceted and will include: firstly, securing several billion dollars of private investment in logistics infrastructure and the upgrading of urban support areas to capitalize on Jamaica's geostrategic location astride major maritime and aviation routes; secondly, establishment of a Special Economic Zone (SEZ) regime to attract large Globally Integrated Enterprises to benefit from Jamaica's more competitive near shore position in the global value chains; and thirdly, implementing logistics centered economic policies and structural reforms that enhance the competitiveness of the economy and enable Jamaica to progress beyond being a pure transshipment point to adding substantial value domestically to goods moving through the hub and services provided in competitive economic clusters.

³² UNCTAD Investment Policy Framework for Sustainable Development

³³ The Government is currently developing a Green Economy Investment Strategy that will require this type of support

A set of incentives granted to developers settled in the SEZ has been established. These include Asset Tax Relief, Customs Duty Relief and partial Income Tax Relief. The Jamaica Special Economic Zone Authority is the agency in charge of regulating and supervising these zones, as well as negotiating and entering into master-concessions and license agreements with developers. With strategic investment and global partnerships, the Jamaica Logistics Hub Initiative will include these amenities: maritime and air cargo logistics hubs; strategic storage, handling and processing points for bulk commodities; expansive SEZs facilitating assembly, warehousing, sorting, distribution and other value-added services, particularly for industries handling time-sensitive and high-value cargo; aviation-related maintenance repair and overhaul as well as ship repair and dry docking; a robust digital network to support efficient global value chain tracking and tracing, as well as e-commerce operations.

Policy Objective: *To increase Jamaica's integration with global trade and supply chains by:*

- Continued facilitation of firms being integrated into global production and supplier networks through the SEZ and other frameworks;
- Simplifying trade related processes; and
- Establishing partnerships with local and international stakeholders in a bid to leverage new opportunities.

Policy Strategies

- Streamline Government's trade-related processes to allow for multimodal movement of goods, particularly where they are being moved intra-island;
- Increase market access through the ability to connect with other hubs and international markets, which are already of interest to global operators;
- Address customs-related regulatory obstacles by way of a new customs law that would focus on facilitating the efficient processing of customs-related transactions and encourage voluntary compliance with customs laws and procedures;
- Ensure implementation of the World Trade Organisation Trade Facilitation (Bali) Agreement;
- Increase the efficiency of port logistics processes;
- Ensure a competitive equitable environment compared to other SEZs in Central America, the Caribbean and Asia by optimising efficiency against regulations in a bid to control zone activities; and
- Identify, promote and expedite development of areas for SEZ locations that require minimal capital expenditures by potential investors.

Policy Issue 10: International Trade³⁴

Policy Goal: To strengthen mechanisms for trading across borders that will support national economic growth.

Policy Considerations

Jamaica is a member of the World Trade Organization and adheres to a set of global and regional trade agreements. These connections to an enlarged market provide a territorial framework for developing global or regional value chains in which intermediate goods are increasingly important for international commercial links. Access to foreign markets is crucial to the development of the GLHI. Jamaica is

³⁴ While the policy initiatives will cover both import and export, the International trade policy issue area will be focused on building capacity and expanding the country's export sector.

aggressively pursuing reform initiatives at the border, pursuant to the Trade Facilitation Agreement (TFA), to reduce processing time of imports and exports. Jamaica is also signatory to important international conventions and protocols including the Convention on International Trade in Endangered Species (CITES) which will inform how investment decisions are made around these and other sensitive concerns.

In a bid to improve competitiveness in international trade, the Jamaican government has implemented several trade facilitation measures including the simplification of trade procedures and the modernization of customs administration. Trade enhancement efforts have been concentrated on achieving conformity to the World Trade Organisation (WTO) Agreement on Trade Facilitation signed in 2014 in Bali. To this end, several initiatives are underway, including the Jamaica Single Window for Trade (JSWIFT)³⁵ – which will be a single point for electronic submissions in order to facilitate the transmission of standardized information to fulfil all regulatory requirements for imports, exports, transits, and any other trade-related procedure. This will allow traders to submit all information required by regulatory agencies via a single electronic gateway instead of submitting the same information multiple times to different government agencies. A key component of this is the Port Community System (PCS) – a single, neutral, and open electronic platform which enables the secure exchange of information between public and private stakeholders in the port community.

Policy-Objective: *To establish efficient trade support and facilitation systems that strengthens investments and spurs national economic growth by;*

- Strengthening capacities of traders through access to key databases, information portals and promotion and marketing support;
- Implementing key policies and agreements to support international trade; and
- Identify and promote new opportunities for trade.

Policy Strategies

- Rationalise the processes and costs related to trade in a bid to enhance competitiveness
- Improve compliance with quality standards, sanitary and phytosanitary (SPS) as well as other measures including enhanced compliance with international and regional standards through the implementation of the National Quality Policy, 2017;
- Improve the use of preferential tariffs while improving competitiveness in preparation for reciprocal trade;
- Secure effective representation on the National Technical Barriers to Trade Mirror Committee;
- Encourage the development of new products that have a high comparative advantage and that offer a high potential for growth of exports; and
- Leverage the provisions of the Foreign Trade Policy to drive market access for investments in goods and services.

Policy Issue 11: After Care, Retention and Re-investment

Policy Goal: To create mechanisms to engage with, and facilitate, established investors in a bid to retain and expand their investment interest in Jamaica through proactive facilitation and advocacy responsiveness.

Policy Considerations

³⁵ See <https://www.jswift.gov.jm/>

Jamaica has a strong record of facilitating both local and foreign investors. In certain key sectors, especially where scalability is not a hindrance, the country has seen multiple re-investments that support the fact that even existing investors should be engaged for additional new investments. The services of aftercare include both post-establishment facilitation services to improve the implementation rate of investment projects as well as re-investment to enhance the impact of economic development. Investment aftercare and retention is a critical part of the investment process especially in times of uncertainty.

The Government of Jamaica through the MIIC and the NCC is responsible for ensuring a conducive investment climate that is attractive to both existing and potential investors. Currently, JAMPRO is responsible for leading the charge on investment aftercare services and has collaborated with the government, private sector associations, and other relevant key stakeholders to improve the long-term investment climate for investors, assist in development of investors' capacity, and providing services that support local firms that has potential for international reach. To this end, aftercare programs need to be designed and executed to retain investors and foster reinvestment.

Policy Objective: *To strengthen investor after-care services in a bid to ensure retention and re-investment, by:*

- Ensuing ongoing engagement with existing investors to gauge their satisfaction levels and appetite for further growth
- Encouraging the involvement of investors in consultative group to ensure that their challenges are being adequately addressed through existing and new channels

Policy Strategies

- Ensure ongoing communication with investors on new or changing policies that could affect their operation;
- Partner with the Jamaica Chamber of Commerce to create a Government bureaucracy scorecard as part of the quarterly business confidence surveys;
- Implement attraction strategies to identify and engage companies in Jamaica that have other types of investments in other countries;
- Implement a consultative mechanism in MDAs to engage industry associations and chambers of commerce to garner insight on industry trends, including challenges, particularly when reviewing or deliberating on policy changes affecting industries;
- Encourage investor membership in industry associations and chambers of commerce; and
- Centralize through JAMPRO, ongoing assessment of client satisfaction with key government entities that engage with investors.

7.0 Duties of Investors

The Government of Jamaica recognises that for the country to realise the mutual benefits of any investment project, there are certain obligations that must also be met by the investor. These obligations ensure that while Jamaica facilitates investors, the benefits derived from every project conforms to the ethos of the country. These duties include:

I. Protection of Employees

In addition to adherence to the laws governing interactions between employers and employees, investors are encouraged to ensure that any negative social impact of the investment on employees is minimised and/or mitigated. Employee engagement, welfare and development should be facilitated and monitored, while discrimination practices should be discouraged and dispelled in favour of fair and equitable treatment.

II. Compliance with National Laws and Policies

Jamaica's business environment supports the protection and legal security of both domestic and foreign investors and their investments. In order to assure this, investors are subject to observing and complying with the laws of the country, especially those related to public health and safety, labour and social security, and environmental sustainability. In addition, every investor must adhere to the provisions of the tax policy in place at the time of their fiscal obligation.

III. Compliance with International Obligations

Jamaica has signed different international agreements with economic development and investment implications. Investors are subject to observing and complying with the international agreements signed by Jamaica and must adhere to its provisions.

IV. Management of Natural Resources

Foreign and national investors must ensure that investment projects prevent and/or mitigate impact on the environment and natural resources. Jamaica will ensure compliance with this provision and in appropriate cases, the National Environment and Planning Agency (NEPA) is obliged to initiate pertinent corrective measures in respect of operations that are causing damage to the environment and depredation of natural resources.

V. Climate Change Mitigation/Adaptation Measures

As a Small Island Developing State (SIDS), Jamaica is extremely vulnerable to the effects of climate change and the Government of Jamaica has taken a strong stand in support of climate change mitigation and adaptation measures. In keeping with this, investors are obligated to undertake and/or support corrective actions to build on existing global commitments for combatting the effects of climate change and support mitigation efforts and national annual targets.

VI. Good Corporate Governance

Both local and foreign investors must demonstrate in their operations ethical behaviour that adds value to the company based on the following criteria:

- Implement policies that respond adequately to the demands of special groups, within the company's area of influence.
- Design a corporate governance structure within the organization to establish the highest standards of transparency and good governance that facilitate and reflect responsible behaviour that benefits society.
- Monitor compliance with legal provisions and regulations applicable to the organization.
- Demonstrate commitment to operational efficiency for the benefit of the environment.

VII. Corporate Social Responsibility

Investors are expected to exercise responsibilities pertaining not only to business operations, but also the interest of the wider stakeholders, trading partners, society and the environment.

Both local and foreign investors are expected to contribute to sustainable economic development by working with employees, their families, the local community and society at large to improve quality of life, in ways that are both good for business and the economy, as well as, integrate social and environmental concerns in business as the norm.

Investors should seek to abide by the following overarching guiding CSR Principles, which reflect the United Nations Global Compact framework³⁶ and reflect the thrust towards Environment, Social and Governance frameworks in the private sector:

1. Businesses should support and respect the protection of internationally proclaimed human rights.
2. Businesses must make sure that they are not complicit in human rights abuses.
3. Businesses should uphold the freedom of association and the effective recognition of the right to collective bargaining.
4. Businesses should support the elimination of all forms of forced and compulsory labour.
5. Businesses should support the effective abolition of child labour.
6. Businesses should support the elimination of discrimination in respect of employment and occupation.
7. Businesses should support a precautionary approach to environmental challenges.
8. Businesses should undertake initiatives to promote greater environmental responsibility.
9. Businesses should encourage the development and diffusion of environmentally friendly technologies.
10. Businesses should work against corruption in all its forms, including extortion and bribery.

³⁶ The UN Global Compact is a UN initiative that establishes ten general principles for companies' corporate social responsibility activities. The principles are founded on internationally recognised conventions relating to human rights, labour rights, the environment and anti-corruption.

8.0 Action Plan Framework for the Implementation of the NIP

The following is an outline of the policy strategies accompanied by the success indicators, implementation leads and expected timelines along with estimated budget.

Table 2: Action Framework for the NIP

POLICY STRATEGY	SUCCESS INDICATORS	IMPLEMENTATION LEADS	EFFECTIVE DATE	COST (USD)
POLICY ISSUE #1: Coordinated National Approach to Sustainable Investment Planning				
Policy Goal: To establish a coordinated strategic investment planning framework that informs investment strategies, supports inclusive sustainable economic development and is aligned to national development mechanisms.				
Establish a specific national body (or designate a current body) as the formal governance structure to oversee sustainable investment planning matters.	Operationalization of the designated body.	Cabinet	Q4 – FY 2021/2022	\$0.00
Designate privately funded projects as a ‘priority project’ on the basis of specific criteria and as recommended by the national investment promotion agency.	Cabinet Decision for approval for the defining priority projects, eligibility criteria and benefits among other things.	JAMPRO	Q2 – FY 2021/2022	\$0.00
Establish specific criteria that allows the Government to develop and implement special investment regimes to support the operationalisation of ‘priority projects’	Criteria developed and implemented	JAMPRO	Q2 – FY 2023-2024	\$0.00
Prioritise the inclusion of clearly articulated investment and job creation targets in the strategic business plans of government entities that engage with investors.	List of all MDAs interacting with the investor community developed with focal/contact persons	JAMPRO	Q4 – FY 2021/2022	\$0.00
	Cabinet Decision on the creation of investment and job creation targets for MDAs who engage with investors.	Cabinet Office	Q1 – FY 2022/2023	\$0.00
Introduce EOIs as part of the PIMS approval process for commercial project concepts that might interest the private sector so as to avoid Government crowding out private investments.	Use of EOIs by PIMS in the approval process for commercial project.	MOFPS	Q1 – FY 2022/2023	\$0.00
Prompt Government agencies to work, and share information, with the national investment promotion	Improved information flow from MDAs	JAMPRO	Q4 – FY 2021/2022	\$0.00

POLICY STRATEGY	SUCCESS INDICATORS	IMPLEMENTATION LEADS	EFFECTIVE DATE	COST (USD)
agency in facilitating investments insofar as there is no conflict in their legislation.				
Establish a mechanism to ensure investment decision making processes adhere to current national sustainable development planning guidelines.	Planning framework along with M&E developed and executed.	MEGJC	Q4 – FY 2021/2022	\$0.00
Ensure local linkages and national entrepreneurship opportunities are integrated into investment promotion and facilitation strategies.	Execution of updated investment promotion and facilitation strategies that support opportunities for local linkages and entrepreneurship.	JAMPRO	Q4 – FY 2021/2022	\$0.00
Establish a policy and/or programme to encourage and drive linkages among local and foreign investors.	Development and implementation of the National Sourcing Policy.	JAMPRO	Q2 – FY 2022/2023	\$80,000.00
POLICY ISSUE #2: Business Process and Environment Reform				
Policy Goal: To streamline a customer-centric investor experience across government that offers strategic guidelines to identify, facilitate and realize greater investments in the country through the deliberate efforts of government entities established to facilitate business.				
Establish the National Competitiveness Council as the premier public/private body	Cabinet Decision establishing the National Competitiveness Council's role	Cabinet	Q4 – FY2021/2022	\$0.00
	Increase consultation and secure greater buy-in from MDAs.	JAMPRO	Q2 – FY 2021/2022	\$0.00
	Updated targets and action plan that demonstrate greater alignment with the overall vision.	JAMPRO	Q2 – FY 2021/2022	\$0.00
	Increased and improved feedback from the private sector.	JAMPRO	Q2 – FY 2021/2022	\$0.00
Fast track the implementation of the National Business Portal (NBP) to facilitate multiple business to government transactions as a virtual one-stop shop for investors, particularly those based overseas and those in the Jamaican diaspora. In addition mandate the usage of the NBP by MDAs for all investor related Government to Business processes as a tool in order to ensure transparency and openness in the facilitation of investors.	Operationalization of the National Business Portal.	JAMPRO	Q4 – FY 2021/2022	\$800,000.00

POLICY STRATEGY	SUCCESS INDICATORS	IMPLEMENTATION LEADS	EFFECTIVE DATE	COST (USD)
Implement mandatory registration of investment projects that meets specific criteria to allow for inter alia transparency, feedback and guidance from relevant agencies, foresighting for Government projects that might be impacted by the project, and for forecasting the impact of the project on the economy.	Cabinet approves the mandatory registration of investment projects.	Cabinet	Q4 – FY 2021/2022	\$0.00
	Operationalization of mandatory registration on the National Business Portal.	JAMPRO	Q2 – FY 2022/2023	\$0.00
DARP Reforms: Reactivate the public/private partnership between the GOJ and the private sector with the aim of updating and implementing the Agenda for Development Application Review Processes (DARP).	Execution of meetings.	MEGJC/MLGRD/ Cabinet Office	Q1 – FY 2022/2023	\$0.00
DARP Reforms: Implement a strategic planning framework, to include performance management in the Municipal Corporations (MCs).	Execution of strategic plans	MEGJC/MLGRD/NEPA /MCs	Q1 – FY 2023/2024	\$0.00
DARP Reforms: Implement re-engineered development applications process.	New processes implemented	NEPA/MCs	Q1 – FY 2023/2024	\$450,000.00
DARP Reforms: Prioritise the completion and ongoing updating of the National Spatial Plan, in a bid to ensure that it is comprehensively developed and informed by local development plans and consistently updated with current and relevant data.	Implementation and or adherence to the National Spatial Plan.	MEGJC	Q1 – FY 2022/2023	\$0.00
POLICY ISSUE #3: Investment Promotion and Marketing				
Policy Goal: To position Jamaica as the investment destination of choice in the Caribbean region for international companies and investors through application of current and cutting-edge strategies and technologies.				
Design and implement a sound investment promotional strategy as per international best practices and based on global and local trends, which is shared and consistently supported by all relevant Government agencies.	Approval of the National Investment Promotion Strategy (NIPS) by NIPTF	JAMPRO	Q4 – FY 2021/2022	\$0.00
	Successful implementation of the National Investment Promotional Strategy (NIPS)	JAMPRO	Q4 – FY 2022/2023	\$0.00
Design and implement an awareness campaign among different government stakeholders, including overseas missions, who interact with investors to foster a sense of	Execution of awareness campaign	JAMPRO	Q3 – FY 2022/2023	\$0.00

POLICY STRATEGY	SUCCESS INDICATORS	IMPLEMENTATION LEADS	EFFECTIVE DATE	COST (USD)
urgency when dealing with investors that encourages professional, high-quality and expedited service delivery.				
Create a framework for the development and implementation of an economic diplomacy programme focused on maximising the presence of Foreign Service Offices (FSOs) or the creation of Honorary Investment Advisors in target investment markets by using them to reach out to potential investors, particularly in markets where the diaspora can be leveraged to support such programmes.	Execution of the economic diplomacy programme.	MFAFT/JAMPRO	Q4 – FY 2021/2022	\$0.00
	Successful implementation of the tasked assigned.	JAMPRO	Q4 – FY 2022/2023	\$0.00
Revisit and enhance the investment map that will provide an electronic platform for showcasing project concepts and land parcels available for investment.	Investment Map updated and made available online.	JAMPRO	Q4 – FY 2022/2023	\$0.00
POLICY ISSUE #4: Treatment and Protection of Investors				
Policy Goal: To institutionalise innovation and investment by domestic and foreign firms through stronger frameworks for effective enforcement with guaranteed protection of investor rights in Jamaica.				
Define a policy position for resolving disputes between the Government of Jamaica and private investors (investor/state dispute settlement).	Implementation of Policy position	MFAFT/MOJ	Q4 – FY 2022/2023	\$0.00
Introduce dispute settlement mechanisms to investors, including local arbitration and/or mediation as a first resolution point for investor disputes.	Provide information on dispute mechanisms to new investors	JAMPRO	Q4 – FY 2022/2023	\$0.00
POLICY ISSUE #5: Intellectual Property				
Policy Goal: To safeguard Intellectual Property in keeping with international standards.				
Support the enactment and implementation of the new Patents and Designs Law, and the Trademarks Act, 2021 to encourage the registration of patents and trademarks.	Increased number of patents and trademark registration	JIPO	Q4 – FY 2022/2023	\$0.00
Prioritise the passing of several supporting and related legislation on intellectual property in order to establish Jamaica as a premier IP registration jurisdiction	Successful implementation of IP legislation	MIIC/JIPO	Q4 – FY 2023/2024	\$0.00

POLICY STRATEGY	SUCCESS INDICATORS	IMPLEMENTATION LEADS	EFFECTIVE DATE	COST (USD)
POLICY ISSUE #6: Access to Land and Other GOJ assets				
Policy Goal: To create an improved framework for sustainable, productive and equitable development, use and management of the country's land resources and other GOJ assets.				
Review and update the Land Divestment Policy, including making its use mandatory across all MDAs.	Implementation of the revised Land Divestment Policy.	MEGJC	Q1 – FY 2022/2022	\$0.00
Build a land bank with detailed information on all the land owned by the different government agencies providing guidance on types of developments that can be supported on specified parcels of land.	Operationalization of the Land Bank.	MEGJC/NLA	Q4 – FY 2023/2024	\$330,000.00
Centralize the land divestment process within the National Land Agency (NLA), particularly for MDAs that do not have an ongoing land divestment mandate, where control of the process is retained by the government entities owning land, but the NLA would be responsible for coordination and ensuring guidelines of the divestment process are followed.	All GOJ land divestment processes managed by the NLA.	NLA	Q4 – FY 2023/2024	\$0.00
Develop and maintain a publicly available list of GOJ assets that have been approved for divestment and or public-private partnerships.	Inventory made public.	DBJ	Q3 – FY 2022/2023	\$0.00
Implement and enforce sale/lease contract clauses requiring investor performance against contractual obligations for all contracts covering land and other GOJ assets.	Insertion of clause in all new agreements.	AGC	Q1 – FY 2022/2023	\$0.00
Make clear and in simplified language the various channels for accessing GoJ assets and the criteria, processes and relevant entities to be engaged for each channel	Listing shared on the NBP.	JAMPRO/DBJ	Q4 – FY 2022/2023	\$0.00
POLICY ISSUE #7: Labour and Immigration				
Policy Goal: To establish best-in-class Immigration and Labour service delivery that will spur investments and respond to the needs of investors.				
National training institutes should continuously focus on assessing local and global demand for job skills, and then i) implement appropriate training programmes; and ii) support formal apprenticeship programmes that incentivise on-the-job training.	New training programmes developed as per the needs of the current labour market.	HEART/NSTA	Q4 – FY 2023/2024	\$0.00

POLICY STRATEGY	SUCCESS INDICATORS	IMPLEMENTATION LEADS	EFFECTIVE DATE	COST (USD)
Upgrade the national job bank to contain comprehensive labour market information (including graduates and professionals available by career, employment by career, availability of skilled labour, parish information, etc.) and promote it among the relevant target audience.	Operationalization of the updated National Job Bank.	MLSS	Q1 – FY 2023/2024	\$120,000.00
Request that the relevant data collection entities track labour indicators in Jamaica (technology transfer, productivity of the workers per sector and skills available).	Labour data/information tracked and shared.	PIOJ/STATIN	Q4 – FY 2023/2024	\$100,000.00
Create a visa category to allow for the easier movement of potential and existing investors as well as approved employees.	Implementation of the new visa category.	MNS/PICA	Q3 – FY 2022/2023	\$0.00
For work permits and visa requests/ processing, develop an online system that will house the Business-to-Government online interface for all government entities involved in the permitting and visa facilitation processes.	Online processing of work permits	MLSS/PICA	Q1 – FY 2022/2023	\$800,000.00
Implement a strategic economic residence programme that encourages direct investments and job creation based on specified criteria.	Implementation of the Economic Residency Programme.	PICA/JAMPRO	Q1 – FY 2022/2023	\$0.00
Establish an arrangement whereby major strategic projects could use external labour to get started if they meet specific criteria, including a lack of local skilled labourers, clear economic benefit, a transfer of skills/technology.	Implementation of special labour programme.	MLSS	Q2 – FY 2022/2023	\$0.00
POLICY ISSUE #8: Incentivising Investments				
Policy Goal: To realise maximisation of long-term benefits of private investments, where the benefits exceed the costs, and the costs of achieving given goals are kept to their lowest feasible level.				
Intermittently review and rationalize incentives by evaluating each of the current incentive regimes to balance the higher revenues and social benefits with the indirect costs of incentives, the revenue losses from incentives and within the context of the global vs. local business environment.	Updated incentives regime.	MOFPS	Q4 – FY 2023/2024	\$0.00

POLICY STRATEGY	SUCCESS INDICATORS	IMPLEMENTATION LEADS	EFFECTIVE DATE	COST (USD)
Identify and implement a system of non-fiscal incentives.	Successful implementation of non-fiscal incentives regime.	JAMPRO	Q1 – FY 2024/2025	\$0.00
Implement a reporting mechanism for all persons registered under an incentive regime to report annually on various metrics including, but not limited to, value of investments, number of jobs created, and level of revenues.	Investor reports submitted annually.	JAMPRO	Q2 – FY 2024/2025	\$0.00
Explore new incentive mechanisms that support sustainable development priorities including green investments, blue economy and other regimes.	Greater alignment between incentives and sustainable investment planning as well as green investments.	MOFPS	Q4 - FY 2023/2024	\$0.00
POLICY ISSUE #9 Supply Chain and Logistics				
Policy Goal: To secure investment growth opportunities through the Global Logistics Hub Initiative.				
Streamline Government's trade-related processes to allow for multimodal movement of goods, particularly where they are being moved intra-island.	Successful implementation of reform initiatives for greater efficiency of multimodal transportation.	JCA	Q4 - FY 2023/2024	\$1,715,000.00
Increase market access through the ability to connect with other hubs and international markets, which are already of interest to global operators.	Expansion of markets.	MIIC/MEGJC/MFAFT	Q2 - FY 2023/2024	\$620,000.00
Address customs-related regulatory obstacles by way of a new customs law that would focus on facilitating the efficient processing of customs-related transactions and encourage voluntary compliance with customs laws and procedures.	Successful implementation of a new customs law.	JCA	Q1 - FY 2021/2022	\$0.00
Ensure implementation of the World Trade Organisation Trade Facilitation (Bali) Agreement.	Successful implementation of the WTO Trade Facilitation (Bali) Agreement.	MIIC	Q4 - FY 2024/2025	\$0.00
Increase the efficiency of port logistics processes.	Review and implementation of new, more efficient processes	PAJ	Q1 - FY 2022/23	\$0.00
Ensure a competitive equitable environment compared to other SEZs in Central America, the Caribbean and Asia by optimising efficiency against regulations in a bid to control zone activities.	Updated SEZ Act & Regulations.	JSEZA	Q4 - FY 2022/23	\$0.00

POLICY STRATEGY	SUCCESS INDICATORS	IMPLEMENTATION LEADS	EFFECTIVE DATE	COST (USD)
Identify and expedite development of areas for site locations that require minimal capital expenditures by potential investors.	Operationalization of incubators.	JSEZA/JAMPRO	Q1 - FY2022/23	\$0.00
POLICY ISSUE #10 International Trade				
Policy Goal: To strengthen mechanisms for trading across borders that will support national economic growth.				
Rationalise the processes and costs related to trade in a bid to enhance competitiveness	Implementation of new processes and fees for border-related transaction	MIIC	Q2 – FY2022/23	\$200,000.00
Improve compliance with quality standards, sanitary and phytosanitary (SPS) as well as other measures including enhanced compliance with international and regional standards through the implementation of the National Quality Policy, 2017.	Successful implementation of the National Quality Policy.	MIIC	Q4 - FY2024/25	\$0.00
Improve the use of preferential tariffs while improving competitiveness in preparation for reciprocal trade.	Increase in the use of preferential tariffs	MFAFT/MIIC	Q1 - FY2022/23	\$0.00
Secure effective representation on the National Technical Barriers to Trade Mirror Committee.	Sit on the National Technical Barriers to Trade Mirror Committee in an effort to ensure that regulations and standards do not obstruct trade.	JAMPRO/MIIC	Q4 - FY2022/23	\$0.00
Encourage the development of new products that have a high comparative advantage and that offer a high potential for growth of exports.	Increase exports.	MIIC/JAMPRO	Q4 - FY2024/25	\$0.00
Leverage the provisions of the Foreign Trade Policy to drive market access for investments in goods and services.	Successful implementation of the Foreign Trade Policy.	MFAFT	Q2 - FY2022/23	\$0.00
POLICY ISSUE #11 Aftercare, Retention and Re-investment				
Policy Goal: To create mechanisms to engage with, and facilitate, established investors in a bid to retain and expand their investment interest in Jamaica through proactive facilitation and advocacy responsiveness.				
Ensure ongoing communication with investors on new or changing policies that could affect their operation.	Successful implementation of communication plan	JAMPRO	Q4 - FY2021/22	\$0.00
Partner with the Jamaica Chamber of Commerce to create a Government bureaucracy scorecard as part of the quarterly business confidence surveys	Government bureaucracy scorecard	JAMPRO	Q1 - FY2022/23	\$60,000.00

POLICY STRATEGY	SUCCESS INDICATORS	IMPLEMENTATION LEADS	EFFECTIVE DATE	COST (USD)
Implement attraction strategies to identify and engage companies in Jamaica that have other types of investments in other countries	Successful implementation of the attraction strategy.	JAMPRO	Q4 - FY2022/23	\$0.00
Implement a consultative mechanism in MDAs to engage industry associations and chambers of commerce to garner insight on industry trends, including challenges, particularly when reviewing or deliberating on policy changes affecting industries.	Obtain Cabinet approval of new mechanism	JAMPRO	Q1 - FY2022/23	\$0.00
	Advise MDAs of the new requirement	JAMPRO	Q1 - FY2022/23	\$0.00
Encourage investor membership in industry associations and chambers of commerce.	Increase membership of the industry associations.	JAMPRO	Q4 - FY2021/22	\$0.00
Centralize through JAMPRO, ongoing assessment of client satisfaction with key government entities that engage with investors.	Post survey report.	JAMPRO	Q4 - FY2022/23	\$40,000.00

9.0 Monitoring and Evaluation Frameworks

A Monitoring and Evaluation Framework is critical to assess the impact of the implementation of the NIP. This is necessary to enhance accountability, transparency and track the progress through ongoing review and analysis of the effectiveness and efficiency of the proposed strategies. Just as a well-designed strategy that is poorly executed does not produce expected results, a well-designed National Investment Policy will not have the expected impact without effective execution and monitoring. The implementation of Jamaica’s NIP is as important as the participatory process used for its design.

The Monitoring and Evaluation Mechanism are crucial to ensuring effective implementation of the NIP, as measured by progress against the policy objectives. Following is a description of what needs to be done, including the governance framework for implementing the NIP, the proposed recommendations, measurement indicators, routines and expected outcomes.

NIP Governance

The implementation of the National Investment Policy of Jamaica is a critical process that requires the highest level of coordination and communication among the various Government Ministries, Departments and Agencies (MDAs) as well as key private sector groups that deal with investment matters in order to be successful.

The Ministry of Industry, Investment and Commerce, supported by JAMPRO, has ownership of the National Investment Policy³⁷. The Governance framework for the implementation of the NIP has three levels, namely: Direction; Coordination and Execution. For each level, there are government agencies that participate with specific roles and responsibilities with the recognition that the integration and functioning of the three levels are crucial for the success of the NIP.

- The highest level (**Direction**) will be overseen by the Economic Growth and Job Creation Sub-Committee of Cabinet led by the Prime Minister and comprising the Minister with portfolio responsibility for investment as well as all relevant sector Ministers and heads of relevant Agencies.
- The second level (**Coordination**) will be led by the NIP Task Force which will be chaired by the Minister responsible for investments and will facilitate coordination of the policy implementation activities and will consist of the relevant Ministries, Departments and Agencies of Government. The Chair may choose to consult with International Development Partners and Private Sector as necessary.
- The final level (**Execution**) will consist of the Strategy Implementation Leads working in close collaboration with

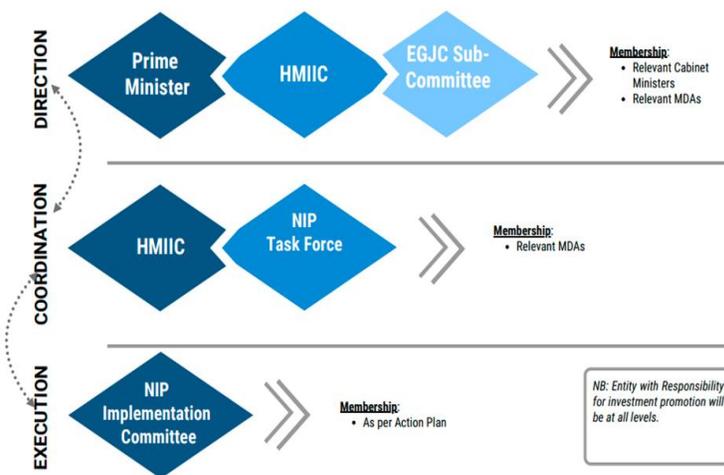


Figure 9: Governance Structure for the NIP

³⁷ The responsibility is assigned to the Ministry with responsibility for investment, which is currently the MIIC.

JAMPRO, who will act as lead implementing partner and support the lead entities undertaking execution of the NIP.

The escalation process will flow from execution to coordination to direction. This will see the NIP Implementation Team coordinating and reporting to the NIP Implementation Committee which will have quarterly meetings which will then report back the NIPTF, which is scheduled to at least meet bi-annually.

1. Direction: Economic Growth and Job Creation Committee of Cabinet

The Economic Growth and Job Creation Sub-Committee of Cabinet (EGJCC) will provide high level direction and be responsible for overseeing and taking the necessary decisions in order to guarantee that the different activities of the Action Plan and Monitoring Mechanism are completed, and the results achieved within the planned time frame. The Committee will focus on directing, enabling and safeguarding operations.

The **Main Roles of the EGJCC** in respect of this Policy is to:

- Give clarity on policy matters that may arise during implementation
- Make decisions and give directives to fill any Policy gaps that must be filled to meet the objectives of the Policy
- Make decisions and give directives on necessary actions that are required to ensure that proper implementation is achieved
- Review and approve the investment promotion strategies for the country as coordinated by JAMPRO
- Provide guidance on reviewing, amending and harmonizing laws and policies to achieve NIP objectives;
- Monitor the implementation of the NIP and the achievement of its goals; and
- Promote co-operation between the public and private sectors in the formulation and implementation of government policies relating to the economy and investment.

Currently, the **EGJCC Members** are:

- Most Hon. Prime Minister (Chair)
- Deputy Prime Minister
- Minister of Industry, Investment and Commerce
- Minister of Finance and the Public Service
- Minister of Foreign Affairs and Foreign Trade
- Minister of Transport and Mining
- Minister of Culture, Gender, Entertainment and Sport
- Minister of Tourism
- Minister of Science, Energy and Technology
- Minister of Agriculture and Fisheries
- Minister of Legal and Constitutional Affairs

Other relevant members of Cabinet as well as entities with major responsibilities for the promotion and facilitation of investments may be invited as needed.

2. Coordination: NIP Task Force

The NIP Task Force will facilitate coordination of the policy implementation activities and will consist of the relevant Ministries, Departments and Agencies of Government reporting to the EGJCC as necessary.

The **Main Roles of the NIP Task Force** are to:

- Review reports on the execution of all the strategies and ensure compliance with outputs;

- Intervene as appropriate to remove obstacles and bottlenecks to the delivery of the Action Plan;
- Escalate challenges to implementation to the NIPTF
- Identify emerging areas that need to be covered by Policy and make these recommendations to the NIPTF; and
- Inform the NIPTF on progress, deviations and delays and recommend corrective actions.

The **NIP Task Force Members** are:

- Ministry of Industry, Investment and Commerce (Chair)
- Ministry of Economic Growth and Job Creation
- Ministry of Finance and the Public Service
- Ministry of Tourism
- Ministry of Legal and Constitutional Affairs
- Office of the Cabinet
- Attorney General’s Chambers
- Planning Institute of Jamaica
- Jamaica Promotions Corporation (JAMPRO)
- National Environment and Planning Agency (NEPA)

The Chair of the Committee may choose to invite the private sector and other partners to deliberations of the Committee as necessary.

3. Execution: NIP Strategy Implementation Leads

Each Policy strategy has an NIP Strategy Implementation Lead (SIL) that has responsibility for the implementation of that strategy by executing the actions and activities established for the achievement of objectives, milestones and timelines, as well as, reporting and channelling all challenges, bottlenecks and abnormal performance events to JAMPRO. JAMPRO, in overseeing execution of the NIP, will work in close collaboration with implementation leaders and will report to the NIP Implementation Committee on progress.

As such, each SIL’s responsibilities in this regard include to:

- Execute assigned strategies under the detailed implementation (action) plan;
- Coordinate the required activities, resources and budget for implementation; and
- Flag any issues with implementation and make recommendations to the NIPIC proposed steps for improving or adjusting the action plan

In keeping with the action plan there are 22 SILs with specific implementation responsibilities as follows:

Implementation Lead	Policy Strategy
JAMPRO	<ul style="list-style-type: none"> - Ensure local linkages and national entrepreneurship opportunities are integrated into investment promotion and facilitation strategies. - Establish a policy and/or programme to encourage and drive linkages among local and foreign investors. - Fast track the implementation of the National Business Portal (NBP) - Implement mandatory registration of investment projects that meet specific criteria - Design and implement an investment promotional strategy. - Design and implement a promotional campaign among different government stakeholders

Implementation Lead	Policy Strategy
	<ul style="list-style-type: none"> - Create a framework for the development and implementation of an economic diplomacy programme focused on maximising the presence of Foreign Service Offices (FSOs) or the creation of Honorary Investment Advisors in target investment markets by using them to reach out to potential investors, particularly in markets where the diaspora can be leveraged to support such programmes. - Revisit and enhance the investment map. - Introduce dispute settlement mechanisms to investors, including local arbitration/mediation as a first resolution point for investor disputes. - Ensure ongoing communication with investors on new or changing policies that could affect their operation. - Partner with the Jamaica Chamber of Commerce to create a Government bureaucracy scorecard as part of quarterly business confidence surveys. - Implement attraction strategies to identify and engage companies in Jamaica that have other types of investments in other countries. - Encourage investor membership in industry associations and chambers of commerce. - Centralize through JAMPRO, ongoing assessment of client satisfaction with key government entities that engage with investors.
MIIC	<ul style="list-style-type: none"> - Implement mandatory registration of investment projects that meet specific criteria to allow for inter alia transparency, feedback and guidance from relevant agencies. - Increase market access through the ability to connect with other hubs and international markets. - Ensure implementation of the World Trade Organisation Trade Facilitation (Bali) Agreement. - Rationalise the processes and costs related to trade in a bid to enhance competitiveness - Implementation of the National Quality Policy. - Encourage the development of new products that have a high comparative advantage and that offer a high potential for growth of exports.
MEGJC	<ul style="list-style-type: none"> - Ensure investment decision making processes adhere to current national sustainable development planning guidelines. - Reactivate the public/private partnership between the GOJ and the private sector with the aim of updating and implementing the Agenda for Development Application Review Processes (DARP) - Review and update the Land Divestment Policy, making its use mandatory across all MDAs. - Implement National Spatial Plan - Increase market access through the ability to connect with other hubs and international markets, which are already of interest to global operators. - Develop land bank
MOFPS	<ul style="list-style-type: none"> - Introduce EOIs as part of the PIMS approval process for commercial project concepts that might interest the private sector. - Updated incentives regime. - Implementation of non-fiscal incentives regime. - Implement a reporting mechanism for all persons registered under an incentive regime to report annually. - Explore new incentive mechanisms that support sustainable development priorities including green investments, blue economy and other regimes.
MFAFT	<ul style="list-style-type: none"> - Implementation of the economic diplomacy programme.

Implementation Lead	Policy Strategy
	<ul style="list-style-type: none"> - Create a framework for the development and implementation of an economic diplomacy programme focused on maximising the presence of Foreign Service Offices (FSOs) or the creation of Honorary Investment Advisors in target investment markets by using them to reach out to potential investors. - Increase in the use of preferential tariffs. - Implementation of the Foreign Trade Policy.
NLA	<ul style="list-style-type: none"> - Operationalization of the Land Bank. - Centralize the land divestment process within the National Land Agency (NLA), particularly for MDAs that do not have an ongoing land divestment mandate, where control of the process is retained by the government entities owning land, but the NLA would be responsible for coordination and ensuring guidelines of the divestment process are followed. - Implement and enforce sale/lease contract clauses requiring investor performance against contractual obligations for all contracts covering land and other GOJ assets.
Cabinet	<ul style="list-style-type: none"> - Establish a specific national body (or designate a current body) as the formal governance structure to oversee sustainable investment planning matters. - Designate privately funded projects as a 'priority project'. - Prompt Government agencies to work, and share information, with the national investment promotion agency. - Establish the National Competitiveness Council as the premier public/private body. - Mandate the usage of the NBP as a tool which facilitates Government agencies freely and openly discussing and providing timely feedback on potential investment projects. - Implement mandatory registration of investment projects that meet specific criteria to allow for inter alia transparency, feedback and guidance from relevant agencies. - Implement a consultative mechanism in MDAs to engage industry associations and chambers of commerce to garner insight on industry trends. - Implement mandatory registration of investment projects which require any form of GOJ approval to allow for inter alia transparency, feedback and guidance from relevant agencies, foresighting for Government projects that might be impacted by the project, and for forecasting the impact of the project on the economy.
MLSS	<ul style="list-style-type: none"> - Operationalization of the updated National Job Bank. - Implementation of an online processing of work permits. - Establish an arrangement whereby major strategic projects could use external labour to get started if they meet specific criteria, including a lack of local skilled labourers, clear economic benefit, a transfer of skills/technology.
MLGRD	<ul style="list-style-type: none"> - Reactivate the public/private partnership between the GOJ and the private sector with the aim of updating and implementing the Agenda for Development Application Review Processes (DARP) - Implement a strategic planning framework, to include performance management in the Municipal Corporations (MCs)
JIPO	<ul style="list-style-type: none"> - Support the enactment and implementation of the new Patents and Designs Law, and the Trademarks Act, 2021 to encourage the registration of patents and trademarks. - Prioritise the passing of several supporting and related legislation on intellectual property in order to establish Jamaica as a premier IP registration jurisdiction
DBJ	<ul style="list-style-type: none"> - Develop and maintain a publicly available list of GOJ assets that have been approved for divestment and or public-private partnerships.

Implementation Lead	Policy Strategy
	- Make clear and in simplified language the various channels for accessing GOJ assets and the criteria, processes and relevant entities to be engaged for each channel
JCA	- Streamline Government's trade-related processes to allow for multimodal movement of goods, particularly where they are being moved intra-island. - Address customs-related regulatory obstacles by way of a new customs law that would focus on facilitating the efficient processing of customs-related transactions and encourage voluntary compliance with customs laws and procedures.
JSEZA	- Ensure a competitive equitable environment compared to other SEZs in Central America, the Caribbean and Asia by optimising efficiency against regulations in a bid to control zone activities. - Identify and expedite development of areas for site locations that require minimal capital expenditures by potential investors.
Cabinet Office	- Prioritise the inclusion of clearly articulated investment and job creation targets in the strategic business plans of government entities that engage with investors. - Reactivate the public/private partnership between the GOJ and the private sector with the aim of updating and implementing the Agenda for Development Application Review Processes (DARP)
MOJ	- Define a policy position for resolving disputes between the Government of Jamaica and private investors (investor/state dispute settlement).
MNS	- Implementation of the new visa category. - Implementation of the Economic Residency Programme
HEART-NSTA	- New training programmes developed as per the needs of the current labour market.
PAJ	- Increase the efficiency of port logistics processes.
PIOJ	- Request that the relevant data collection entities track labour indicators in Jamaica (technology transfer, productivity of the workers per sector and skills available).
STATIN	
NEPA	- Implement re-engineered development applications process
MCS	

Secretariat Role and Responsibilities

To ensure effective coordination, the JAMPRO will act as Secretariat for the implementation of the NIP working in close collaboration with the Investment Division of the Ministry to:

- Report directly to the respective Chair-NIPIC through one-on-one meetings;
- Follow up on the status of the work of the government agencies implementing the Action Plan;
- Collect and analyze performance data, produce scorecards for agencies' performance against targets, and assess likelihood of delivery;
- Identify issues and root causes preventing delivery of targets and recommend corrective action;
- Work collaboratively with the agencies involved and communicate about progress on NIP implementation; and
- Promote integration and communication among implementation leaders, other MDAs and their stakeholders.
- Prepare and submit quarterly and annual delivery reports to the MIIC.

The quality of delivery will be reflected not in specific events but in a steady stream of actions to the attainment of the expected goals. The Secretariat will establish and maintain regularly scheduled, structured

opportunities to discuss major issues related to NIP implementation with all the agencies involved. The purpose of this effort is to create a sense of urgency, maintain focus, sustain momentum, and track progress.

Critical Success Factors

A public policy is successful when it maintains a balance between the management and execution of essential managerial and technical factors.

At the *managerial* level, the main considerations are:

- Engaging the leadership of the institutions responsible for guiding the process to ensure co-ownership and buy-in in priorities
- Developing and sharing a clearly articulated and detailed action plan
- Ensuring public-private collaboration and the implementation of a continuous feedback loop
- Clear team responsibilities and assigned team leaders and focal points
- Formal monitoring and control mechanism
- Measuring, measuring, and measuring progress and impact ("What is not measured doesn't get done")

At the *technical* level, the main considerations are:

- Ensuring alignment of internal policies and actors
- Confidence in the implementation team as a professional and capable team
- Securing the requisite budget to guarantee the time frame of the implementation
- Prioritising and focusing on the issues that generate the greatest impact
- Recognising future roadblocks and mitigating in advance
- Sharing the tracking indicators

Communicating and Reporting

The collation of information that can inform reports and other forms of communication will be critical to the success of the NIP as if investors are not aware of the strategies being implemented, they will not be able to take advantage of the changes being implemented across Government. The following are envisaged to be the main reporting and communication channels to be utilised by the Secretariat:

Policy Review Period

It should be noted that the Policy should be reviewed five years after the start of implementation to assess its success and make adjustment to any new areas of concern within the country's investment landscape.



Figure 9: Structure of Reports for the NIP

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Appendices

Appendix 1: 2008 – 2020 Legislation - Policy Changes and Business Processes Reforms

2008 – 2020 Legislation and Policy Changes

2008

- Ratified the United Nations Convention against Corruption (UNCAC) in 2005, which took effect in 2008.

2010

- Approval of Vision 2030 Jamaica. National Development Plan.

2011

- Intellectual property rights (IPRs) legislation: - The Trademarks (Amendment) Rules 2011; the Trade Marks (Amendment) Act, 2013, and the Trade Marks Rules, 2001 Insurance (Actuaries) (General Insurance Companies) Regulations 2002, amended in 2011
- Privatization of the Kingston Container Terminal
- Designation of Ian Fleming Airport as an international airport
- Establishment of the Falmouth Cruise Ship Terminal
- Completion of the North-South segment of the tolled highway (Highway 2000).
- The Shipping (Load Lines) Regulations 2011, incorporated the International Convention on Load Lines
- Jamaican International Financial Services Authority Act

2012

- Amendment of Telecommunications Act
- Civil Aviation Regulations
- Processed Food Regulations

2013

- The Companies Act was amended in 2013
- The Fiscal Incentives (Miscellaneous Provisions) Act 2013
- The Pilotage (Amendment) Regulations, 2013, to facilitate an increase in the fees payable to pilots
- Custom Tariff Revisions

2014

- Passage of an Insolvency Act to make bankruptcy proceedings more efficient
- New Banking Services Act, under which the power to grant or revoke licenses for deposit-taking institutions is vested in the central bank, the Bank of Jamaica.
- The Omnibus Incentives Legislation, comprising four pieces of legislation was introduced to create a transparent and automatic fiscal incentives framework. The incentives comprise various levels of tax relief, including in respect of customs tariffs, additional stamp duties, and corporate income tax.
- Shipping Fees (Amendment) Regulations

- The Shipping (Declaration of Port of Registry) Order to declare Montego Bay as a port of registry for ships involved in foreign trade
- Amendment of General Consumption Tax
- Securities Act and Regulations

2015

- Special Economic Zone Act
- Shipping (Medical Examination) (Amendment) Regulations
- Promulgation of the Electricity Act
- 30-year concession agreement signed between the PAJ and the Kingston Freeport Terminal Limited (KFTL)
- Minimum Business Tax Act
- Public Procurement Act
- Fishing Industry Act
- Cybercrime Act

2016

- US\$ 1.64 billion program under a Stand-By Arrangement with the IMF signed.
- Ratification of the WTO Trade Facilitation Agreement
- Amendment of Insurance Act
- New Information Communication Technologies (ICT) governance structure to improve service delivery through the use of ICTs
- Open Data Portal to facilitate greater access to and use of government data

2017

- Agricultural Commodities Regulatory Authority Act
- Arbitration Act
- Building Act
- Companies (Amendment) Act
- General Consumption Tax (Removal of Exemptions) (Miscellaneous Provisions) Act
- Income Tax (Amendment) Act
- Licences on Trades and Business (Validation, Indemnification and Amendment) Act
- Occupational Safety and Health Act
- Partnership (General) Act
- Partnership (Limited) Act
- Processed Food (Amendment) Act
- Protection of Geographical Indications (Amendment) Act
- Special Economic Zones (Amendment) Act
- Stamp Duty (Amendment) Act
- Tax Collection (Amendment) Act
- The Ballast Water Management Convention Bill to implement the requirements of the Ballast Water Management Convention
- Transfer Tax (Amendment) Act

2018

- Ballast Water Management Act
- Building Act

- Fisheries Act
- Food Storage and Prevention of Infestation (Amendment) Act
- Income Tax (Amendment) Act
- International Business Companies Act
- Licences on Trades and Business (Validation, Indemnification and Amendment) Act
- Protection of Geographical Indications (Amendment) Act
- Telecommunications (Spectrum Regulatory Fees) (Validation and Indemnity) Act

2019

- Appropriation Act
- Ballast Water Management Act
- Ballast Water Management Act
- Bauxite and Alumina Industries (Encouragement) (Amendment) Act
- Bauxite and Alumina Industries (Encouragement)(Amendment) Act
- Food Storage and Prevention of Infestation (Amendment) Act
- Human Employment and Resource Training (Amendment) Act
- Human Employment and Resource Training (Change of Name and Amendment) Act
- Income Tax (Amendment) Act
- Information and Communications Technology Authority Act
- Minimum Business Tax (Repeal) Act
- Protection of Plant Genetic Resources for Food and Agriculture (Amendment) Act
- Tourism Workers Pension Act
- Transfer Tax (Amendment) Act

2020

- Customs Act
- Data Protection Act
- Fiscal Administration and Audit (Amendment) (No. 2) Act
- General Consumption Tax (Amendment) Act
- Income Tax (Amendment) Act
- Independent Fiscal Commission Act
- National Insurance (Validation, Indemnification and Amendment) Act
- Patents and Design Act
- Registration of Titles (Amendment) Act
- Registration of Titles Cadastral Mapping and Tenure Clarification (Special Provisions) (Amendment) Act
- Revenue Administration (Amendment) Act
- Sexual Harassment Act
- Shipping (Amendment) Act
- Special Economic Zones (Amendment) Act

2009 – 2020 Business Processes Reforms:

2009

- Reduction of the time required for dealing with construction permits by introducing a statutory time limit for the issuance of building permits.

- Reduction of the time required for dealing with construction permits by introducing a statutory time limit for the issuance of building permits.

2010

- Reduction of the property transfer tax

2011

- Lowering transfer taxes and fees in transfer of property, offering expedited registration procedures and making information from the company available online

2013

- Easier payment of taxes for companies by allowing joint filing and payment of all social security contributions
- Reduction of the time to import by allowing customs entries to be lodged at night.

2014

- Easier starting a business by enabling the Companies Office of Jamaica to stamp the new company's articles of incorporation at registration
- Improvement of its credit information system by creating a legal and regulatory framework for private credit bureaus
- Less costly payment of taxes for companies by reducing the corporate income tax rate

2015

- Easier starting a business by consolidating forms
- Improved access to credit by establishing credit bureaus and by adopting a new secured transactions law

2016

- Easier starting a business easier by streamlining internal procedures
- Easier dealing with construction by implementing a new workflow for processing building permit applications.
- Easier and less costly paying of taxes for companies by encouraging taxpayers to pay their taxes online, introducing an employment tax credit and increasing the depreciation rate for industrial buildings
- Easier resolution of insolvency by introducing a reorganization procedure.

2017

- Less costly paying of taxes by increasing tax depreciation rates and the initial capital allowance for assets acquired on or after January 1, 2014. Furthermore, companies incorporated for less than 24 months are exempted from paying the minimum business tax; implementation of an electronic system for filing of corporate income tax, VAT and social contributions.
- Reduction of the time of documentary compliance for exporting by implementing an automated customs data management system, ASYCUDA World.

2018

- Faster starting a business faster by reinstating next-day service for company incorporation.

- Improved reliability of the electricity supply in Kingston by investing in the distribution network through several initiatives.
- Reduction of the time for documentary compliance for importing by implementing a web-based customs data management platform.

2019

- Access to credit information was improved through the distribution of data from utility companies.

2020

- Property registration was made easier by a reduction in the property transfer tax and stamp duty.
- Enforcing contracts was made easier through the introduction of a judicial performance measurement mechanism that provides publicly available information on time to disposition and clearance rate.

Appendix 2: Policy Formation Process

The primary goal of the Government of Jamaica (GOJ) through this policy is to enhance Jamaica's business brand by providing a greater level of predictability for the investment community, both local and foreign, and in so doing increase the country's regional and global competitiveness. The NIP will create an all-encompassing oversight framework for a coherent approach to investment and in turn increase the country's efficiency and effectiveness in attracting and facilitating the same.

The idea to develop a National Investment Policy (NIP) was conceptualized and requested by Anthony Hylton in 2014, when he was Minister of Industry, Investment and Commerce (MIIC). JAMPRO had also identified the benefit of having an investment policy to guide its engagement with the other public and private sector stakeholders who also participate in the process of investment marketing, promotion and facilitation, and to ensure seamlessness in the attraction and facilitation of investments.

JAMPRO, as the main entity with responsibility for investment promotion and facilitation, through its Ministry (then the Ministry of Economic Growth and Job Creation), sought and received Cabinet's approval to develop the NIP. JAMPRO successfully engaged the World Bank and secured funding for the development of an investment policy under Component One of the Foundations for Competitiveness and Growth Project (FCGP).

The involvement of additional stakeholders in the process was facilitated through the establishment of the National Investment Policy Steering Committee (NIPSC) and six thematic Working Groups, who were responsible for the elaboration of the six identified priority areas through which several meetings lead to the formulation of the policy statements, intermediate outcomes and actions. The NIPSC and Working Groups comprise strategic and technical experts from the main MDAs, academia, the private sector and civil society.

Consultations

The participation of stakeholders in the process was facilitated through the working group structures, as noted above (see Appendix 3 for list of members on the NIP Working Groups). In addition, stakeholder meetings throughout the nine months of the consultancy were convened with several players within the following sectors: tourism, logistics, manufacturing, mining, energy, film and BPO as well as with the Jamaica Chamber of Commerce and the Economic Growth Council (EGC) through one-on-one meetings, breakfast meetings and/or focus group sessions.

JAMPRO, as secretariat for the NIP collaborated with the Management Institute of National Development (MIND) in an effort to leverage their network of policy players and influencers to secure greater buy-in by hosting two policy forums on the NIP.

The first forum was held in March 2018 and was well attended with approximately 90 stakeholders in attendance representing over 30 MDAs, including the Permanent Secretary of the Ministry of Foreign Affairs and Foreign Trade. The Consultant for the NIP presented his findings which were well received by the audience, as they thought the time had come for a more deliberate approach towards streamlining investments in Jamaica. The main outcomes of the forum were:

- A greater awareness of the development of the NIP

- An increased level of buy-in and commitment from the participants in attendance for the policy and its recommendations thus far
- An awareness of the increased need for cooperation among entities with a mandate that supports the promotion and facilitation of investment and investors.

The second policy forum was held in October 2018, after the consultancy for the Draft Green Paper was completed. Approximately 93 stakeholders attended representing over 25 MDAs. The presentation focused on the recommendations of the NIP and cited the need for full participation and coordination going forward. The primary objectives of the forum were to:

- Validate the Draft Green Paper of the NIP
- Build buy-in among the policymakers and those affected by the policy recommendations
- Begin the process of increasing cooperation among the investment promotion and facilitation public stakeholders
- Facilitate the participation of those government entities involved in the process of promoting and facilitating investment and/or those that might be affected.

Upon completion of the Draft Green Paper letters were disseminated from the Technical Secretariat of the NIP to solicit additional comments on the NIP. The following MDAs provided comments:

- Office of the Cabinet
- Ministry of National Security
- Ministry of Finance & the Public Service
- Ministry of Justice
- National Environment & Planning Agency
- Planning Institute of Jamaica
- Bank of Jamaica
- Attorney General's Chambers
- Ministry of Tourism
- Jamaica International Financial Services Authority
- Ministry of Local Government and Community Development

The NIP was submitted to Cabinet in July 2020 and subsequent approval by Cabinet in July 2020. In an effort to advance the NIP from Green Paper to White Paper, national consultation was undertaken during the period of September to December 2020 and comments were solicited from key public and private sector stakeholders. The following stakeholders provided feedback:

- World Bank
- UNCTAD
- Port Authority of Jamaica
- Jamaica Manufacturers' and Exporter's Association
- Jamaica Chamber of Commerce
- Private Sector Organization of Jamaica/Inter-American Development Bank
- Parliamentary Opposition
- Ministry of Foreign Affairs & Foreign Trade
- Development Bank of Jamaica

As a result of the Covid-19 pandemic the national consultations, to inform the conversion of the Green Paper to a White Paper was held virtually and disseminated via social media channels including Instagram, Facebook and YouTube. Participants included representatives from Ministries,

Departments and Agencies, private sector companies and associations, academia and civil society and the Parliamentary Opposition. The Policy Steering Committee was also engaged to provide their inputs on the document. Following these widespread consultations, the document was revised and included amendments to ensure alignment with global best practice in investment policy development.

[A presentation of the White Paper was made to Cabinet after which they granted approval via Decision 25/22 dated July 18, 2022. This preceded the laying of the document in Parliament in November/December 2022.]

Appendix 3: Membership of the National Investment Policy Steering Committee & Working Groups³⁸

National Investment Policy Steering Committee

- Senator Don Wehby, *Chair*
- Professor Alvin Wint, Civil Society/Academia, *Deputy Chair*
- Omar Chedda, Ministry of Economic Growth & Job Creation
- Sharon Miller & Denise Sealey, Ministry of Foreign Affairs and Foreign Trade
- Aayon Cruickshank & Mellisa Lemonious, Ministry of Finance & the Public Service
- David Dobson, Ministry of Tourism
- Dennis Miller, Ministry of Transport & Mining
- Junior Rose & Michael Myles, Ministry of Local Government & Community Development
- Andrene Collings, Rick Harris, Ministry of Industry, Commerce, Agriculture & Fisheries
- Gillian Wilkinson-McDaniel, Ministry of Culture, Gender, Entertainment & Sport
- Diane Edwards & Shullette Cox, Jamaica Promotions Corporation
- Rochelle Whyte, Planning Institute of Jamaica
- Denise Arana & Renay Johnson, Development Bank of Jamaica
- Robert Almeida, Economic Growth Council
- Dennis Chung & Ryan Reid, Private Sector (Represented by the Private Sector Organisation of Jamaica)

Working Groups for the National Investment Policy

WORKING GROUP	MDA	NAME
Fiscal Incentives	Ministry of Finance and the Public Service	<ul style="list-style-type: none"> ▪ Aayon Cruickshank ▪ Cebert Mitchell ▪ Madge Ramsay ▪ Shauna Trowers
	Ministry of Tourism	<ul style="list-style-type: none"> ▪ Jhanelle-Rae Bowie
	Ministry of Health	<ul style="list-style-type: none"> ▪ Howard Lynch ▪ Kadian Birch
	Ministry of Industry, Commerce, Agriculture & Fisheries	<ul style="list-style-type: none"> ▪ Andrene Collings
	Ministry of Culture, Gender, Entertainment & Sport	<ul style="list-style-type: none"> ▪ Gillian McDaniel
	JAMPRO	<ul style="list-style-type: none"> ▪ Cheronne Allen
	SEZ Authority	<ul style="list-style-type: none"> ▪ <i>No one named or attended the meeting(s)</i>
	Jamaica Customs Agency	<ul style="list-style-type: none"> ▪ <i>No one named or attended the meeting(s)</i>
	Tax Administration Jamaica	<ul style="list-style-type: none"> ▪ Debbie Brissett ▪ Karlene Mitchell-Gordon ▪ Celia-Ann Sanderson
	JAMPRO	<ul style="list-style-type: none"> ▪ Shullette Cox

³⁸ MDAs and the members are named as at 2017 and 2018 during the development stage

WORKING GROUP	MDA	NAME
		<ul style="list-style-type: none"> ▪ Cheronne Allen
Protection of Investor Rights	Ministry of Economic Growth & Job Creation	<ul style="list-style-type: none"> ▪ Omar Chedda
	Ministry of Foreign Affairs & Foreign Trade	<ul style="list-style-type: none"> ▪ Sharon Miller
	Ministry of Justice	<ul style="list-style-type: none"> ▪ Grace-Ann Stewart-McFarlane ▪ Kelvin Kerr
	Tax Administration Jamaica	<ul style="list-style-type: none"> ▪ <i>No one named or attended the meeting(s)</i>
	JAMPRO	<ul style="list-style-type: none"> ▪ Shullette Cox ▪ Cheronne Allen
Promotion & Marketing	JAMPRO	<ul style="list-style-type: none"> ▪ Claude Duncan
	Ministry of Tourism	<ul style="list-style-type: none"> ▪ <i>No one named or attended the meeting(s)</i>
	Jamaica Tourist Board	<ul style="list-style-type: none"> ▪ Peter Mullings
	Port Authority of Jamaica	<ul style="list-style-type: none"> ▪ Lois Pinnock
	Jamaica International Financial Services Authority	<ul style="list-style-type: none"> ▪ Cecelia Bell
	SEZ Authority	<ul style="list-style-type: none"> ▪ Eric Deans ▪ Kelli-Dawn Hamilton
Access to Land	Ministry of Industry, Commerce, Agriculture & Fisheries	<ul style="list-style-type: none"> ▪ Liana Blake
	Sugar Holdings Limited	<ul style="list-style-type: none"> ▪ Donovan Buckley
	Factories Corporation of Jamaica	<ul style="list-style-type: none"> ▪ <i>No one named or attended the meeting(s)</i>
	Port Authority of Jamaica	<ul style="list-style-type: none"> ▪ Raquel Forbes
	Urban Development Corporation	<ul style="list-style-type: none"> ▪ Heather Pinnock ▪ Ronald Brown
	National Land Agency	<ul style="list-style-type: none"> ▪ Cherise Walcott ▪ Stephanie MacLean
	JAMPRO	<ul style="list-style-type: none"> ▪ Shullette Cox ▪ Cheronne Allen
Labour & Immigration	Passport, Immigration & Citizenship Authority	<ul style="list-style-type: none"> ▪ Andrew Wynter ▪ Ezra Whittock
	Ministry of National Security	<ul style="list-style-type: none"> ▪ Chadine Allen ▪ Tracey-Ann Brown
	Ministry of Labour & Social Security	<ul style="list-style-type: none"> ▪ Damion Cox ▪ Lisa-Ann Grant ▪ Gillian Corrodus
	Ministry of Finance	<ul style="list-style-type: none"> ▪ <i>No one named or attended the meeting(s)</i>
	Economic Growth Council	<ul style="list-style-type: none"> ▪ Maureen Denton
	JAMPRO	<ul style="list-style-type: none"> ▪ Shullette Cox ▪ Cheronne Allen
Development Approvals	Ministry of Economic Growth & Job Creation (<i>Co-Chair</i>)	(Development Applications Review Process Project Steering Committee)
	Ministry of Local Government & Community Development (<i>Co-Chair</i>)	

WORKING GROUP	MDA	NAME
	National Environment and Planning Agency	
	Cabinet Office	
	Ministry of Water, Land, Environment & Climate Change	
	Planning Institute of Jamaica	
	Economic Growth Council	
	JAMPRO	

Appendix 4: Brief on the Work of the NCC and its Partners

Overview

The National Competitiveness Council (NCC) is a public-private partnership body established in 2010 primarily to advance policy advocacy, research and public awareness of reform initiatives that facilitate the creation of an enabling environment for businesses in Jamaica. The initiatives monitored and facilitated by the Council are taken from the Business Environment Reform Agenda (BERA)³⁹ and are specifically focused on enhancing Jamaica’s performance in key international indices such as the Doing Business Report (DBR), the Global Competitiveness Index (GCI), and the Logistics Performance Index (LPI).

The Minister with responsibility for Investment acts as the Chair for the NCC while the work of the Council is managed through a Secretariat established at JAMPRO.

Membership of the NCC

The permanent membership of the NCC is made up of private sector entities and public sector entities. The work of the Council is supported by the implementing agencies across all of government for the execution of the different reforms noted on the BERA.

ENTITY	ACRONYM
NCC MEMBERS	
Construction Industry Council	CIC
Jamaica Bankers’ Association	JBA
Jamaica Bar Association	JAMBAR
Jamaica Chamber of Commerce	JCC
Jamaica Confederation of Trade Unions	JCTU
Jamaica Manufacturers’ and Exporters’ Association	JMEA
Jamaica Promotions Corporation	JAMPRO
Ministry of Economic Growth and Job Creation	MEGJC
Ministry of Finance and the Public Service	MOFPS
Ministry of Industry, Investment and Commerce	MIIC
Ministry of Justice	MOJ
Ministry of Labour and Social Security	MLSS
Ministry of Legal and Constitutional Affairs	MLCA
Ministry of Local Government and Rural Development	MLGRD
Ministry of Science, Energy and Technology	MSET
Office of the Cabinet	OoC
Planning Institute of Jamaica	PIOJ
Private Sector Organisation of Jamaica	PSOJ
Representative of Academia	UWI
Small Business Association of Jamaica	SBAJ
The MSME Alliance	

³⁹ Developed in collaboration with the World Bank's DBR Team.

ENTITY	ACRONYM
Women Entrepreneurs Network of the Caribbean	WENC
Young Entrepreneurs Association	YEA
IMPLEMENTING PARTNERS	
Bank of Jamaica	BOJ
Bureau of Standards Jamaica	BSJ
Companies Office of Jamaica	COJ
eGov Jamaica Ltd	eGov
Jamaica Customs Agency	JCA
Jamaica Public Service Co. Ltd	JPSCo
Jamaica Stock Exchange	JSE
Kingston and St. Andrew Municipal Corporation	KSAMC
National Environment and Planning Agency	NEPA
National Land Agency	NLA
National Works Agency	NWA
Office of the Supervisor of Insolvency	OSI
Port Authority of Jamaica	PAJ
Trade Board Limited	TBL
Tax Administration Jamaica	TAJ
OBSERVERS	
Financial Services Commission	FSC
Jamaica Productivity Centre	JPC
Office of the Parliamentary Counsel	OPC

Appendix 5: Key Organisations that Participate in the Investment Facilitation Process

Investment Facilitation: Jamaica Promotions Corporation (JAMPRO)

Company Registration and Dissolution

- Companies Office of Jamaica
- Office of the Supervisor of Insolvency

Regulatory, Compliance and Standards Agencies

- Bureau of Standards Jamaica
- Cannabis Licencing Authority
- Jamaica Customs Agency
- Jamaica Special Economic Zone Authority^
- National Compliance Regulatory Authority
- National Environment and Planning Agency
- Office of the Utilities Regulation
- Passport, Immigration and Citizenship Agency
- Real Estate Board Jamaica
- Tax Administration Jamaica
- Trade Board Limited

Access to Land, Industrial & Commercial Space, and Other Government Assets

- National Land Agency
- Factories Corporation of Jamaica
- SCJ Holdings Limited
- Urban Development Corporation^
- Development Bank of Jamaica
- Ministry of Economic Growth and Job Creation (Housing Division)

National Training Organisation: Human Employment and Resource Training (HEART) Trust / National Service Training Agency (HEART/NSTA)

Public Utilities

- Jamaica Public Service Company
- National Water Commission
- Flow Jamaica
- Digicel Jamaica
- Water Resources Authority

Intellectual Property: Jamaica Intellectual Property Office

Port and Sea Access Services

- Maritime Authority of Jamaica
- Port Authority of Jamaica
- Airports Authority of Jamaica

Local Government and Municipal Corporations – Planning, Subdivision and Building Approvals

- Clarendon Municipal Corporation
- Hanover Municipal Corporation
- Kingston and St Andrew Municipal Corporation
- Manchester Municipal Corporation
- Negril/Green Island Planning Authority
- Portland Municipal Corporation
- Portmore Municipal Corporation
- St. Ann Municipal Corporation
- St. Catherine Municipal Corporation
- St. Elizabeth Municipal Corporation
- St. James Municipal Corporation
- St. Mary Municipal Corporation
- St. Thomas Municipal Corporation
- Trelawny Municipal Corporation
- Westmoreland Municipal Corporation

Policy Drivers - Sector Oversight Bodies (Ministries)

- Ministry of Culture, Gender, Entertainment and Sports[^]
- Ministry of Economic Growth and Job Creation
- Ministry of Finance and Planning
- Ministry of Foreign Affairs and Foreign Trade
- Ministry of Health and Wellness^{^~}
- Ministry of Industry, Investment and Commerce[^]
- Ministry of Agriculture and Fisheries^{^~}
- Ministry of Justice
- Ministry of Labour and Social Security[~]
- Ministry of Local Government and Community Development
- Ministry of Tourism[^]
- Office of the Prime Minister

Sector Focused Organisations

Tourism: Tourism Product Development Company

Agriculture:

- Agro-Investment Corporation
- Rural Agricultural Development Authority

Film: Jamaica Film Commission (JAMPRO)

Notes:

- *Investment Incentives Facilitation – MDAs identified with [^]*
- *MDAs that also have a Regulatory, Compliance and Standards function are identified with a [~]*

Disclaimer: This does not represent an exhaustive list of entities involved in the investment process but covers the ones most frequently engaged.