

**OECS PROTECTED AREAS AND ASSOCIATED LIVELIHOODS PROJECT**

**REVIEW OF THE  
POLICY, LEGAL AND INSTITUTIONAL FRAMEWORKS  
FOR  
PROTECTED AREAS MANAGEMENT IN ST. LUCIA**



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**TABLE OF CONTENTS**

	<i>Page No.</i>
List of Tables .....	3
List of Figures .....	3
Acronyms .....	4
Executive Summary .....	6
1. INTRODUCTION .....	11
1.1 Methodology .....	11
2. OVERVIEW OF DEVELOPMENT PLANNING PROCESS .....	12
2.1 Protected Areas in the Macro-Economic Planning Process .....	14
2.2 National Environmental Planning .....	18
2.3 Cross-Sectoral Linkages .....	21
3. PROTECTED AREAS POLICY AND LEGISLATIVE FRAMEWORK .....	22
3.1 Protected Areas Policy .....	22
3.2 Legislative Framework for Protected Areas Management .....	24
4. INSTITUTIONAL FRAMEWORK .....	32
4.1 Protected Areas Management Institutions .....	32
4.2 Supporting Institutions .....	36
4.3 Institutional Issues and Current Initiatives .....	37
4.4 Institutional Capacity for Protected Areas Management .....	38
5. CURRENT STATUS OF PROTECTED AREAS MANAGEMENT .....	41
5.1 Current and Planned Initiatives .....	44
5.2 Threats to Protected Areas .....	47
6. SUMMARY AND RECOMMENDATIONS .....	48
Bibliography .....	50
Appendix 1: Summary of OPAAL Project .....	53
Appendix 2: Terms of Reference .....	57
Appendix 3: Institutions Consulted .....	62
Appendix 4: Profiles of Protected Areas Management Institutions .....	71
Appendix 5: International Environmental Conventions Signed by St. Lucia .....	84
Appendix 6: Legislation Relevant to Protected Areas Management .....	88
Appendix 7: Institutional Capacity Issues .....	98

**LIST OF TABLES**

*Page No.*

Table 1:	Marine Protected Areas in St. Lucia .....	26
Table 2:	Sites Managed by the St. Lucia National Trust .....	33
Table 3:	Categories of Protected Areas in St. Lucia .....	41
Table 4:	Proposed Protected Areas .....	42

**LIST OF FIGURES**

*Page No.*

Figure 1:	Location Map of St. Lucia .....	13
Figure 2:	Proposed Protected Areas .....	43
Figure 3:	Proposed Boundaries of the Pointe Sable National Park .....	45

## ACRONYMS

BPOA	Barbados Programme of Action
CARIFORUM	Caribbean Forum
CBD	Convention on Biological Diversity
CREP	Caribbean Regional Environmental Programme (Project)
EIA	Environmental Impact Assessment
EPA	Environmental Protection Area
ESDU	Environment and Sustainable Development Unit
FFEM	Fonds Français pour l'Environnement Mondial
GEF	Global Environment Facility
IRF	Island Resources Foundation
IWCAM	Integrated Watershed and Coastal Areas Management (Project)
MEA	Multilateral Environmental Agreement
MPA	Marine Protected Area
MPDEH	Ministry of Physical Development, Environment and Housing
MTESP	Medium Term Economic Strategy Paper
NEMO	National Emergency Management Organisation
NEMS	National Environmental Management Strategy
NGO	Non-governmental Organisation
NICE	National Implementation Coordinating Entity
NPC	National Project Coordinator
NTAC	National Technical Advisory Committee
OAS	Organisation of American States
OECS	Organisation of Eastern Caribbean States
OPAAL	OECS Protected Areas and Associated Livelihoods (Project)
PA	Protected Area
PMAAC	Pitons Management Area Advisory Committee
PMS	Participating Member State
PSC	Project Steering Committee
PSIP	Public Sector Investment Programme
SI	Statutory Instrument
SIDS	Small Island Developing State

SIE	Site Implementing Entity
SLNT	St. Lucia National Trust
SMMA	Soufriere Marine Management Area
TOR	Terms of Reference
UNESCO	United Nations Educational, Scientific and Cultural Organization

## **EXECUTIVE SUMMARY**

The OECS Protected Areas and Associated Livelihoods (OPAAL) Project is a 5-year project designed to improve the management of protected areas in the Participating Member States of the Organisation of Eastern Caribbean States (OECS). Associated objectives include increased participation in protected areas management by private and civil society organizations, and facilitating sustainable community livelihoods for those communities traditionally dependent on protected areas resources.

This Review is part of an assignment designed to review the policy, legal, and institutional frameworks for protected areas management in the six Participating Member States of the OECS.

The Review for St. Lucia consisted of a review of relevant literature and consultations with national institutions, with the consultations taking place during the period January 23-28, 2006.

### **Current Status of the Policy Framework**

The policy for protected areas management for St. Lucia is articulated in the (draft) Plan for a System of Protected Areas for St. Lucia (1992), which states the objectives of the protected areas system, provides guidance on the categories of protected areas, and identifies the institutional arrangements and management programmes.

The policy framework also consists of strategic objectives for protected areas that form part of other sector policies, such as the (draft) National Land Policy and the National Environmental Management Strategy.

St. Lucia has signed the SPAW Protocol, Biodiversity Convention, World Heritage Convention, and the Ramsar Convention, and currently has three sites of international importance, two Ramsar sites and a world heritage site. Though the three sites are actively managed, there is no indication that St. Lucia has promulgated national laws specifically to give effect to the implementation of the associated conventions. Additionally, the protected areas programmes are not influenced to any significant degree by the provisions of the four conventions.

The main policy-related issues to be addressed are:

- (a) The policy and plan for a system of protected areas should be revised and approved by the Government of St. Lucia.
- (b) Given the range of sites that can be declared under the various laws, it is necessary to develop standard procedures and practices for protected areas design, establishment, and management. Monitoring and evaluation protocols should be developed and

- standardized, particularly within the context of reporting obligations under the relevant multilateral environmental agreements.
- (c) The large number of sites identified for designation as landscapes implies that issues of landscape values, amenity values, and the protection of those values need to be addressed in a more proactive manner.
  - (d) The current policy framework does not adequately deal with the obligations under the various multilateral environmental agreements.
  - (e) The policy framework should be revised to address additional issues such as treatment of alien invasive species and disaster management.

### **Current Status of the Legal Framework**

A large number of laws affect different aspects of the development and management of protected areas, but the laws that provide for the declaration of protected areas are the:

- Forest, Soil and Water Conservation Act, 1945;
- Saint Lucia National Trust Act, 1975;
- Wildlife Protection Act, 1980;
- Fisheries Act, 1984;
- Land Conservation and Improvement Act, 1992;
- National Conservation Authority Act, 1999; and
- Physical Planning and Development Act, 2001.

The major issues to be addressed in any future consideration of the legal framework are:

- (a) None of the existing legislation provides direct support for a national system of protected areas. This should be rectified as soon as possible, and the institutional coordinating mechanism should be identified in the revised law.
- (b) Despite the fact that the St. Lucia National Trust manages a large number of sites, the Saint Lucia National Trust Act (1975) does not provide the Trust with the authority to declare protected areas, and the Trust can only manage sites vested to it by another institution.
- (c) The Forest, Soil and Water Conservation Act (1945) provides a legal basis for the declaration of protected areas to aid in disaster mitigation and pollution prevention. Given the significant degree of soil loss and contamination of water supplies by sedimentation and chemicals, regulations should be developed under this Act for the establishment and management of protected forests.
- (d) Appropriate regulations and rules should be developed for the relevant principal Acts to support implementation of all provisions relevant to the development and operation of protected areas.



Current legislative initiatives that are expected to result in changes to the legal framework are:

- The St. Lucia National Trust has drafted a Heritages Properties Bill, which will, in addition to other functions, allow the Trust to declare heritage sites as protected areas.
- All the environmental laws are being revised.

### **Current Status of the Institutional Framework**

Protected areas management responsibilities in St. Lucia are dispersed among five (5) institutions and one inter-agency committee. A similar number of institutions play supporting roles in various aspects of protected areas development and management, with activities ranging from legal drafting of laws to maintenance of archives.

The current institutional framework is characterized by the following:

- (a) **Institutional Coordinating Mechanism for Protected Areas Management** – There is no overall institutional coordinating mechanism for protected areas management in St. Lucia, but different collaborative arrangements are developed around specific initiatives.
- (b) **Support Systems for Site and System Development** – Guidelines and standard operating procedures for site development and management have not been developed, and there is no process in place for system development, management, monitoring, and evaluation. Different institutions use different conceptual approaches to site management, but standard methodologies for system management functions, such as gap analysis, need to be developed.
- (c) **General Lack of Reporting** – There is insufficient information on the state of the sites and the status of protected areas programmes generally. There is no legal requirement for general reporting, though internal periodic reporting mechanisms exist in most institutions.
- (d) **Data Management Systems** – The Physical Planning and Development Division is assisting the St. Lucia National Trust to develop a spatial database for sites under the management of the Trust, but data collection and management systems are generally lacking.
- (e) **Institutional Capacity for Protected Areas Management** – There is limited capacity in all the management institutions to consistently carry out the full range of tasks that are required to meet the national priorities and discharge their obligations under the multilateral environmental agreements.

### **Current Status of Protected Areas Management Programmes**

There are approximately seventy (70) protected areas in St. Lucia, comprised of eight (8) management categories. Three of those sites are sites of international importance designated under the Ramsar Convention and the World Heritage Convention. Additionally, there are twenty three (23) proposed protected areas. Changes are periodically made in the number and sizes of marine reserves, as a number of the sites have been integrated into larger marine protected areas for improved management efficiency.

Initiatives, at different stages of implementation or development, that are focused on protected areas include:

- CREP Amenity Area Demonstration Project;
- OPAAL National Demonstration Project; and
- IWCAM Demonstration Project.

St. Lucia is considered to be vulnerable to a range of natural hazards, with tropical storms causing millions of dollars in damage. The damage to protected areas has not been quantified, but the longer-term impact on the natural resource base has been noted. Threats from man-made sources are also significant, and the country is investing in the necessary training and preparations to deal with hazard response, planning, and mitigation.

### **Summary and Recommendations**

The protected areas management framework in St. Lucia is characterized by the following features:

- A fragmented policy framework that requires additional rationalization of conceptual and strategic approaches, as well as development of the appropriate support systems;
- A legal framework with generally adequate principal legislation, but which create overlapping institutional responsibilities, and also inadequate supporting regulations; and
- An institutional framework that requires coordination, though partnership arrangements are increasing being used to implement specific initiatives.

The major issues identified during this Review that should be addressed as a matter of priority are:

#### **(a) Protected Areas System Policy and Plan**

The draft Plan for a System of Protected Areas for St. Lucia provides a good starting point for development of a system of protected areas. That Plan now needs to be updated to include new concepts and approaches, address new issues (such as invasive species and sea level rise), give more attention to St. Lucia's obligations under the various multilateral environmental agreements, deal more seriously with threats (especially disasters), and bring all the development issues into a more cohesive policy framework.

(b) **Institutional Coordinating Mechanism**

Though there are collaborative arrangements for different initiatives, no coordinating mechanism for protected areas management currently exists in St. Lucia. This Review recommends that the coordinating role for protected areas development and management be assigned to the Sustainable Development and Environment Unit – Ministry of Physical Development, Environment and Housing.

(c) **Rationalisation of Institutional Mandates**

Several laws provide for declaration and management of protected areas, using various institutional arrangements. The laws and institutional arrangements should be rationalized to reduce overlap and optimize integration of programme planning and implementation.

(d) **Data Management Systems for Protected Areas**

Data collection and management systems are inadequate to support the needs for evaluation of management effectiveness and reporting to internal and external constituents. This Review recommends that monitoring and data management systems should be established in each management institution, and an evaluation process for the entire system should be established in the coordinating institution. Annual reporting to national and international partner institutions should become mandatory.

(e) **Sustainable Financing for Protected Areas**

No special fund for protected areas management currently exist in St. Lucia, and the establishment of new sites is determined by the availability of external sources of grant funding. This Review recommends that a permanent trust fund for protected areas development and management should be established.

**REVIEW OF THE  
POLICY, LEGAL AND INSTITUTIONAL FRAMEWORKS  
FOR  
PROTECTED AREAS MANAGEMENT IN ST. LUCIA**

## **1. INTRODUCTION**

The OECS Protected Areas and Associated Livelihoods (OPAAL) Project is being implemented by the Environment and Sustainable Development Unit (ESDU) of the Secretariat of the Organisation of Eastern Caribbean States (OECS), in partnership with the governments of Antigua & Barbuda, Dominica, Grenada, St. Kitts and Nevis, St. Lucia, and St. Vincent and the Grenadines. This five-year project is supported by financing provided by the International Bank for Reconstruction and Development (the World Bank) acting as an Implementing Agency of the Global Environment Facility (GEF); the Fonds Français pour l'Environnement Mondial (FFEM) of the Government of France; and the Organisation of American States (OAS).

The OPAAL Project aims to improve the effective management of protected areas by strengthening the national capacities in the Participating Member States (PMS), including facilitating the increased involvement of the private and civil society sectors in protected areas planning and management (Appendix 1). An associated objective is to support sustainable livelihoods by those communities or groups that traditionally depended on natural resources located within protected areas for economic survival.

This Country Report for St. Lucia is generated as one of the outputs of Component 1 of the project, which “... seeks to facilitate more effective institutional framework for conservation management through providing a critical focus on the existing natural resources, legal and institutional frameworks to promote conservation and protected area establishment and management” (Terms of Reference – Appendix 2). The report is based on a review of the current policy, legal, and institutional frameworks for protected areas management in St. Lucia.

### **1.1 Methodology**

As indicated by the Terms of Reference (TOR), the country review was supposed to involve two distinct, and sequential, steps. Due to the timing of the assignment, the literature collection, review, and stakeholder consultations all took place at the same time.

The visit to St. Lucia took place during the period January 23-28, 2006, during which consultations were held with fourteen (14) institutions, using a mixture of three (3) focus group/stakeholder meetings and interviews with single agencies (Appendix 3). Much of the information presented in this report is based on the review of the documentation presented by the various institutions and the interviews. However, those two sources of information were supplemented by reports produced by, or on behalf of, regional institutions, such as the

Caribbean Development Bank, Eastern Caribbean Development Bank, and the OECS Secretariat.

Information on institutional responsibilities for protected areas was obtained from various reports, primarily the Plan for a System of Protected Areas for St. Lucia and the relevant legal instruments. However, the profiles of the protected areas management institutions (Appendix 4) are based on questionnaires completed by the listed institutions.

Review of the draft report was undertaken by the various national institutions prior to submission of the final report to the Environment and Sustainable Development Unit (ESDU). A summary of the first draft of the report was also presented to the Peer Review Workshop organized by the ESDU on November 1-2, 2006.

## **2. OVERVIEW OF DEVELOPMENT PLANNING PROCESS**

St. Lucia is located in the Windward Islands group in the Caribbean, at latitude 13° 53' North and longitude 60° 68' West (Figure 1). The island is approximately 616 Km<sup>2</sup>, and supports a resident population of approximately 158,000 persons.

The economy of St. Lucia has essentially been transformed to a service economy, with agriculture continuing its decline, contributing only 3.4% of Gross Domestic Product (GDP) in 2005. In contrast, the service sectors were mainly responsible for the 5.4% growth in GDP in 2005, with increases in output of 9.2% in the distributive trades, 8.7% in banking and insurance, 7.3% in communications, and 6.3% in the hotel and restaurant sub-sector (Ministry of Finance, 2006). Tourism continues to be the largest economic sector, contributing 13.6% to GDP in 2005.

In keeping with the process of economic planning in other OECS countries, the development agenda for St. Lucia is usually articulated as a Medium Term Economic Strategy Paper (MTESP). The MTESP articulates the broad economic and development policies, and sets the estimated financing requirements for the development agenda as the Public Sector Investment Programme (PSIP). The MTESP for the current period is under preparation.



Figure 1: Location Map of St. Lucia

## 2.1 Protected Areas in the Macro-Economic Planning Process

The available document that articulates the land use priorities for St. Lucia is the National Land Policy (draft), while the National Tourism Policy provides directions for development priorities for that sector.

The draft National Land Policy treats land as a resource supporting national development, including “... *development of physical infrastructure, housing, tourism development, poverty reduction, agriculture, water supply, biodiversity preservation and employment generation*”. The National Land Policy states that its strategic objectives are to:

- *Enhance the contribution of land to economic development, including poverty reduction, food security, and employment and revenue generation opportunities for all citizens.*
- *Secure access to adequate public services, notably in health, education, public utilities, recreation and transportation.*
- *Provide opportunities for all citizens to have access to adequate shelter.*
- *Foster a mode of land use that reduces the threats to life, land resources and other assets from the impacts of hazards and disasters, and that facilitates response to such events.*
- *Establish and maintain patterns of land use and development that are responsible and sustainable, and that maintain options for future uses.*
- *Conserve the country’s biological diversity.*
- *Support the rehabilitation, restoration and management of degraded lands.*
- *Maximize the effectiveness and efficiency of land management institutions, systems and procedures.*
- *Provide a framework for the management, resolution or avoidance of conflicts related to land and its uses.*
- *Develop and promote a positive cultural relationship between people and the land.*

To achieve its strategic objectives, initiatives will be undertaken in four areas:

- *Development planning and human settlements.*
- *Land use and development in key economic sectors.*
- *Environment and natural resource management, including hazard mitigation and disaster management.*
- *Legal framework, institutional arrangements and organisational capacity.*

Most of the initiatives identified in the National Land Policy will have some impact on protected areas development and management, impacting as they do land use and institutional capacity. The initiatives that are directly relevant to protected areas management are:

**(a) Land use and development in key economic sectors**

**Policy Directions:**

- (i) Maintain and enhance the overall quality of landscape and seascapes for the benefit of all citizens, and as a critical component of the tourism product.

**Relevant Actions:**

- (i) Full implementation of relevant national policies, plans and programmes, including the National Tourism Policy, the Agriculture Diversification Strategy, the Coastal Zone Management Policy, the National Water Policy, and the Plan for Managing the Fisheries of Saint Lucia.

**(b) Environment and natural resource management, including disaster management**

**Policy Directions:**

- (i) Conserve important and representative ecosystems and wildlife habitats, and sustain and enhance the productive potential of all natural habitats.
- (ii) Reduce, minimize and mitigate the impacts of developments on land and other natural and environmental resources.
- (iii) Minimise coastal and marine pollution resulting from run-off and contamination from human settlements, agriculture, tourism, recreation and industry.
- (iv) Promote integrated water resources management, encourage water conservation and water storage, protect rivers, buffers and critical watershed areas, and establish riparian buffer zones.
- (v) Promote integrated coastal zone management, more specifically with regards to regulating coastal developments, zoning, setbacks, limits on infrastructural development, buffer zones and special areas.



**Relevant Actions:**

- (i) Review and revision of the plan for a System of Protected Areas, preparation of an indicative list of areas requiring statutory protection, and preparation of a work programme for the establishment of such protected areas.
- (ii) Effective management of existing protected areas, with their full demarcation and with the implementation of management programmes in research, conservation, sustainable use, monitoring and evaluation, and public awareness.
- (iii) Use of integrated approaches to the management of watersheds, assessment of critical watershed areas, and establishment of protected status for such areas. Establishment of special conservation areas for rivers, e.g. buffer zones and water catchments.
- (iv) Integration of landscape management and heritage conservation considerations and tools in regional and local development plans.
- (v) Development and enforcement of guidelines and standards for beach use and coastal water quality.
- (vi) Development of local coastal zone development and use plans, based on the national vision for coastal zone management and development.
- (vii) Establishment and provision of fiscal and other incentives for conservation activities on private lands.
- (viii) Systematic conduct and use of environmental impact assessments and statements in all major projects, including those designed and implemented by public sector agencies, with an effective system to monitor, evaluate and enforce the application of impact mitigation measures.
- (ix) Preservation and expansion of green spaces, planting and protection of trees, and management of natural features in urban areas.
- (x) Full implementation of relevant national policies, plans and programmes, including the Agricultural Policy, the National Biodiversity Strategy and Action Plan, the National Climate Change Policy and Adaptation Plan, the Coastal Zone Management Policy, the National Water Policy, the National Hazard Mitigation Plan, and the Plan for Managing the Fisheries of Saint Lucia.

**(c) Legal framework, institutional arrangements and organisational capacity**

**Policy Directions:**

- (i) Strengthen the role and capacity of the State and its agencies with mandates related to land management, and improve the efficiency, effectiveness and co-ordination of the overall land management and administration system.
- (ii) Guarantee the inalienability of lands vested to national and local agencies for the specific purpose of conservation, except when a change in land use is fully justified and is decided through a fair and rigorous process.
- (iii) Build local-level and community-based jurisdiction over locally important land assets.

**Relevant Actions:**

- (i) Undertake a comprehensive process of institutional reform and organisational development for land management and administration, involving:
  - Review, streamlining and harmonisation of the mandates, roles and responsibilities of the various agencies involved in land management at the national and local levels, including agencies involved in protected area management.
  - Devolution to local government agencies of the authority to manage important land assets, including sporting and recreational facilities, heritage tourism sites and other key areas.
  - Building of the capacity of all agencies involved in land management and administration, and training of personnel in key aspects, such as land valuation techniques.
- (ii) Rationalisation of public policy and legislation to govern land development and management, including:
  - Strengthening of legislation governing the establishment of conservation areas, the compulsory acquisition and vesting of lands and the issuance of protection orders.
  - Review of the Land Conservation Act and study of the desirability and feasibility of activating the Act and the Board established under its provisions.

- Establishment of standards for all professions and services involved in land administration.
- (iii) Integration of land conservation, management and development objectives in the taxation system and the supporting legislation, particularly through the following:
- Use of market values and land use objectives and capabilities rather than nominal value for taxation rates.
- (iv) Use of effective and efficient information management systems and procedures, including:
- Provision of a guarantee for adequate public consultation in compulsory land acquisition processes.
  - Establishment of an integrated national policy and set of procedures for (i) data sharing (ii) data updating, (iii) data pricing, and (iv) copyrighting.
  - Integration of Geographic Information Systems (GIS), and of their use in land management policies and procedures, especially for planning, recording, archiving and data management purposes.

## **2.2 National Environmental Planning**

Environmental management functions in St. Lucia fall within the areas of responsibilities of several institutions, and as such, environmental policy, planning, and programmes are dispersed across these various institutions. Several initiatives to consolidate the environmental policy and planning portfolio culminated in the creation of the Sustainable Development and Environment Unit within the Ministry of Physical Development, Environment and Housing in 2000 (Dillon Consulting Limited, 2004). This Unit currently functions as the lead agency for environmental policy planning in St. Lucia.

In an earlier attempt to coordinate the disparate environmental management functions and initiatives, the Government of St. Lucia established the National Environmental Commission in the mid-1980s (Dillon Consulting Limited, 2004). Due to the lack of resources to support its functioning, and the absence of legislative support for this coordinating role, the National Environmental Commission became defunct soon thereafter. A review of the more recent environmental policy documents indicates that there is ongoing support for the re-constitution of the Commission.

The main reports that provide guidance on environmental issues, plans, and policies include:

- Country Environmental Profile (1991);
- Legal and Institutional Review of Environmental Management in Saint Lucia (2002);

- Periodic Report on the Application of the World Heritage Convention (2003);
- Coastal Zone Management Policy and Guidelines (2004);
- National Environment Policy and National Environmental Management Strategy (NEMS) (2004);
- National Land Policy (Revised Draft) (2005);
- St. Lucia National Report to Review the Implementation of the Barbados Programme of Action (undated<sup>1</sup>); and
- National Biodiversity Strategy and Action Plan (2001).

All the above reports deal with protected areas to some degree, both indirectly through matters related to capacity development and directly in considering specific actions for protected areas development. The National Environment Policy and National Environmental Management Strategy (NEMS), as the latest overall environmental policy guidance sets the framework for the treatment of protected areas within the context of the national environmental planning and development process.

The NEMS articulates its policy prescription for protected areas primarily in dealing with the strategic direction focused on the “maintenance of diversity, species, and genes”. The main instruments identified to achieve this strategic area of focus are:

- *Full implementation of the National Biodiversity Strategy and Action Plan (NBSAP).*
- *Review and revision of the plan for a System of Protected Areas (SPA), and preparation of an indicative list of areas still requiring statutory protection and of a work programme for the establishment of such protected areas.*
- *Effective management of existing protected areas, with the implementation of management programmes in research, conservation, sustainable use, monitoring and evaluation, and public awareness.*
- *Effective enforcement of the provisions of the Wildlife Protection Act and other legislation relevant to ecosystem and species conservation.*

### **Influence of International Environmental Agreements**

St. Lucia is a Signatory to seven (7) and Party to forty two (42) international treaties (<http://sedac.ciesin.columbia.edu/entri/CountryISO.jsp>) of which twenty three (23) are directly or indirectly related to environmental issues (Appendix 5). St. Lucia is experiencing difficulties in discharging the many obligations of the various conventions. Dillon Consulting Limited (2004) noted the following constraints:

- The absence of a central data-base containing the text of relevant multi-lateral environmental agreements;
- No central clearing-house mechanism at the national or regional level to provide adequate advanced information on upcoming international meetings where treaties are to be negotiated;

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<sup>1</sup> The report was prepared as part of the preparations for the Review of the Barbados Programme of Action, which took place in Mauritius in January 2005. It is therefore likely that the report was prepared in 2003 or 2004.

- No structured process for the selection and appointment of treaty focal points;
- No single focal point for negotiating and implementing treaties;
- Negotiation and signing of treaties often initiated by various line agencies which have an interest in the subject matter of the treaty, many times without the input of other affected agencies or civil society;
- Over-worked legal draftspersons in the attorney general's office with limited technical knowledge of complex environmental legal obligations and requirements;
- Limited co-ordination mechanisms for effective negotiation and implementation of treaties at the national and regional level;
- Limited technical, human and financial resources to implement complex legal obligations;
- In many instances a lack of appropriate institutional frameworks to implement and enforce complex legal obligations and report on compliance measures, and a public administration that is not positioned to rapidly respond to time-sensitive treaty institutional and legal requirements;
- No unified mechanism to ensure that treaty obligations and requirements are incorporated into national work programmes, and that adequate budgets are provided for treaty implementation;
- Onerous and often conflicting requirements by regional and international agencies that are responsible for treaty implementation/reporting;
- Shortage of specialised training programmes for technical personnel responsible for treaty negotiation, implementation, reporting and enforcement.

The international environmental agreements signed by St. Lucia that are of direct relevance to protected areas are:

- Protocol Concerning Specially Protected Areas and Wildlife to the Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region (SPAW Protocol) – Signed January 18, 1990, ratified/acceded April, 25, 2000;
- Convention on Biological Diversity (CBD) – Acceded July 28, 1993;
- Convention concerning the Protection of the World Cultural and Natural Heritage (World Heritage Convention) – Ratified October 10, 1991; and
- Convention on Wetlands of International Importance especially as Waterfowl Habitat (Ramsar Convention) – Signed June 19, 2002.

The four conventions are focused on the protection of threatened natural and cultural resources, particularly species in danger of extinction. The conventions require the parties to undertake a wide range of actions, including:

- Preparation of national laws to implement the treaty provisions;
- Development of guidelines for selection, establishment, and listing of protected areas (SPAW and CBD);
- Utilisation of agreed guidelines for site selection and management (World Heritage Convention and Ramsar);
- Designation of sites of regional (SPAW) or international importance (World Heritage Convention and Ramsar);
- Establishment of a system of protected areas (CBD);

- Collaborative arrangements between Parties (SPAW); and
- Periodic reporting to the convention Secretariats.

In the case of the CBD, a specific Programme of Work on Protected Areas has been developed, which encourages the Parties to commit to measurable national targets for 2010 and 2015<sup>2</sup>. The 2006 review of the implementation of the programme of work does not list St. Lucia as one of the Parties that have formally committed to such targets (CBD Secretariat, 2006). Additionally, despite having the Pitons inscribed as a world heritage site, the Government of St. Lucia has not submitted a Tentative List (of world heritage sites) to the World Heritage Centre as required under the World Heritage Convention. However, it should be noted that St. Lucia continues to establish protected areas (Section 5.1), and currently has three sites of international importance:

- Mankoté Mangrove – Ramsar site, 148.2 acres (60 hectares) declared 2002;
- Savannes Bay Mangroves – Ramsar site, 61.75 acres (25 hectares) declared 2002; and
- Pitons Management Area – World Heritage Site, 2,909 ha inscribed February 2004.

### **2.3 Cross-Sectoral Linkages**

The treatment of protected areas within the agriculture sector could not be determined during this review due to the fact that the agriculture sector plans were not available for review. However, the Land Conservation and Improvement Act (1992) is an indication that there is significant emphasis within the agriculture sector on conservation of land and water resources, including the designation of conservation areas. The same can be said for the forestry sub-sector, where the relevant laws provide for the establishment of forest reserves and protected forests for a number of purposes.

The other major sectors, such as Manufacturing and Construction, would have no direct linkages with protected areas development and management, and indirect impacts would be mitigated through the use of the environmental impact assessment methods in the development control process.

The Tourism Strategy and Action Plan 2005 makes no mention of protected areas. The linkages to the other sectors focus on reducing the environmental impacts of tourism, and the intent to make backward linkages with the agriculture industry. For protected areas, one of the thirteen strategies dealing with product development states the intention to expand St. Lucia's nature heritage/eco-tourism programme. This will essentially be a continuation of the community-based nature heritage tourism project, and will involve the development of policies for natural heritage tourism, development of standards and environmental management systems, coordination and harmonisation of user fee systems, and standardisation of training programmes (Ministry of Tourism, 2005).

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<sup>2</sup> The Ministry of Agriculture, Forestry and Fisheries has developed a biodiversity programme, and has appointed a Biodiversity/Biosafety Coordinator.

### **3. PROTECTED AREAS POLICY AND LEGISLATIVE FRAMEWORK**

Protected areas policy in St. Lucia is traditionally driven by sub-sector priorities, primarily fisheries and forestry. In 1992 the St. Lucia National Trust assembled an advisory committee to develop a Plan for a System of Protected Areas for St. Lucia. The advisory committee was composed of representatives from a number of private sector, civil society, and public sector agencies, and the resulting plan presents guidance for the country as a whole.

#### **3.1 Protected Areas Policy**

The Plan for a System of Protected Areas for St. Lucia (1992) provides guidance on the objectives of the system, the categories of protected areas, management arrangements, and management programmes (such as monitoring and financing). The objectives identified for the system of protected areas are:

- To conserve all critical, and potentially critical, habitats necessary for the maintenance of animal and plant species;
- To protect representative elements of the natural and cultural heritage;
- To ensure the maintenance of the country's water supply;
- To sustain the productivity and quality of critical ecosystems, particularly in relation to forestry, fisheries, and tourism;
- To stimulate the rational use of marginal resources and the restoration of degraded lands;
- To encourage research on the cultural and natural resources of the country;
- To contribute to the knowledge and understanding of the natural and cultural heritage of the St. Lucian population;
- To build self-esteem and a love of the country through the appreciation of that heritage;
- To provide places for recreation, enjoyment, and inspiration.

Though the process of preparation of the system plan involved extensive public consultations and the inputs of the public sector land management agencies, the plan was not approved by Cabinet, and thus never formally became public policy. However, the document still provides the best guidance on protected areas development in the country, and is used as such by the public sector resource management and development control agencies.

### **3.1.1 Protected Areas Policy Gaps and Initiatives**

The 1992 Plan for a System of Protected Areas for St. Lucia provides a starting point for development of a system of protected areas in St. Lucia. None-the-less, additional policy support is required to address the following:

- (a) There are a number of institutional mechanisms to establish protected areas of various types. However, the institutions and sector initiatives need to be brought into a cohesive policy framework, and a lead agency for system development and management should be designated.
- (b) There are a large number of small marine reserves and other protected areas, the sizes of which are inadequate to protect resources and/or wildlife species or make any significant change in the provision of goods and services, except recreation. The approach wherein a number of marine reserves are grouped together into a marine protected area for management as a single unit should be expanded throughout the system of protected areas.
- (c) The current listing of sites is to be rationalized. For example, the St. Lucia National Trust lists a number of sites under its management, but there is no clear distinction between which sites are declared protected areas versus which are heritage properties that are not declared as protected areas.
- (d) Given the range of sites that can be declared under the various laws, it is necessary to develop standard procedures and practices for protected areas design, establishment, and management. Monitoring and evaluation protocols should be developed and standardized, particularly within the context of reporting obligations under the relevant multilateral environmental agreements (MEAs).
- (e) The large number of sites identified for designation as landscapes implies that issues of landscape values, amenity values, and the protection of those values need to be addressed in a more proactive manner. Additionally, the landuse planning and development control processes should incorporate mechanisms for designation and protection of those values.
- (f) The current policy framework does not adequately deal with the obligations under the various MEAs, nor does it formally recognize and utilize effectively the supporting provisions of those treaties.
- (g) The revision of the policy framework should address more recent issues of importance, such as treatment of alien invasive species and disaster management.



### **3.2 Legislative Framework for Protected Areas Management**

There are a large number of laws that affect various aspects of protected areas development and management (Appendix 6). The legislation that provide for the declaration of protected areas are:

- Forest, Soil and Water Conservation Act, 1945;
- Saint Lucia National Trust Act, 1975;
- Wildlife Protection Act, 1980<sup>3</sup>;
- Fisheries Act, 1984;
- Land Conservation and Improvement Act, 1992;
- National Conservation Authority Act, 1999; and
- Physical Planning and Development Act, 2001.

#### **(a) Forest, Soil and Water Conservation Act, 1945**

This Act provides for the “... *conservation of the forest, soil, and water resources of Saint Lucia*”. It provides for the declaration of forest reserves on Crown land and protected forests on private lands to support a range of objectives, including (i) prevention of flooding, landslips, and soil erosion, (ii) protection of critical infrastructure, (iii) management of timber resources, (iv) maintenance of water supplies, and (v) protection from storms. Protected forests are also intended to support the health and general well-being of St. Lucians. The Act also permits the declaration of Crown lands to be prohibited areas to support any of the purposes of the forest reserves or protected forests.

The Act allows for private landowners to enter into agreements with the Government for the management of private lands as forests for conservation purposes, and for that private landowner to be compensated accordingly.

Twelve (12) forest reserves and twenty four (24) protected forests have thus far been declared under this Act.

#### **(b) Saint Lucia National Trust Act, 1975**

The Act established the St. Lucia National Trust, and set as its objects the promotion and protection of St. Lucia’s natural, historical, and archeological resources, including areas that are submarine and subterranean. The Act contains provisions for the Trust to make by-laws to support the implementation of the Act and the programmes of the Trust. The by-laws developed by the Trust must be approved by Cabinet and published in the Gazette to become law. Statutory Instrument No. 27 of 1984 deals with the administrative functioning of the Trust, and Statutory Instrument No. 47 of 1982 provides the by-laws governing the

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<sup>3</sup> The Wildlife Protection Act (1980) provides for the designation of wildlife reserves. However, detailed information on this Act is not presented in this report due to the fact that the legislation was not reviewed.

management of the Pigeon Island National Park. The Act does not provide for the declaration of protected areas.

**(c) Wildlife Protection Act, 1980<sup>4</sup>**

The *Wildlife Protection Act, No. 9 of 1980* provides for the protection, conservation and management of wildlife in St. Lucia. Under this Act, the Minister responsible for matters relating to wildlife (currently the Minister for Agriculture, Fisheries and Forestry) may, by Order, “*declare any area of land or water to be a wildlife reserve*”. The Act also places restrictions on certain actions or activities which could be undertaken within wildlife reserves. The Act also makes provision for the Minister to, by statutory instrument, “*make provision for the control and administration of any wildlife reserve*”. The Maria Islands Wildlife Reserve, which is managed by the St. Lucia National Trust, is the only reserve that has been established under this Act.

**(d) Fisheries Act, 1984**

The Fisheries Act (1984) makes provision for the “*...promotion and regulation of fishing and fisheries in the fishery waters of Saint Lucia ...*”. As part of that mandate, the Chief Fisheries Officer is required to prepare and periodically review a fisheries development and management plan.

The Act provides for the declaration of marine reserves for a range of purposes, including (i) protection of breeding grounds for aquatic life, (ii) providing special protection for flora and fauna in danger of extinction, (iii) allowing for regeneration of depleted species, (iv) promotion of scientific study and research, and (v) preservation of areas of natural beauty.

The Act also authorizes the Minister to enter into agreements with other regional governments and organizations for the purpose of harmonizing approaches to fisheries management, a provision that supports the possibility of establishing trans-boundary protected areas and development of common approaches and standards to protected areas management within the OECS sub-region.

Regulations passed under this Act (Statutory Instrument No. 9 of 1994) establishes a general prohibition against the collection or possession of corals, sponges, and marine algae without the written permission of the Chief Fisheries Officer. The regulations also prohibit the discharge of any poison, noxious substance, or pollutant into the fresh, estuarine, or marine waters of St. Lucia.

Twenty six (26) marine reserves and two marine management areas have been declared under this Act (Table 1).

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<sup>4</sup> This paragraph was taken from Norville, 2005.

**Table 1: Marine Protected Areas in St. Lucia**

<b>Site</b>	<b>Year Designated</b>	<b>Size (hectares)</b>	<b>Reason for Declaration</b>
Marquis Mangroves Marine Reserve (a)	1986	N/A	N/A
Rodney Bay Artificial Reefs Marine Reserves (a)	1986	N/A	N/A
Marigot May Mangroves Marine Reserve (a)	1986	N/A	N/A
Anse Marin Reef Marine Reserve (a)	1986	N/A	N/A
Grand Caille to Rchette Point Marine Reserve (a)	1986	N/A	N/A
Anse L'ivrogne Reef Marine Reserve (a)	1986	N/A	N/A
Anse Pointe Sable-Mankote Marine Reserve (a)	1986	N/A	N/A
Maria Islet Reef Marine Reserve (a)	1986	N/A	N/A
Savannes Bay Mangrove Marine Reserve (a)	1986	N/A	N/A
Malgretoute Reef Marine Reserve (a)	1986	N/A	N/A
Anse de Pitons Reef Marine Reserve (a)	1986	N/A	N/A
Esperance Harbour Mangrove Marine Reserve (a)	1986	N/A	N/A
Praslin Mangroves Marine Reserves (a)	1986	N/A	N/A
Fond d'or Marine Reserve (a)	1986	N/A	N/A
Louvette Mangroves Marine Reserve (a)	1986	N/A	N/A
Grand Anse Beach and Mangroves Marine Reserve (a)	1986	N/A	N/A
Bois d'Orange Mangrove Marine Reserve (a)	1986	N/A	N/A
Cas-en-bas Mangrove Marine Reserve (a)	1986	N/A	N/A

Site	Year Designated	Size (hectares)	Reason for Declaration
Choc Bay Mangrove Marine Reserve (a)	1986	N/A	N/A
Anse Chastanet Reefs Marine Reserve (b)	1990	N/A	N/A
Anse Cochon Artificial Reef Marine Reserve (b)	1990	N/A	N/A
Anse Galet to Anse Cochon Reef Marine Reserve (b)	1990	N/A	N/A
Vigie Bay Artificial Reef Marine Reserve (b)	1990	N/A	N/A
Moule-A-Chique Artificial Reefs Marine Reserve (b)	1990	N/A	N/A
Caesar Point to Mathurin Point Reefs Marine Reserve (b)	1990	N/A	N/A
Artificial Reef at Anse la Verdure Marine Reserve (c)	2000	N/A	N/A
Canaries/Anse la Raye Marine Management Area (c)	1998	N/A	Multiple use area, contains 5 marine reserves
The Soufriere Marine Management Area (c)	1995	N/A	Multiple use area, contains 4 marine reserves
<p>Source: (a) Gazette Notice 8 of 1986; (b) Gazette Notice 7 of 1990; (c) Fisheries Division, 2006</p> <p>N/A = not available</p>			

### (e) Land Conservation and Improvement Act, 1992

This Act focuses on the conservation of land, and makes provision for the establishment of a Land Conservation Board to administer the Act. While the Act seems to deal more with forestry and agricultural lands, the Board may declare Crown lands as conservation areas. Private lands can also be declared as conservation areas, in which event the land owner has to be compensated for loss of use.

Conservation areas can be declared for the following purposes:

- (i) *the protection against storms, storm waters, winds, rain, stones, floods, land slides, drought and airborne emissions;*
- (ii) *the preservation of soil and vegetation, ridges, valleys and hilly tracks;*

- (iii) *the prevention of land slides and the formation of ravines and torrents, and the protection of land against erosion or the deposition thereof of soil, sand, stones, gravel and noxious material;*
- (iv) *the maintenance of the water supply in springs, rivers, canals and any other source;*
- (v) *the maintenance and carrying out of drainage works;*
- (vi) *the protection of transmission lines, pipelines, bridges, roads, culverts, hydraulic structures, and the protection of any other property or lines of communication;*
- (vii) *the preservation of soil fertility, scenic beauty, cultural and other unique characteristics;*
- (viii) *the promotion of the most efficient and economic utilisation of land; and*
- (ix) *the preservation of public and environmental health.*

From the purposes listed above, it can be implied that the Act is meant to address land management issues generally. To underscore this intent, the Act includes in the functions of the Land Conservation Board a role in coordinating the efforts of other conservation agencies in matters related to conservation of land and water resources (Section 4(d)).

As with other laws dealing with protected areas, the Land Conservation and Improvement Act (1992) mandates the Board to prepare a management and implementation plan for each conservation area, and sets out a process of public notification, hearings, and appeals dealing with the declaration of a conservation area and preparation of a management plan.

This Act is the only one in St. Lucia that authorizes a management agency for protected areas to create a reserve fund to support its functions.

The Act also declared the Model Farm Lands and Mabouya Valley Development Project Lands as conservation areas.

#### **(f) National Conservation Authority Act, 1999**

This Act established the National Conservation Authority, and simultaneously repealed the Parks and Beaches Commission Act (1983). The Act focuses on the provision and management of recreational facilities, and as such, the functions of the Authority includes protected areas designation and management, development and management of beaches and associated facilities, beautification of public recreational places, and advising the Minister on matters related to beach management and coastal protection.

The Act provides for the declaration of protected areas for the following purposes:

- (i) preserving or enhancing the natural beauty of the area, its fauna or flora;
- (ii) creating a recreational area or national park; and
- (iii) creating a marine park.

The Act deals with the authority of other laws and institutions by simply removing from the power of the Authority any building or land under the management or control of the St. Lucia

National Trust or any other environmental management organisation as recognized by the Minister responsible for the environment. Unfortunately, the Act does not extend itself to addressing the linkages with other protected areas management institutions, national protected areas policy, and the system of protected areas.

The Act contains a provision for the appeal of decisions of the Authority to be heard by the Courts instead of the Minister responsible for parks. This should reduce the possibility of decisions concerning protected areas being made for political reasons, and should motivate the Authority to develop appropriate consultation, assessment, and decision-making procedures.

**(g) Physical Planning and Development Act, 2001**

This Act provides for “... *the development of land, the assessment of the environmental impacts of development, the grant of permission to develop land and for other powers to regulate the use of land, and for related matters*”.

The objects of the Act include the protection and conservation of the natural and cultural heritage of St. Lucia. The Act deals with protected areas primarily through the allocation of land for protected areas. However, it also provides for the protection of natural areas through the declaration of such areas as Environmental Protection Areas. The Act gives the Physical Planning and Development Division the authority to “... *compile lists of buildings, monuments and sites of special prehistoric, historic or architectural interest ...*”, as well as to adopt similar lists compiled by the St. Lucia National Trust and the National Conservation Authority.

Further protection is provided to protected areas through the use of environmental impact assessment (EIA) in the development control process. The Fourth Schedule of the Act lists matters for which an environmental impact assessment is required, including “*development in wetlands, marine parks, national parks, conservation areas, environmental protection areas or other sensitive environmental areas*”.

**3.2.1 Relevant Issues and Initiatives**

The current legal framework for protected areas management in St. Lucia contains substantive primary legislation, and much of the current gap is mainly the insufficient coverage by supporting regulations and procedures. Relevant issues for further consideration include:

- (a) None of the existing legislation provides direct support for a national system of protected areas. This legislative gap was recognized in the 1992 draft protected areas system plan, which recommended that the Saint Lucia National Trust Act (1975) be amended to provide for the establishment and management of the system of protected

- areas. That need still exists. However, in the event that the St. Lucia National Trust is given that remit, the nature and structure of the institution should be changed from a membership organization to a full public corporation.
- (b) Since the promulgation of the Saint Lucia National Trust Act (1975), only two (2) By-Laws have been passed; (i) Statutory Instrument 27 of 1984, to give effect to the operational procedures of the Council, the Trust, and Members, and (ii) Statutory Instrument 47 of 1982, to support the operations of the Pigeon Island National Park. Given the range of sites managed by the Trust, it is important that other by-laws be developed to deal with the range of issues involved in protected areas management, from site identification and assessment through declaration and establishment to operations. Additionally, the Act does not provide the Trust with the authority to declare protected areas, and the Trust can only manage sites vested to it by another institution.
  - (c) The provision in the National Conservation Authority Act (1999) to limit the control of the Authority to sites not managed by other environmental management institutions (Section 37) reduces institutional conflicts for site management. However, the Act does not adequately address the linkages with other protected areas management institutions, national protected areas policy, and the system of protected areas.
  - (d) The Fisheries Act (1984) defines fish as all aquatic animals, including corals. As such, it is expected that the Act would deal with the management of all such resources, not just fish, conch, turtles, and lobsters. However, there is no provision for a wider programme of marine resources management. In the absence of comprehensive environmental management legislation and programmes, the Act currently provides the best legal basis for marine resources management. Regulations should therefore be developed to provide a basis for this wider resources management programme, probably as an initial step in the development of the proposed coastal zone management programme.
  - (e) The Fishing Regulations (1994) sets an upper limit of (EC)\$5,000.00 for offences under the regulations. While that may seem adequate for persons using noxious liquids for the purposes of fishing, deliberate or accidental discharge of wastes or noxious materials from yachts, cruise ships, cargo vessels, and oil tankers should be treated much more seriously, as the scale and severity of the impact from such discharge will most likely be much more significant. As such, the regulations should be revised to impose much larger fines and other criminal charges for discharges from the afore-mentioned sources, particularly when such discharges take place within, or impact on, marine protected areas.
  - (f) Both the Fisheries Act (1984) and the Fishing Regulations (1994) mandates the issuance of a permit for scientific research related to fisheries. Given the difficulties of accessing research data, the Regulations should be revised to require that the results of all research conducted by internal and external persons or institutions be

- deposited with an identified institution. This is particularly important for marine reserves, where a more rigorous management regime is supposed to be applied.
- (g) The Forest, Soil and Water Conservation Act (1945) provides a legal basis for the declaration of protected areas (Protected Forest) to aid in disaster mitigation and pollution prevention. Given the significant degree of soil loss and contamination of water supplies by sedimentation and chemicals (De Beauville, 2005), regulations should be developed under this Act for the establishment and management of protected forests.
  - (h) The Physical Planning and Development Act (2001) makes provision for listing the sites of special interest designated under the Saint Lucia National Trust Act (1975) and the National Conservation Authority Act (1999), but makes no mention of conservation areas as designated under the Land Conservation and Improvement Act (1992). Lands designated under this latter Act should be recognized by the physical plan, as provided by the Second Schedule of the Physical Planning and Development Act (2001).

Two initiatives dealing with legislative issues were identified during the consultations:

- (a) The St. Lucia National Trust has drafted a Heritage Properties Bill, which would provide the St. Lucia National Trust with the authority to declare protected areas, particularly heritage sites<sup>5</sup>.
- (b) The Government of St. Lucia is taking steps to revise all the environmental laws, and as part of that process, will update the legislative framework for protected areas management.

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<sup>5</sup> A copy of the Bill was not obtained, and as such, the provisions of the Bill could not be determined during this review.



#### 4. INSTITUTIONAL FRAMEWORK

Responsibility for protected areas management in St. Lucia is shared among several public sector agencies, with supporting roles by a number of public and civil society organizations. No formal mechanism exists for inter-agency coordination, though the Pitons Management Area Advisory Committee functions in that capacity for the management of the Pitons World Heritage Site.

##### 4.1 Protected Areas Management Institutions

In order to maintain consistency within the context of this review of the 6 OECS Participating Member States, management institutions are defined as those institutions that have primary responsibility for the daily operations of a protected area.

##### **St. Lucia National Trust**

The St. Lucia National Trust was established by the Saint Lucia National Trust Act, 1975. The law lists the objects of the Trust as:

- (a) *The listing of buildings, objects and monuments of prehistoric, historic and architectural interest and places of natural beauty with their animal and plant life;*
- (b) *The listing of objects of prehistoric, historic and archeological interests;*
- (c) *The compilation of photographic and architectural records of the above;*
- (d) *To locate and to promote the preservation of buildings and objects of archeological, architectural, historic, artistic or traditional interest and the establishment of museums;*
- (e) *To promote and preserve for the benefit and enjoyment of the State of submarine and subterranean areas of beauty of natural or historic interest and to preserve (as far as possible) their natural aspect, features, animals and plant life;*
- (f) *To list flora and fauna in the areas mentioned in paragraph (e) and to promote their conservation;*
- (g) *To make the public aware of the value and beauty of the State's heritage as set out above;*
- (h) *To pursue a policy of preservation, and to act in an advisory capacity;*
- (i) *To acquire property for the benefit of the State;*
- (j) *To attract funds by means of subscription, donations, bequests and grants for the execution of the above objects and to administer the Trust property for the furtherance and achievement of the above objects.*

In 1996, the Trust undertook a strategic planning process, which produced its Strategic Plan 1998-2007. The programmes of the Trust were organized into four programme areas: (a) Education, (b) Information and Communication, (c) Site and Property Development and Management, and (d) Institutional Development. The Trust currently manages approximately 26 sites, most of which are historic properties (Table 2).

**Table 2: Sites Managed by the St. Lucia National Trust**

Site	Location of Site	Size of Site/s
Pigeon Island National Landmark	<i>Quarters of Gros Islet</i>	
Choc Park	<i>Quarters of Castries</i>	12,000 sq. ft
Married Women Quarters	<i>Quarters of Castries</i>	
Meadow's Battery	<i>Quarters of Castries</i>	
Half Moon Battery	<i>Quarters of Castries</i>	
Old Agricultural Building Site	<i>Quarters of Castries</i>	
Apostles Battery	<i>Quarters of Castries</i>	
Provost Park	<i>Quarters of Castries</i>	
Powder Magazine	<i>Quarters of Castries</i>	
French & British Cemeteries	<i>Quarters of Castries</i>	
Inniskilling Monument	<i>Quarters of Castries</i>	3.04 acres
Marigot Estate	<i>Quarters of Castries</i>	33.30 acres
Anse Galet	<i>Quarters of Anse la Raye</i>	
Anse La Liberte	<i>Quarters of Canaries</i>	138 acres, 1 rood & 21.7 perches
Mandele Estate	<i>Quarters of Dennery</i>	133 acres
Maria Islands	<i>Quarters of Vieux Fort</i>	19 acres, 3 roods & 9.4 perches
L'Islet Island	<i>Quarters of Micoud</i>	0.56 hec.
Liverpool Rock	<i>Quarters of Micoud</i>	0.48 hec.
Frigate Islands	<i>Quarters of Praslin</i>	0.37 hec.
Dennery Islands	<i>Quarters of Dennery</i>	2.80 hec.
Bateaux Island	<i>Quarters of Dennery</i>	1.40 hec.
Rouche Island	<i>Quarters of Dennery</i>	1.40 hec.
<i>L'Islet a Ramier (Ramier Island)</i>	<i>Quarters of Dennery</i>	0.50 hec.
Lapins Islands	<i>Quarters of Dauphin</i>	0.67 hec.
Fous Islands	<i>Quarters of Dauphin</i>	0.50 hec.
Coastline Area	<i>Quarters of Praslin</i>	5 acres

Source: St. Lucia National Trust, 2006

### **Forestry Department**

The Forestry Department is responsible for the management of forest resources and watersheds in St. Lucia. The mandate of the Department is provided by the following legislative instruments:

- Forest, Soil and Water Conservation Act, 1945; and
- Wildlife Protection Act, 1980.

In discharging its responsibilities under the above laws, the Forestry Department undertakes the following activities:

- Management of forest resources;
- Establishment and management of forest reserves and protected forests;
- Soil conservation;
- Management of water catchments;
- Wildlife resources management; and
- Designation and management of wildlife reserves.

The Forestry Department functions as the National Focal Point for the Ramsar Convention, and the Chief Forest Officer participates in the Conference of Parties for the CBD<sup>6</sup>.

### **Fisheries Department**

The Fisheries Department is responsible for the management of the fisheries resources in St. Lucia, and its mandate is provided mainly by the Fisheries Act (1984). The Department functions to:

- Manage the fisheries through the regulation of fishing activities, conducting research, providing required landing facilities;
- Establish and manage marine reserves and marine protected areas; and
- Establish and provide technical support to the local fisheries management authorities.

The Department also plays a major role in the national biodiversity efforts.

### **Soufriere Marine Management Association Inc.**

The Soufriere Marine Management Association Inc. is the Local Fisheries Management Authority for the Soufriere Marine Management Area (SMMA). The activities of the Association are listed as:

- Scientific research on the natural resources of the area;
- Regular monitoring of coral reefs, water quality and other environmental factors and resources;
- Public information and sensitization;

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<sup>6</sup> The Permanent Secretary in the Ministry of Agriculture, Forestry and Fisheries is currently the National Focal Point for the CBD.

- Provision of facilities for users of the SMMA, e.g. moorings;
- Coordination of economic activities related to the SMMA and its resources;
- Promotion of technologies that are appropriate and linked with local environmental, social and cultural aspects of the SMMA;
- Surveillance and enforcement of rules and regulations;
- Conflict resolution among the various user groups whenever necessary; and
- Maintenance of the principles of ongoing participation and public consultation.

### **Pitons Management Area Advisory Committee**

The Pitons Management Area Advisory Committee (PMAAC) is “...a multi-agency coordinating body ...” responsible for the management of the Pitons Management Area. The area is approximately 29.09 Km<sup>2</sup>, comprising resources of “...exceptional beauty, biological, geological and historical significance” (De Beauville-Scott and George, 2003), and was inscribed as a World Heritage Site in February 2004.

The PMAAC has been focused on the establishment of site offices and a management team, though further development of its management structure and roles will be undertaken in the future.

### **National Conservation Authority**

The National Conservation Authority was created under the provisions of the National Conservation Authority Act (1999), and charged with the responsibility for development and management of public parks and beaches. The functions of the Authority, as set out in the law, are:

- (a) *to conserve the natural beauty and topographic features of Saint Lucia;*
- (b) *to remove derelict objects from a beach or a protected area;*
- (c) *to control, maintain or develop a beach or protected area or a public access to a beach or protected area;*
- (d) *to provide, as it thinks fit, a lifeguard service on a beach in Saint Lucia;*
- (e) *to secure sanitary conditions on a beach or protected area;*
- (f) *to maintain or assist in maintaining beach facilities;*
- (g) *to advise the Minister on –*
  - (ii) *the construction of beach and ancillary recreational facilities;*
  - (iii) *the control of the construction in any protected area or on any beach, of huts, booths, tents, sheds, stands, stalls, bath houses, shops or other structures (whether movable or immovable);*
  - (iv) *the removal of anything from the ocean bed which is likely to cause encroachment of the sea; and*
  - (v) *the protection of the coastline of Saint Lucia from erosion or encroachment by the sea;*
- (h) *to beautify a public place and a protected areas with flora and fauna;*
- (i) *to advise the Minister on an area to be declared as a protected area under Section 3;*

- (j) *to enter into written agreement with owners or occupiers of land for the right of access to a protected area.*

#### **4.2 Supporting Institutions**

Supporting institutions are defined as those institutions that do not have responsibility for the daily operations of a protected area, but which, through their legislative mandates or programme areas, regulate specific activities/operations within sites or provide various forms of support to site operations.

##### **Sustainable Development and Environment Unit – Ministry of Physical Development, Environment and Housing**

The Sustainable Development and Environment Unit coordinates preparation of environmental management policies, and functions as the coordination mechanism for specific initiatives, such as the development of a coastal zone strategy and the establishment of the Coastal Zone Management Unit. In some cases, such as the Pitons Management Area Advisory Committee, the Unit participates in implementation arrangements for specific projects/initiatives.

The Unit also functions as the National Focal Point for several multilateral environmental agreements (MEAs), including the Climate Change Convention.

##### **Physical Planning and Development Division – Ministry of Physical Development, Environment and Housing**

The Physical Planning and Development Division is charged with land use planning and development control, and in that context is responsible for the administration of the Physical Planning and Development Act (2001). The Division contributes to management of protected areas through the management of the EIA process, as well as providing technical support to the protected areas management agencies in the preparation of maps and the hosting of spatial databases for protected areas.

##### **Crown Lands Department<sup>7</sup>**

The Crown Lands Department is responsible for the survey and management of Crown lands and vacant lands, the acquisition of lands deemed necessary for public use, and the lease of Crown lands. Areas of Queens Chain also fall under the jurisdiction of this Department. The Crown Lands Department has established arrangements with key agencies, such as the

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<sup>7</sup> This paragraph on the Crown Lands Department is taken from deBeauville-Scott and George, 2003.

Forestry Department, for the active management of resources within certain Crown Land areas.

### **Ministry of Education**

The Ministry of Education houses the National Commission for UNESCO, and therefore participated in the preparations for the submission of the Pitons area to the World Heritage Centre for declaration as a world heritage site.

### **Attorney General's Department**

The Attorney General's Department supports protected areas development and management through its normal functions of legislative drafting and providing legal advice and technical support to government departments.

### **Archeological and Historical Society**

The Archeological and Historical Society is the custodian of most of St. Lucia's archeological and historical collections, and currently receives a subvention from Government to support its functions

## **4.3 Institutional Issues and Current Initiatives**

The range of laws has resulted in an increase in the number of institutions involved in protected areas management, without rationalization of the policy and institutional frameworks. For this and other reasons, there are a number of institutional issues that have to be addressed to effect an improvement in the management of protected areas in St. Lucia. The most urgent issues identified in this review include:

- (a) **General Lack of Reporting** – The lack of information on the state of the sites and the status of programmes appears to be part of a general pattern of non-reporting on protected areas management. For example, the Fisheries Department has not prepared the required fisheries management plan; the St. Lucia National Trust has a strategic plan, but no annual report; the protected areas system plan has not been revised since its preparation in 1992; and the protected areas management agencies do not prepare programme reports or annual reports for protected areas. All this, despite the inscription of a world heritage site, designation of Ramsar sites, and new laws establishing new institutional arrangements. During the consultations on January 25, 2006, it was noted that, except for the solid waste act, there is no legislation that mandates the preparation of periodic institutional reports and sector reports.

- (b) **Institutional Coordinating Mechanism for Protected Areas Management** – There is no overall institutional coordinating mechanism for protected areas management in St. Lucia, and no single lead agency has been designated. The Land Conservation and Improvement Act (1992) provides for the Land Conservation Board “*to coordinate efforts of other Conservation Bodies including Government Agencies in relation to the conservation of land and water resources*” (Section 4(d)). This review did not find that this institutional coordinating role has been established. The Pitons Management Area Advisory Committee is a multi-agency committee, but focused solely on the development of a management structure for the Pitons Management Area.
- (c) **Support Systems for Site and System Development** – Given the large number of sites, managed by several institutions, incorporating those sites into a system of protected areas require that guidelines and standard operating procedures be used in the development and management of each site and the overall system. These support systems should deal not only with issues of management approaches, but also support systems in the support institutions, such as the Ministry of Finance. The approach taken by the Fisheries Department to consolidate small marine reserves into larger marine protected areas should be reviewed with the intention of ensuring that all marine benthic communities are represented in the system of marine protected areas. Methodologies for gap analysis, ecosystem monitoring, site and system evaluation are only a few of the system guidelines that are necessary to ensure that the system of protected areas meet the development goals of the country while meeting obligations of the international environmental agreements.
- (d) **Data Management Systems** – The Physical Planning and Development Division is assisting the St. Lucia National Trust to develop a spatial database for sites under the management of the Trust. The coverage in that database should be increased to include all protected areas in St. Lucia. Not only would complete coverage be useful to the protected areas management institutions, but the Division could also use the information for the management of the development control process. In addition to the spatial data, biophysical and socio-economic data should be collected and analysed as part of the determination of management effectiveness and the contribution of protected areas to national development.

#### **4.4 Institutional Capacity for Protected Areas Management**

The approach taken to gauging institutional capacity for protected areas management involved reviewing existing reports and obtaining insights during the consultation process. Two questionnaires were developed, one for management institutions, and the other for supporting institutions (Appendix 4). The questionnaires were intended to provide information on institutional resources, infrastructure, commitments, programming, and linkages, and were to be used in determining the capacity of the institution to discharge its functions. Only the Fisheries Department completed and returned the questionnaire.

Due to the absence of programming information, information on institutional capacity was gleaned from relevant reports, including; report on the “Institutional Capacities and Constraints in Saint Lucia” (Dillon Consulting Limited, 2004); the national report on watersheds management (Water Resources Management Unit, 2001); Legal and Institutional Review of Environmental Management in St. Lucia (ESDU, 2002); the national report on the implementation of the Barbados Programme of Action; and the Periodic Report on the national implementation of the World Heritage Convention (Romulus, 2003). The reports indicate that there are constraints to sustainable development planning and environmental management in St. Lucia, with many of the constraints being inadequate financial and human capacity.

In order to maintain consistency within the context of this review of the six OECS Participating Member States, the following factors will be used in considering the institutional capacity for protected areas management:

- Adequate staffing levels;
- Adequate skill sets and orientation;
- Financial resources;
- Institutional culture; and
- Political dexterity.

- (a) **Adequate Staffing Levels** – Staffing levels are inadequate in all protected areas management institutions. As such, activities such as enforcement, research, monitoring, and evaluation are not undertaken on a consistent basis.
- (b) **Adequate Skill Sets and Orientation** – With the small pool of expertise, not all the skill sets needed to design, develop, and manage a range of sites and the system of protected areas are readily available. However, Dillon Consulting Limited (2004) noted that despite having a large workload “*staff with environmental responsibilities in sector agencies are also generally well qualified and bring high levels of expertise to their work*”.
- (c) **Financial Resources** – Financial resources to undertake the range of activities necessary for the development and management of a system of protected areas is simply not adequate.
- (d) **Institutional Culture** – Protected areas management institutions in St. Lucia have a history of supporting public consultations on a range of matters, and the collaborative arrangements continue to evolve. Areas of continuing problems, such as the need to address conflicts between traditional users of protected areas and tourism interests, have been identified (Geoghegan et al, 2001), and the appropriate inter-agency mechanisms are being developed (Consultations, January 27, 2006).
- (e) **Political Dexterity** – Increasing public awareness of the potential benefits of protected areas has resulted in institutions and communities demanding more



involvement in all aspects of protected areas development and management. This has led to more environmental activism on the part of communities, taxing the abilities of technocrats to meet local demands and maintain access to the political decision makers.

A number of the reports reviewed indicate that a number of the constraints faced by the institutions arise from factors outside of the control of the institutions, such as the absence of an agreed approach to heritage resources management (Appendix 7).

The review of the available documentation indicates that the capacity for protected areas development and management is inadequate to meet all the demands resulting from the linkages to the other sectors and the international agreements. Proposals currently being considered for addressing the current institutional issues include revitalization of the National Environmental Commission and establishment of the Land Conservation Board.

## 5. CURRENT STATUS OF PROTECTED AREAS MANAGEMENT

The Plan for a System of Protected Areas for St. Lucia (1992) provides the best available guidance on the objectives of the system, the categories of protected areas, and management arrangements. However, that Plan has not been officially approved by the Government.

As stated previously in this report, the protected areas management framework is characterized by:

- A fragmented policy framework that requires additional rationalization of conceptual and strategic approaches, as well as development of the appropriate support systems;
- A legal framework with generally adequate principal legislation that create overlapping institutional responsibilities, and inadequate regulations; and
- An institutional framework that requires coordination, though partnership arrangements are increasing being used to implement specific initiatives.

There is no definitive list of protected areas in St. Lucia, and a compilation of the available lists show mistakes including names of sites, locations, and even whether or not a site was officially declared as a protected area. Then there is the issue of site within site designations, where a marine protected area may include 5 marine reserves, resulting in a count of 6 protected areas instead of one. Lastly, there was no information to confirm whether the three internationally-designated sites have been designated under national laws. The 2006 World Database on Protected Areas lists St. Lucia as possessing 88 protected areas. However, a number of sites listed as proposed protected areas in the database appear as declared sites on lists managed by one of the national institutions.

The compilation of lists of protected areas from the management agencies indicate that there are currently seventy (70) protected areas in St. Lucia, covering eight management categories (Table 3).

**Table 3: Categories of Protected Areas in St. Lucia**

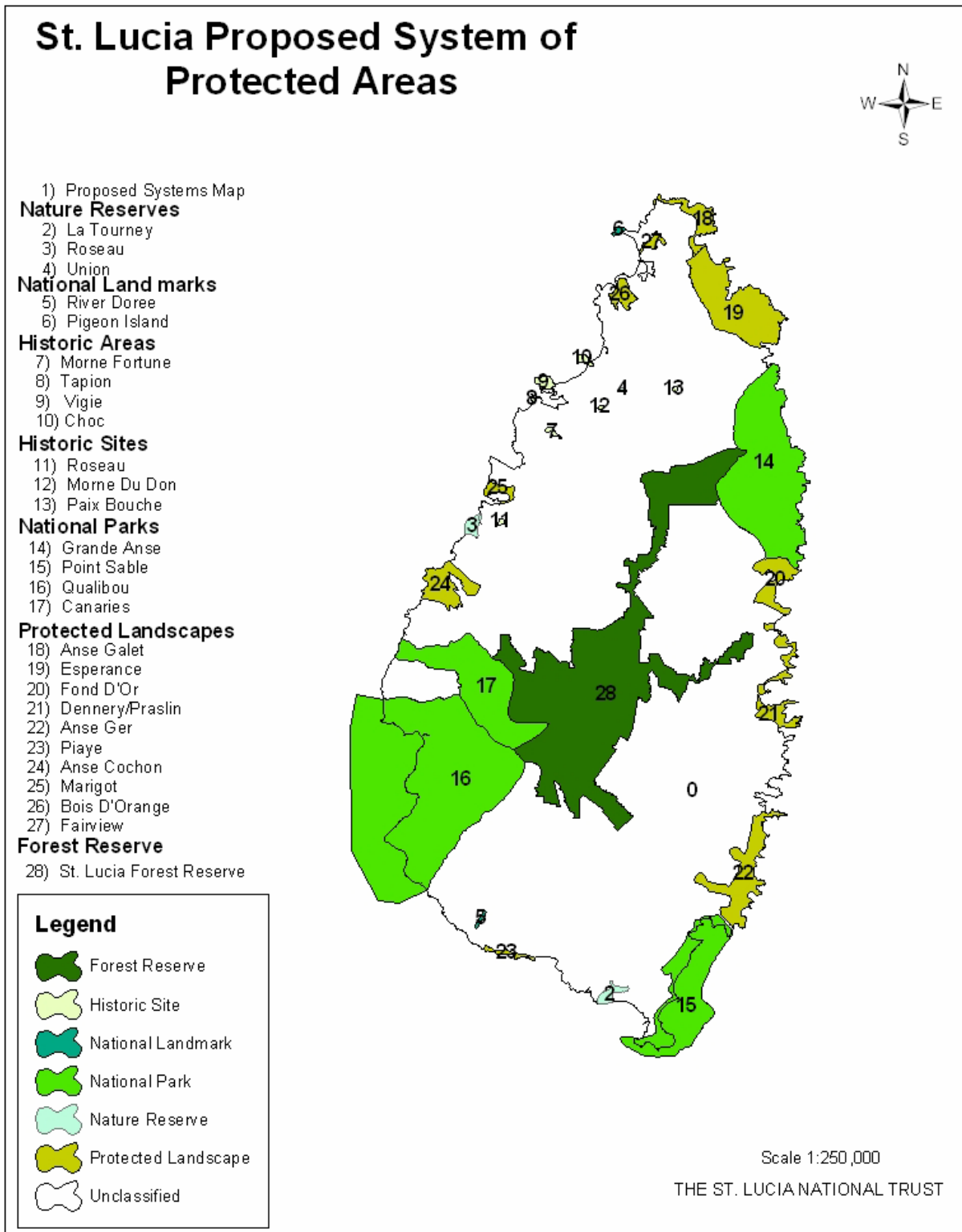
<b>Management Category</b>	<b>Number/Category</b>
Wildlife Reserve	1
Forest Reserve	12
Protected Forest	24
Marine Reserve	26
Marine Management Area	2
World Heritage Site	1
Ramsar Site	2
Conservation Area	2
<b>Total</b>	<b>70</b>

There are approximately 23 proposed protected areas, covering several management categories (Table 4 and Figure 2<sup>8</sup>). However, there is no indication as to which institution is responsible for carrying out the necessary activities to have any particular site designated as a protected area.

**Table 4: Proposed Protected Areas**

Site	Proposed Category
Anse Ger	Protected Landscape
Esperance	Protected Landscape
Praslin	Protected Landscape
Taipan	Historic Site
Fond d'Or	Historic Site
Morne Fortune	Historic Site
Morne du Don	Historic Site
Paix Bouche	Historic Site
Vigie	Historic Site
Canaris	National Park
Grand Anse	National Park
Point Sable	National Park
Qualibou	National Park
Mt. Gimie	National Landmark
River Doree	National Landmark
Mamelles Island	Reserve
Bois d'Orange	Species Management Area
Anse La Chaloupe	Nature Reserve
Barrel O'Beef Rock	Nature Reserve
Bigorneau Rocks	Nature Reserve
Povert Island	Nature Reserve
Roseau Islands	Nature Reserve
Union Island	Nature Reserve
<u>Source:</u> World Database on Protected Areas, 2006	

<sup>8</sup> The table and the map are not exactly complementary, which indicates possible inaccuracies in the available data.



**Figure 2: Proposed Protected Areas**

## 5.1 Current and Planned Initiatives

The current initiatives that are expected to produce direct or indirect benefits to protected areas development and management in St. Lucia are:

### (a) **CREP Amenity Area Demonstration Project**

The Caribbean Regional Environment Programme (CREP) Project is funded by the European Union through an agreement with the Caribbean Forum (CARIFORUM). The project, which covers 13 CARIFORUM states and is coordinated from Barbados, is intended to “...*demonstrate a micro model for combining the objectives of environmental conservation with promotion of sustainable livelihoods in what are called Amenity Areas – natural sites of high ecological and economic value*”.

The demonstration site that was selected by the stakeholder consultation exercise was the proposed Fond D’Or Nature Reserve & Heritage Park. The proposed nature reserve comprises approximately 262 ha of mangrove wetland, coconut groves, and densely forested coastal area. The ruin of a sugar estate provides the historic component of the property. The project was launched in May 2005, and is supposed to generate the following products:

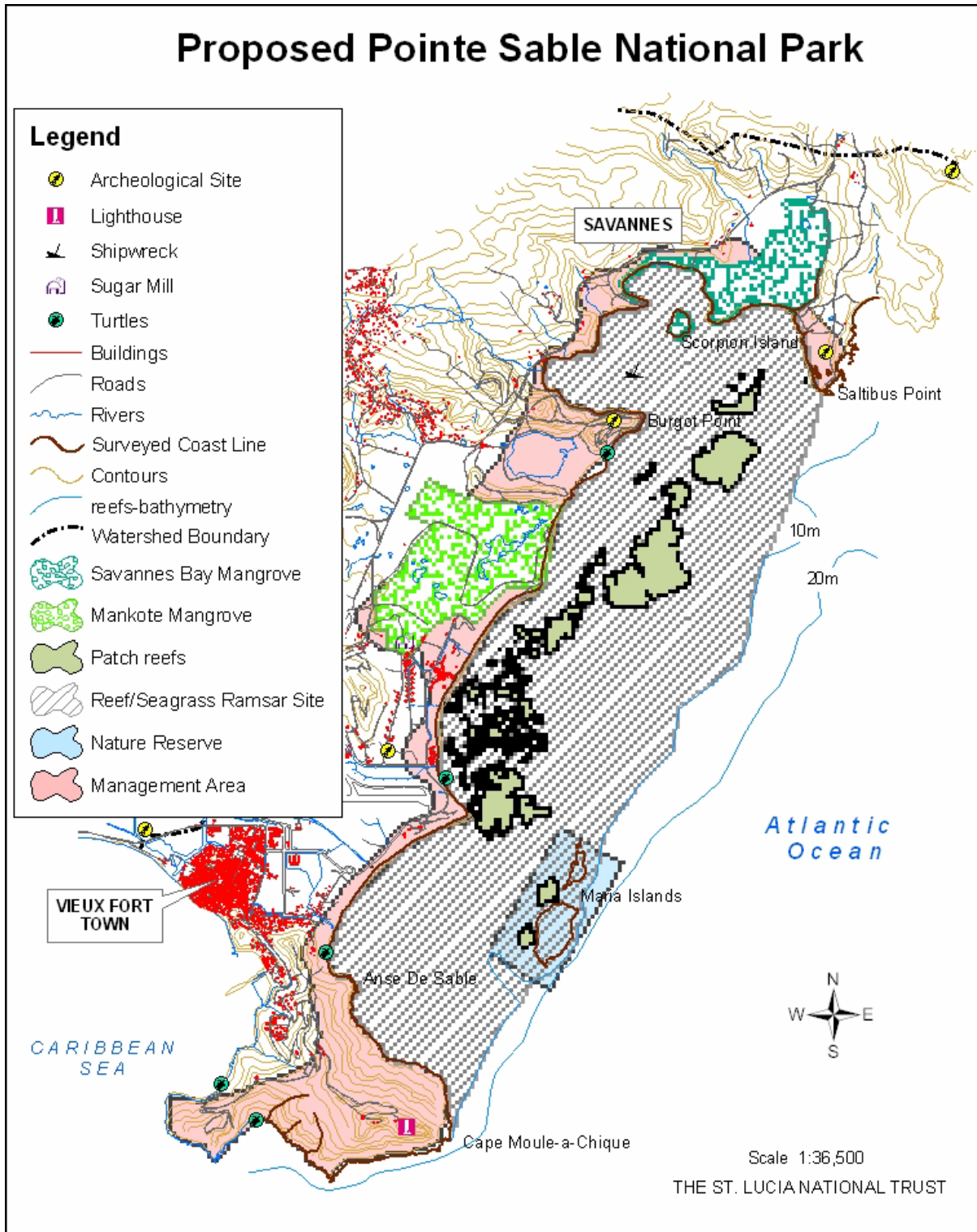
- **Output 1:** Build the capacity of project partner institutions that have responsibility for parks planning and oversight of management operations.
- **Output 2:** Integrated Resource Management and Sustainable Livelihood Plan and Amenity Area Management Plan.
- **Output 3:** Physical infrastructure in place - Upgraded physical assets, enhanced interpretive methods, and new attractions and services (mini-rail ride, banana museum and tour, exhibits and audio-visual displays, re-enactment of original sugar mill processes, improvement of hiking trails (including proper signage), bird-watching tours, aquatic recreational activities at the estuary, and the development of more amenities for picnicking and camping).

The project should have been completed in 2006, but attempts during this review to determine the status of the project and the outputs were unsuccessful.

### (b) **OPAAL National Demonstration Project**

The proposed Point Sable National Park is located at the town of Vieux Fort, on St. Lucia’s southeast coast (Figure 3). The 250-hectare site contains a number of systems, including smaller areas that have been declared as protected areas (Savannes Bay and Mankòtè Mangroves as Ramsar sites, and Maria Island as a wildlife reserve).

This project is a continuation of local efforts since the 1990s to have the area declared a national park. The project is being coordinated by the St. Lucia National Trust.



**Figure 3: Proposed Boundaries of the Pointe Sable National Park**

**(c) IWCAM Demonstration Project**

The overall objective of the Integrating Watershed and Coastal Areas Management (IWCAM) Project is “... *to strengthen the commitment and capacity of the participating countries to implement an integrated approach to the management of watersheds and coastal areas. The long-term goal is to enhance the capacity of the countries to plan and manage their aquatic resources and ecosystems on a sustainable basis*” (<http://www.iwcam.org>).

The project involves 13 Caribbean countries and one of the five components is national demonstration activities that “... *address national priorities with the potential for replication across the region and in other SIDS regions*”.

The national demonstration project for St. Lucia is focused on the Fond’Or Watershed, and is titled “*Protecting Watershed Services and Developing Management Incentives in the Fond D’Or Watershed Area of St. Lucia*”. The primary object of the project is “... *the development of a model approach to participatory watershed management within a specific watershed complex (i.e. catchment areas and tributaries, river basin, river mouth)*”.

The project will be implemented by the Water Resources Unit of the Ministry of Agriculture, Forestry & Fisheries, and is expected to commence in early 2007. The project is expected to produce the following outputs:

- (i) A functioning and sustainable fully-integrated watershed management model (incorporating all necessary elements of community involvement, stakeholder participation, and inter-sectoral governmental cooperation) which can be replicated throughout the country and provide guidance for a national mechanism.
- (ii) A sustainable watershed management funding mechanism (either through a specific Fund or through formal agreements with a revenue collection body) to support the on-going and long term activities necessary to continue the effective management of the watershed.
- (iii) Enhanced awareness of watershed management issues, and support from all sectors (policy, technical, community, commercial stakeholders).
- (iv) An information collection, database and monitoring programme aimed at providing direct support to policy decisions, legislative tuning and effective compliance.
- (v) Quantifiable reductions in loss and wastage along with increased incentives for water conservation and recycling.
- (vi) Improved quality of life within the watershed and coastal communities related to the better management and provision of water resources (no shortages or rationing, improved water quality).

## 5.2 Threats to Protected Areas

The St. Lucia Hazard Mitigation Plan notes the vulnerability of the country to severe weather, in particular tropical storms. In some periods, such as 1994-1996, the island was impacted by storms every year. Such storms can be quite severe, resulting in loss of crops, damage to primary and social infrastructure, and natural systems. The preliminary damage assessment from Hurricane Ivan in 2004 was EC\$7 million, not including the loss to fisheries and other natural resources (NEMO, 2004). The high incidence of floods, and the vulnerability to volcanic activity and earthquakes was also highlighted.

The national report on the implementation of the Barbados Programme of Action summaries the national efforts at disaster management, and notes the constraints and required actions, including:

### Constraints

*Recent assessments in the local capacity for disaster management has revealed weak institutional capacity, lack of public demand for mitigation measures, significant human resource constraints and the continued perception by the general public of disaster management as the sole purview of government.*

### Recommendations

*Key recommendations include the following:*

- *The strengthening of existing legal and institutional regime for disaster planning and management;*
- *Consideration be given to St. Lucia becoming party to the International Convention on Oil Spill Prevention, Response, and Co-operation (OPRC), and developing and enacting of marine pollution legislation to address oil spills from ships;*
- *Developing comprehensive national hazard and community vulnerability maps where necessary; and*
- *Training public, private sector and civil society in identifying strategies for using the above, in disaster planning, preparedness and mitigation.*

However, threats to protected areas are not restricted to natural disasters. The potential threats from man-made sources, such as oil spills, water pollution, and resource damage from overuse and overexploitation are also significant.

Protected areas management, at both site and system level, must incorporate disaster management considerations in all stages of planning, design, and management.



## **6. SUMMARY AND RECOMMENDATIONS**

The system of protected areas in St. Lucia continues to grow, with local and international sites of importance being added and new institutional arrangements being established. However, the management framework for the system has not evolved to produce adequate policy and procedural guidance, support systems, and generate the necessary capacity to discharge the national and international obligations. The major issues identified during this review, and which need to be addressed as a matter of priority, are:

### **(a) Protected Areas System Policy and Plan**

The draft Plan for a System of Protected Areas for St. Lucia (1992) provides a good starting point for development of a system of protected areas. That Plan now needs to be updated to include new concepts and approaches, address new issues (such as invasive species and sea level rise), give more attention to St. Lucia's obligations under the various multilateral environmental agreements, deal more seriously with threats (especially disasters), and bring all the development issues into a more cohesive policy framework.

Relevant system guidelines and strategies should be developed to support the implementation of the approved system plan. These guidelines are necessary to guide site and system development, ensuring the use of standard approaches across the system, facilitating transparency and public participation, and facilitating monitoring and evaluation at the site, institutional, and system levels. System strategies support the long-term development of the various components of the system, including the development of appropriate financing mechanisms. An issue to be addressed by the institution of standard procedures is the rationalization of the current categorization, design, and listing of sites.

### **(b) Institutional Coordinating Mechanism**

No coordinating mechanism for protected areas management currently exists in St. Lucia. The 1992 draft system plan proposed the establishment of an Advisory Board, composed of 13 persons – 10 representatives from public sector agencies, one representative from a NGO, and 2 persons appointed by the Minister. Under this arrangement, the St. Lucia National Trust would function as the support institution to the Advisory Board. The Land Conservation and Improvements Act (1992) also proposes the establishment of a Land Conservation Board to coordinate all matters related to the conservation of lands.

It is recommended that the coordinating role for protected areas development and management be assigned to the Sustainable Development and Environment Unit – Ministry of Physical Development, Environment and Housing. The Unit currently coordinates preparation of environmental management policies, and already functions as the coordination mechanism for specific initiatives. When its role as the National

Focal Point for several multilateral environmental agreements is taken into account, the role of the Unit as coordinating the management system for protected areas seems quite logical. The Advisory Committee proposed by the draft system plan (with more representation from civil society and communities) would then function in an advisory capacity to the Sustainable Development and Environment Unit.

**(c) Rationalisation of Institutional Mandates**

Several laws provide for declaration and management of protected areas, using various institutional arrangements. The laws and institutional arrangements should be rationalized to reduce overlap and optimize integration of programme planning and implementation.

**(d) Data Management Systems for Protected Areas**

With a large number of sites, managed by several institutions, supporting various national developmental imperatives, it is necessary to ensure that protected areas resources are not damaged even as they provide a range of goods and services to the communities. The only way to be sure that the dual goals of resource protection and development support are being met is through the establishment of a system of monitoring and evaluation.

Monitoring and data management systems should be established in each management institution, and an evaluation process for the entire system should be established in the coordinating institution. Annual reporting to national and international partner institutions should become a routine activity.

**(e) Sustainable Financing for Protected Areas**

The Land Conservation and Improvement Act (1992) is the only law that currently allows for the establishment of a conservation fund in St. Lucia. Whether this law is updated, or a new law passed for establishment of conservation funds, a permanent trust fund for protected areas development and management should be established. The fund should be capitalized to the degree that is necessary to support new capital works and routine operations and maintenance for all protected areas. Where practicable, the sectors that utilize goods and services provided by protected areas should be required to make appropriate levels of annual contributions to the trust fund.

## BIBLIOGRAPHY

CBD Secretariat. 2006. *Review of Implementation of the Programme of Work on Protected Areas for the Period 2004-2006*. UNEP/CBD/COP/8/29. February 1, 2006.

De Beauville-Scott, Susanna. 2005. *Coastal Zone Management in Saint Lucia: Lessons Learnt Document; Issues Paper; Policy Guidelines and Selected Projects*. Government of St. Lucia and UNEP Caribbean Environment Programme.

De Beauville-Scott, Susanna and Sarah George. 2003. *Pitons Management Area Management Plan*. Government of St. Lucia.

Dillon Consulting Limited. 2004. *Institutional Capacities and Constraints in St. Lucia: Addendum to the Working Draft Report*. Organisation of Eastern Caribbean States and Caribbean Development Bank. November 2004.

Environment and Sustainable Development Unit. 2002. *Legal and Institutional Review of Environmental Management in Saint Lucia*. Organisation of Eastern Caribbean States and Government of St. Lucia.

Geoghegan, Tighe, Allan Smith, and Katy Thacker. 2001. *Characterization of Caribbean Marine Protected Areas: An Analysis of Ecological, Organizational, and Socio-Economic Factors*. CANARI Technical Report N1287.

Government of St. Lucia. 2004. *Coastal Zone Management in Saint Lucia: Policy, Guidelines and Selected Projects*. April 2004.

Government of St. Lucia. 1998. *Biodiversity Country Study Report of St. Lucia*.

Government of St. Lucia. 2001. *National Biodiversity Strategy and Action Plan*.

Government Statistics Department and Sustainable Development and Environment Department. 2001. *Saint Lucia's Compendium of Environmental Statistics 2001*. Government of St. Lucia.

Island Resources Foundation and the National Research and Development Foundation of St. Lucia. 1991. *St. Lucia Country Environmental Profile*. Caribbean Conservation Association

Ministry of Finance, International Financial Services and Economic Affairs. 2006. *2005 Economic and Social Review*. Government of St. Lucia.

Ministry of Physical Development, Environment and Housing. 2004. *National Environment Policy (NEP) and National Environmental Management Strategy (NEMS) For Saint Lucia*. Government of St. Lucia. November 2004.

Ministry of Physical Development, Environment and Housing. 2005. *National Land Policy: A Green Paper (Revised Draft)*. October 2005. Government of St. Lucia.

Ministry of Physical Development, Environment and Housing. *St. Lucia National Report to Review the Implementation of the Barbados Programme of Action: Draft Final Report*. Government of St. Lucia. Undated.

Ministry of Tourism. 2003. *National Tourism Policy*. Government of St. Lucia.

Ministry of Tourism. 2005. *Tourism Strategy and Action Plan*. Government of St. Lucia. August 2005.

National Emergency Management Organisation. 2004. *Assessed Cost of Damages Caused by Hurricane Ivan September 7<sup>th</sup> 2004*.

National Emergency Management Organisation. 2003. *The Saint Lucia Hazard Mitigation Plan*. 2003 Version.

Norville, Peter. 2005. *Review of Legal and Institutional Frameworks for the Management of Protected Areas in Saint Lucia*. Final Report, May 7, 2005.

Romulis, Giles. 2003. *Periodic Report on the Application of the World Heritage Convention: St. Lucia*. St. Lucia National Trust. May 2003.

St. Lucia National Trust. 1998. *Strategic Plan 1998-2007*.

Water Resources Management Unit. 2001. *National Report: Integrating the Management of Watersheds and Coastal Areas in St. Lucia*. Government of St. Lucia.

Cartagena Convention/SPAW: <http://www.cep.unep.org/cartagena-convention/>

CBD Website: <http://www.biodiv.org>

Environmental Treaties Website: <http://sedac.ciesin.columbia.edu/entri/CountryISO.jsp>

Government of St. Lucia Website: <http://www.stlucia.gov.lc>

IWCAM Website: <http://www.iwcam.org>

Ramsar Website: <http://www.ramsar.org>

SMMA Website: <http://www.smma.org.lc/>

St. Lucia National Trust Website: <http://slunatrust.org>

World Database on Protected Areas: <http://www.unep-wcmc.org/wdpa/>

World Heritage Convention: [http:// whc.unesco.org/](http://whc.unesco.org/)

## **APPENDIX 1: Summary of OPAAL Project**

Source: Taken from the OPAAL Project Brief dated December 2004

### **The Project**

The origins of the present project began with a Block B grant awarded to St. Lucia in late 2001 to assist in the preparation of the “St. Lucia Coastal/Wetland Ecosystem Conservation and Sustainable Livelihoods Project.” A draft project brief was prepared by late May 2002. Following an internal Bank review of the project proposal, and further discussions with government officials and prospective co-financiers, consensus was reached on the need to adjust the project’s design toward an OECS-wide regional approach supporting national demonstration activities. This approach would better ensure the sustainable establishment and management of PAs in the OECS.

Factors that prompted this shift from a national to a regional approach included: (i) the need to demonstrate strategic consistency with the regional approaches embodied in the OECS Development Charter and the St. George’s Declaration of Principles for Environmental Sustainability in the OECS, the World Bank’s Country Assistance Strategy (CAS), and the other donors’ strategies; (ii) facilitating OECS countries’ efforts to mobilize needed resources to meet GEF’s co-financing requirements; (iii) gains in efficiency and economies of scale to enhance replicability and sustainability of the project’s objectives; and (iv) addressing the root causes of environmental degradation through improved coordination. Finally, a regional approach, channeled through an institution dedicated to the coordination of multi-national efforts, is more likely to ensure that PA project activities are better integrated, complemented and coordinated with other sustainable environmental initiatives in the region.

The Project Development and Global Objective of OPAAL is to contribute to the conservation of biodiversity of global importance in the Participating Member States by removing barriers to the effective management of protected areas (PAs), and increasing the involvement of civil society and the private sector in the planning, management and sustainable use of these areas.

The project intends to achieve this objective firstly by strengthening national and regional capacities in the sound management of PAs. This first component will provide support for a regional and national policy, legal and institutional reform process that will serve as the foundation for PA management at the national level. Included also as critical elements will be the updating of existing or preparation of new national PA system plans, and the support for studies that will provide solutions to the barriers of financial sustainability of PAs. OPAAL will also provide the necessary technical and financial support for the creation of new or strengthening of existing protected areas. The project will also support a regional umbrella programme as well as national elements on education, training and awareness as it relates to the importance of biodiversity and the management of protected areas.

OPAAL is actually geared towards providing global benefits through the conservation of globally significant biodiversity. As a consequence pre-selected sites in each PMS consisting of dry and humid tropical forests, wetlands and tidal flats, sandy and rocky beaches, coral reefs, seagrass beds, mangroves, and offshore islets will be elevated to protected area status. Nesting sites for several endemic species, as well as sea turtles will also be protected. Most importantly these global benefits will be closely linked to demonstrable benefits for local populations including generally improved environmental integrity and natural amenity values such as watershed protection, and protection of the resource base, one of the region's most important source of foreign exchange – tourism. Perhaps the most important benefit will be the newly developed constituencies for biodiversity conservation who will act to promote conservation and sustainable development due to the tangible economic benefits and improved economic opportunities.

The project is also geared to providing benefits to those target groups associated with project-supported PAs, particularly where that association implies a dependency on the resources for livelihood support or where there is a displacement of the livelihoods because of the legal declaration of protection. Where the nature of that dependency is not compliant with the goals of protection for the area, the project will provide for the identification of alternative sources of livelihoods that will ensure equal or greater socioeconomic benefits than previously obtained. The empowerment of target groups/persons will be effected through appropriate capacity building initiatives undertaken by the project, which will be geared towards securing the sustainability of these alternative livelihoods. In the process of providing for the enhancement of existing livelihoods, (where compatible with protection objectives), and/or the provision of alternatives, the project will foster partnerships with appropriate national, regional and community development agencies and organizations.

OPAAL will also support marketing research, consultations and interviews with key governmental and NGO agencies, and on-site visits with local entrepreneurs and businesses where needed. In all cases, the project would address livelihood issues of affected populations in a manner which is fair, just, and in accordance with local laws, as well as consistent with the World Bank's Safeguard Policies on Involuntary Resettlement (OP 4.12) and Natural Habitats (OP 4.04).

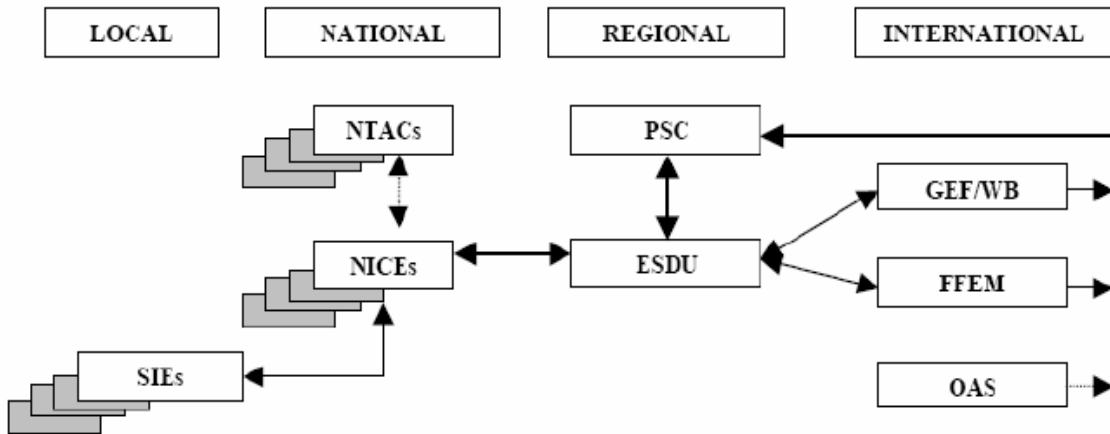
### **Administration**

In order to facilitate implementation at the national level, ESDU will implement the project, in close collaboration with the national implementing entities (see below) for project activities at national and local levels. ESDU's main tasks will be to: (i) administer and manage the project; (ii) ensure coordination of project activities with participating countries, relevant regional and international institutions (such as the CCA, CEHI, CARICOM, UNEP and UNDP, etc.) and other stakeholder (civil society, communities, NGOs and private sector); (iii) work with the participating countries for the implementation of country -level activities; (iv) procure goods, works and services; (v) monitor and evaluate project progress, (vi) ensure proper project accounting and financial management, (vii) contract annual

external auditing of project accounts, and (viii) represent the project before the Project Steering Committee (PSC).

To carry out its responsibilities under the project, ESDU will hire, with grant funds, a protected areas specialist who will also serve as field officer, a communications officer, and an administrative assistant all of whom will be housed at the offices of ESDU. The Project Coordinator who is the Programme Officer responsible for the Biodiversity and Protected Areas functional area will report directly to the Head of ESDU who will serve as Project Director. All ESDU staff and other function managers (Sustainable Livelihoods, Environmental Planning and Management, and Education Training & Awareness) are assigned specific project responsibilities and will assist the Project Coordinator as necessary and appropriate. The Figure below outlines the proposed organizational structure of the project.

**Project Organisational Structure**



At the national level, each participating country will identify a National Implementation Coordinating Entity (NICE) that will have the responsibility for: (i) preparing national annual work plans and budgets, (ii) day -to-day implementation of project activities at the national level, (iii) managing/supervising the implementation of local site activities in collaboration with the Site Implementing Entities (SIEs) and beneficiaries of livelihoods subprojects, and (iv) liaise directly with the ESDU on matters relating to project implementation. Whenever possible, the PMS intend to use already existing institutional structures (government agencies, NGOs, etc) to serve as NICES.. The NICE will also participate in the PSC on a rotating basis (discussed under PSC below). All NICE will designate a National Coordinator who will be directly responsible for project coordination and implementation at that level. The activities of the National Coordinator will also be supported by other government agencies with relevant mandates.

At the sites of project-supported PAs, Site Implementing Entities (SIEs) will be set up with a PA Manager assisted by relevant staff (including rangers and others) to undertake the day -to-day management of the PA and related site-specific project activities.



Community groups living in and around the PAs, appropriate public and private agencies and relevant local stakeholders will also have representation in the SIE in an advisory capacity to assist the PA Manager. The SIE will participate actively in the implementation of component 2 and 3 of the project. SIEs will also participate in the National Technical Advisory Committees (NTACs) and will advise and/or collaborate closely with the NICEs on the implementation of site activities.

Regional oversight will be provided by the Project Steering Committee (PSC) which will (i) approve the annual work plans and associated budgets, (ii) monitor project progress; (iii) review, analyze and provide guidance to the ESDU on project issues during the course of project implementation in accordance with a project operational manual acceptable to the Bank. The PSC will consist of 2 representatives from 2 PMS, the latter, which will be rotated annually. The representation from each PMS will comprise: (i) the Head of the national agency responsible for parks and protected areas and/or a representative of the NICE where appropriate; and (ii) the ESDU National Technical Focal Point who is also the most senior technical officer in the Ministry of Environment of the relevant PMS. The OECS Secretariat will chair the PSC; ESDU staff will be exofficio members. The PSC will meet twice a year in the first year and annually thereafter.

At the national level, the project will be monitored and guided through a National Technical Advisory Committee (NTAC), an inter-sectoral, inter-agency body that will include representatives from relevant government agencies and public and private institutions, including NGOs, involved in environmental management in general and biodiversity management, in particular. The NTACs will: (i) provide broad technical and policy advice to the National Implementation Coordinating Entities or NICEs and (ii) review national strategies/workplans and associated livelihood subprojects. Participating Member States will be encouraged to use existing National Biodiversity Committees as NTACs for the project.

The OECS OPAAL project is co-financed under parallel funding arrangements by the Organization of American States (OAS) and the Government of France through its Fonds Francais de L'Environnement Mondial (FFEM) with US\$0.35 million and Euro 1.32 million respectively. The Global Environment Facility will provide US \$3.7 million through the World Bank, with the PMSs and the OECS Secretariat US \$ 1.88 in in-kind contributions bringing the total project cost to approximately US \$7.57 million. This five year project which was launched in December 2004 is envisaged as the initial stage of a 15 year programme for the management of Protected Areas in the OECS. This essentially means that post-project activities will aim to secure the sustainability of the protected areas management and hopefully securing the long-term inclusion of the natural environment in general into the sustainable development portfolio of OECS Member States.

## **APPENDIX 2: Terms of Reference**

### **POLICY, LEGAL AND INSTITUTIONAL REVIEW: OECS PROTECTED AREAS AND ASSOCIATED LIVELIHOODS (OPAAL) PROJECT**

#### **1. Background**

The OECS Secretariat through its Environment and Sustainable Development Unit (ESDU) has begun implementation of the OECS Protected Areas and Associated Sustainable Livelihoods (OPAAL) Project. This initiative is being executed in partnership with the International Bank for Reconstruction and Development (the World Bank) acting as an Implementing Agency of the GEF; the Fonds Français pour l'Environnement Mondial (FFEM) of the Government of France; and the Organisation of American States (OAS).

Recognizing the importance of the sustainable management of its natural resources and rich biodiversity, the Governments of the OECS Participating Member States (PMS) have made significant commitments to protecting their countries' resources. Some of these include their status as signatories to international conventions, the formulation and adoption of policy statements, legal and institutional instruments, recent environmental programs, and financial support of conservation activities through budget allocations. At the sub-regional level, the OECS Member States in the year 2000 issued and subsequently endorsed the St. George's Declaration of Principles for Environmental Sustainability in the OECS, which includes a commitment to the conservation of biological diversity and the protection of areas of outstanding scientific, cultural, spiritual, ecological, scenic and aesthetic significance. Member States have also begun translating their international and regional commitments into tangible actions at the national level. An example of this is the production of the National Environmental Management Strategy, the outcome of the commitment to the regional OECS Environmental Management Strategy. The international commitment to the SPAW protocol under the Cartagena Convention is of even greater relevance to the context of this TOR. The recognition of the importance of this protocol and national commitment has crystallized in the establishment of protected areas (PAs) as the primary method of preserving biodiversity and conserving valuable natural resources assets.

Despite these positive achievements, significant impediments continue to exist in terms of an effective framework for establishing and managing protected areas (PAs) which can ensure that the integrity of the region's fragile biodiversity is not further compromised. Existing institutional arrangements within PMSs are weakened by gaps in the present policy framework. These include limited incorporation of environmental and social costing into economic decision making and inadequate systems that encourage and promote integrated planning, information sharing and collaboration among agencies and other stakeholders.

The need to upgrade existing laws and institutional arrangement for environmental management in the OECS has been recognized. Presently one initiative is facilitating a review of environmental legislation and development of model OECS environmental frame legislation. A UNEP review of legal and institutional arrangements for biodiversity-related

MEAs is also being undertaken within the OECS. With respect to protected area establishment and management, many existing laws and the have been in existence for a considerable time and as such do not embrace contemporary approaches to environmental management and should therefore be updated. At national levels, present legal structure fails to provide a comprehensive framework for biodiversity conservation and the establishment and management of protected area (PA) at both national and regional levels. Currently, the responsibility for PA management is legally granted to multiple agencies without articulating the strategies by which for collaboration and integration of the assigned responsibilities. In some cases, this has resulted from new legislation being enacted without the amendment or rationalization of existing laws, leading to redundancy and jurisdictional conflict. In other cases, existing laws have yet to yield the promulgation of necessary rules and regulations necessary for effective control and enforcement. Certain laws recently created for the establishment of National Parks and other categories of PAs have demonstrated deficiencies as they have been implemented, and thus require some degree of adjustment. In addition to all these technical aspects, institutional capacity within PMSs remains limited and requires urgent attention. In this regard, legal and institutional frameworks in support of PA establishment and management must be so construed so as to provide for efficient and effective use of available resources.

Component 1 of OPAAL seeks to facilitate more effective institutional framework for conservation management through providing a critical focus on the existing natural resources, legal and institutional frameworks to promote conservation and protected area establishment and management. As such, the project aims to facilitate a harmonised approach to the creation and management of protected areas (PA) in the OECS region Protected Area. There are three sub-components within this project component: (i) policy, legal and institutional arrangements reform; (ii) updating/preparing new national protected areas system plans; and (iii) supporting studies.

## **2. Objective**

The objective of this exercise is to undertake preliminary work towards achieving policy, legislative and institutional arrangement reforms in PMSs. These will facilitate the evolution of a harmonised approach to the creation and management of PAs in the OECS region. The required work falls reflects the Policy, Legal and Institutional Arrangements Reform sub-component of Component 1 of the OPAAL Project.

## **3. Task Methodology**

The Contractor will be required to:

- a. Conduct reviews of existing policy, legal and institutional frameworks in support of PA establishment and management in PMSs;

- b. Undertake a comparative analysis of national frameworks to identify existing weaknesses and strengths in terms of existing policy, legislation and institutional arrangements for PA establishment and management in the region;
- c. Report the outcome of the aforementioned tasks to ESDU, highlighting suitable approaches for enhancing PA establishment and management through improved policy, legal and institutional arrangements at both national and regional levels. Specific detailed recommendations regarding the development of harmonized policy, legislation and institutional arrangements in support of PA establishment and management within the region are to be incorporated and will subsequently inform the development of harmonised policy, legislation and institutional framework for Protected Areas within the OECS.

#### **4. Scope of Services**

The Assignment will be divided into the following three phases.

- a. National PA Framework Reviews

The first phase of the consultancy will include a review of relevant literature and on-going initiatives related to policy, legal and institutional arrangements within the PMSs that is of relevance to the OECS region (including the work related to the development of environmental frame legislation and legal and institutional arrangements for biodiversity conservation mentioned earlier and the respective National Environmental Policies and National Environmental Management Strategies of the PMSs). This information should be incorporated into the following phases of the work.

- b. Consultation with PA establishment and Management Stakeholders

In order to adequately interpret the level of efficacy of existing policy, legal and institutional arrangements and to assess the practical implications of existing measures, the Contractor is to consult with all relevant management agencies and stakeholders at both national and regional levels, including government and non-government agencies which, consequent to existing or proposed laws or policies, are responsible for PA establishment and/or management. All relevant private sector entities, community-based organisations, and resource users who either contribute to PA management or whose livelihoods are affected by the establishment and operation of PAs are to be included.

- c. Comparative Analysis for Developing a Harmonised PA Framework

Pursuant to the outputs generated within the first and second phases, the Contractor will, identify existing weaknesses and strengths in terms of existing policy, legislation and institutional arrangements for PA establishment and management at both country and OECS levels, making determinations as to the adequacy of the legal instruments and arrangements in meeting the various obligations re: protected areas under the various MEAs. This phase is also to consider existing policy, legal and institutional

aspects in terms of the degree to which they may promote or impede the development of a harmonised approach. It should also suggest relevant synergies and operational aspects which may be required for such an approach, including the creation of synergies with other relevant initiatives being presently undertaken within PMSs and the region. For this phase of the work the Contractor will collaborate with relevant Staff of OPAAL Project in finalising potential approaches for the way forward and related administrative concepts for the harmonised approach towards PA establishment and management within the OECS.

The Contractor will present the reports of the national reviews and comparative analysis to ESDU for consideration and discussion, prior to their finalisation.

## **5. Outputs**

Using the phased approach identified above, the following outputs will be delivered:

- a. Six reports outlining and critiquing the adequacy/effectiveness of existing policy, legal and institutional frameworks in support of PA establishment and management within each PMS.
- b. A report on the comparative analysis of national frameworks, including specific recommendations for improvements in the policy, legal and institutional systems in place and implications in terms of the establishment of a harmonised framework for the OECS.

## **6. Project Execution and Administration**

The Project Coordinator-OPAAL or any other officer designated by him will administer all aspects of this contract.

This is a fixed price contract. Travel within the six PMSs will be a necessary part of this contract and the cost of other such travel for aspects such as transportation, accommodation, consultation with stakeholders and per diem, etc., is to be incurred by the Contractor as part of this Contract.

All communications between the Contractor and the Project Coordinator-OPAAL for the assigned work should be copied to the Head of Unit - ESDU.

The Project Coordinator-OPAAL will collaborate with the Contractor on the preparation of a brief plan of action that identifies activities necessary to achieve the deliverables identified in this Terms of Reference. This requirement is in order to ensure the deliverables identified in this Terms of Reference are achieved in an effective and efficient manner.

The Contractor will manage his/her time and responsibilities to ensure timely delivery of outputs required under this Terms of Reference.

## **7. Qualifications and Experience of Contractor**

The Contractor is expected to possess skills and at least ten (10) years experience in the following areas:

1. Institutional Analysis (including aspects of national/international environmental policy);
2. Environmental Law.

The Contractor should also have a demonstrated familiarity with theoretical and technical aspects of Protected Areas development and management.

## **8. Timing**

It is anticipated that the Contractor will be selected by the OECS-ESDU and that the contract will commence as of November 1st 2005 and be completed no later than February 28<sup>th</sup>, 2006. As the first activity, the Contractor will submit for approval of the ESDU a proposed plan of work containing timing for completion of foreseen tasks. The OPAAL staff will facilitate consultation with Governments and other national and regional partners, as and when necessary. The reports on the review of national policy, legal and institutional frameworks for the six PMSs will be due no later than February 15<sup>th</sup> 2006.

## **9. Reporting**

The Contractor will provide the following:

1. Six country reports detailing and critiquing the existing national policy, legal and institutional frameworks in each PMS;
2. One report on the comparative analysis of national frameworks

All reports will be issued in Word format and will each take the form of one hard copy and one electronic copy, submitted to the Project Coordinator- OPAAL .

### APPENDIX 3: Institutions Consulted

Institutions were consulted individually and as part of three (3) stakeholder sessions. The listing of institutions consulted is therefore reported according to these two different formats. The table below shows the individual consultations, while the persons attending the stakeholder sessions are shown after the summary of each session.

Name of Person	Designation	Contact
<b>Sustainable Development &amp; Environment Unit</b>		
Mr. Crispin D’Auvergne	Sustainable Development & Environment Officer	Tel: 758-468-4459 Email: cdauvergne@planning.gov.lc
Ms Alma Jean		Tel: 758-468-5042 ajeau@planning.gov.lc
<b>Ministry of Tourism</b>		
Ms Maria Fowell	Permanent Secretary	Tel: 758-453-6644 psmot@candw.lc
<b>Physical Planning Department</b>		
Ms Mariam Francis-Henry		Tel: 758-468-5043 mfhenry@planning.gov.lc
<b>St. Lucia National Trust</b>		
Mr. Bishnu Tulsie	Director	Tel: 758-452-5505 director@alunatrust.org
Ms Lavina Alexander		lavina.alexander@gmail.com

**1<sup>st</sup> Stakeholder Consultation**  
**Department of Fisheries, January 24, 2006**

**I. Current Status of Protected Areas**

- (a) Draft system plan (1992) to be updated as part of OPAAL project (rewriting started) – coordinated ed by SLNT. Site to be re-evaluated, as boundaries may have changed.
- (b) System guidelines not generally in place, except for suggested content of management plans shown in the 1992 draft system plan.
- (c) Spatial database being compiled (site boundaries) Physical Planning Department.
- (d) Management Plans:
  - Marine Reserve - 0%;
  - Forest Reserve - 100% (outdated, need review);
  - Marine Management Areas - 100% (recent review);
  - Ramsar Site - 0% (under preparation);
  - World Heritage Site - 100% (prepared 2004);
  - Historic Site - 0% (basic maintenance activities);
  - National Landmark - 100% (adequate); and
  - Wildlife Reserve - 100% (under review)
- (e) Standard Operating Procedures/Annual Plans
  - National Landmark – all SOPs in place, except for disaster management. Financial plan in place.
  - Maintenance at historic sites.
  - Active management in forest reserves.
  - Procedures manual exist for extension and enforcement in marine reserves.

**II. Gaps**

- (a) Disaster management plans for most sites.
- (b) Site managers/staff for fisheries reserve not really necessary. Management centralized and supported by institutional arrangements.
- (c) Many reserves are on private land. As such, active management is not possible because lands have not been acquired. Additional laws are needed to deal with land purchases and to compensate owners. Boundaries of reserves need to be demarcated.
- (d) Inadequate financing for acquisition of private lands designated as protected areas.



**III. Issues to be Addressed**

- (a) See gaps (II).
- (b) Use multiple of sites and site-within-site declarations to be addressed in revision of system plan.
- (c) Types of designation/nomination to be used for each site designation to be reviewed.

**IV. Participants**

- Bishnu Tulsie – St. Lucia National Trust
- Lavina Alexander – St. Lucia National Trust
- Anita James – Biodiversity Office, Ministry of Agriculture
- Susanna Scott – Department of Fisheries

**2<sup>nd</sup> Stakeholder Consultation**

**Ministry of Physical Development, Environment and Housing, January 25, 2006**

**I. Current Status of Protected Areas**

- (a) System plan not approved. No comprehensive plan in place, but functional relationships exist at site level. System plan is being updated.
- (b) See notes from January 24, 2006
- (c) Management/Institutional Arrangements:
  - Advisory Committees (e.g. PMAAC) – adequate. Legal instrument needed to support arrangements.
  - Management Board (e.g. SMMA) includes stakeholders – adequate.
  - Government operated or owned NGO (e.g. SLNT). SLNT is governed by law. Seven (7) board members elected from membership, 2 appointed by government, and 2 nominated by the Archeological and Historical Society.
  - Government Department - Forestry and Fisheries Departments
- (d) Collaborative Arrangements:
  - MPDEH chairs PMAAC.
  - MPDEH serves on board of SMMA.
  - MPDEH periodically serves on SLNT council.
  - Southern Tourism Development Corporation works with SLNT on specific initiatives (e.g. OPAAL).
  - Both Forestry and Fisheries Departments participate in the MPDEH EIA process.
  - Southern Tourism Development Corporation works with Forestry and Fisheries Departments on specific projects/initiatives.
  - Ministry of Health works with Forestry and Fisheries Departments in terms of regulatory and health related issues.
  - There is a need to review the legislations of the protected areas management institutions to formalise the functional relationships, including the possible listing of some institutions in those laws.

**II. Gaps**

- (a) Sector plans and strategies do not specifically address protected areas.
- (b) Standard Operating Procedures needed for site and system management.

**III. Relevant Issues**

- (a) Inadequate monitoring – require personnel, a programme, and procedures.

- (b) Lack of evaluation – management effectiveness, monitoring, and EIA process.
- (c) Consistency of institutional support to site/partners/collaborating institutions to be improved, especially with respect to community involvement in protected areas management.
- (d) There is still a perception that protected areas means locking away resources. This has to be addressed; How to address issue
  - Immediately – through OPAAL project.
  - Future – work to change public perceptions.
- (e) Need dedicated public education and outreach staff to focus on communication and public education.

**IV. Participants**

- Caroline Eugene – Ministry of Physical Development, Environment & Housing
- Bishnu Tulsie – St. Lucia National Trust
- David Joseph – Department of Environmental Health
- Lavina Alexander – St. Lucia National Trust
- Monica Moses- Southern Tourism Development Corporation
- Alma Jean – Ministry of Physical Development, Environment & Housing
- Dawnn Lubin – Southern Tourism Development Corporation
- Crispin D’Auvergne – Ministry of Physical Development, Environment & Housing

**3<sup>rd</sup> Stakeholder Consultation**  
**Vieux Fort Community Centre, January 26, 2006**

**I. What is your definition of a protected area?**

It is an area that:

- Is significant in terms of its resources.
- Is designated to provide habitat for indigenous/endangered species
- Protect resources.
- That can bring about livelihood, and that can sustain itself (e.g.) mangroves.
- Can sustain/maintain its original form – prevent impacts.
- That is a designated site with management structure the provides for the sustainable use of its resources.
- Is an area of significant importance that must be managed to ensure the equitable/sustainable use of resources by various stakeholders.
- Is set aside for protection of its biodiversity resources, under a management system for research and productivity.

**II. What is the first thought that comes to mind on hearing the term “protected area”?**

- Keep off.
- Management.
- What is it about?
- Sustainability.
- Rules and regulations.
- Monitoring and evaluation.
- Restrictions.
- Habitat.
- Security.
- Curiosity.
- Area threatened by human/natural force.
- Concern for the environment.

**III. What are your current uses of protected areas?**

- (a) Recreation.
- Camping;
  - Seabathing;
  - Hiking;
  - Hunting;
  - beach spots/water sports;
  - Beach bash (commercial component of some recreational activities);

- Recreational fishing; and
  - Sporting activities.
- (b) Relaxation.
- (c) Resource extraction.
- Quarrying (when permitted)/sand mining;
  - Fishing/sea urchins;
  - Logging for construction and charcoal;
  - Lutanye (palm) for brooms;
  - Farming;
  - Plants for medicinal purposes and tea (Bay Leaf); and
  - Extraction of incense tree (bark).
- (d) Educational – school tours, public awareness.
- (e) Medicinal – Sulphur Spring (soaking).
- (f) Source of employment.
- (g) Research.
- (h) Informal agriculture

**IV. What are the things you appreciate about the current state of protected areas management?**

- (a) Good communication between committee and agency dealings with leatherback turtles on Grand Anse Beach.
- (b) Improves resources availability (SMAA).
- (c) Increase economic activities.
- (d) Public awareness programmes change public attitudes.
- (e) Public participation results in greater ownership and cooperation, which reduces the cost of enforcement (SMAA).
- (f) Reporting by committees and management agencies to community is good, but needs improvement.

**V. What are the things that need to be improved in protected areas management?**

- (a) Dissemination of information to community and collection of community concerns and ideas.
- (b) Data collection and monitoring - accuracy, scope, personnel, analysis, allocation of relevant resources.
- (c) Increase communication with policy makers to improve the decisions for protected areas.
- (d) Protection within private property ( policy/law/agreements).
- (e) Inter-agency cooperation – visioning, planning, information sharing, programming.

**VI. Five years from now, what should the newspaper headlines read when referring to protected areas?**

- (a) Proper management of protected areas work.
- (b) Protected areas have positive impacts on communities.
- (c) Protected areas: lessons of the past 5 years.
- (d) St. Lucia's first recreation park.
- (e) Pointe Sable National Park a success.
- (f) Positive management of protected areas in St. Lucia a success story.
- (g) Story of St. Lucia protected areas over 5 year.
- (h) Protected areas still exist.
- (i) Protected areas, poverty alleviation, natural resources in good hands.
- (j) Sustainable use: Point Sable National Park receives world-wide acclaim.
- (k) Point Sable National Park: Community owned and appreciated.
- (l) Point Sable National Park answers the development vs conservation debate.
- (m) Government consolidates the policy and legal framework for PA management.

- (n) The success of protected areas proven: The case of the Point Sable National Park.

**VII. Participants:**

- Lydie Mark – Goodwill Fishermen’s Cooperative
- Kentry Frederick – St. Lucia Marine Police
- Dawnn Lubin – Southern Tourism Development Corporation
- Issac Mathurin – Southern Development Corporation
- Ross Gardner – Department of Fisheries
- Thomas Nelson – Department of Fisheries
- Teddy Matthews – Saint Lucia Air and Sea Ports Authority
- Lavina Alexander – St. Lucia National Trust
- Augustine Dominique – National Conservation Authority
- Jahto Mahal – Ministry of Social Transformation
- Candita Joseph – Seamoss Farmer
- Ainsley John – Seamoss Farmer
- Keith Morlley – Department of Fisheries
- Mitedeal Tobrein
- Kingsley Powlette – Southern Tourism Development Corporation
- Michael Bobb – Forestry Department

## **APPENDIX 4: Profiles of Protected Areas Management Institutions**

### **PROFILE OF PROTECTED AREA MANAGEMENT INSTITUTION**

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The OECS Secretariat, through the Environment and Sustainable Development Unit (ESDU), has begun implementation of the OECS Protected Areas and Associated Sustainable Livelihoods (OPAAL) Project. Component 1 of this Project seeks to facilitate the development of a harmonised approach to the creation and management of protected areas in the OECS region. There are three sub-components within this project component: (i) policy, legal and institutional arrangements reform; (ii) updating/preparing new national protected areas system plans; and (iii) supporting studies.

This questionnaire is part of the review of existing policy, legal, and institutional frameworks in support of protected areas establishment and management, and is **to be completed by institutions that have direct management responsibilities for protected areas.**

The completed questionnaire should be submitted in digital form (PDF or Microsoft WORD format) to Lloyd Gardner at: [lgardne@uvi.edu](mailto:lgardne@uvi.edu). For additional information, call Lloyd Gardner at: 340-513-3562.

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#### **NAME OF INSTITUTION:**

1. Contact Information:
  - Address:
  - Telephone:
  - Facsimile:
  - E-Mail:
  - Name & Position of Officer in Charge:
2. Legal Basis for Institution (laws providing mandate):
3. State Organisational Mandate and Current Objectives:
4. Staffing Levels (Number and qualifications of professional and technical staff):
  - Number of full-time employees and assigned positions
  - Qualifications relative to job descriptions
  - Number of volunteers
5. Information Systems
  - Available Library/Documentation Facilities:
  - Type of Computerised Data Systems in Place (PC, LAN, etc.):
  - Databases Available:



- Involvement in Regional Information Network (e.g. SIDSNET, CaMPAM, etc.):
  - Programme/Project Review Procedures:
6. Reporting Mechanisms (receiving institutions, format, frequency):
- National:
  - Regional:
  - International:
7. Annual Budget:

Budget Head	Fiscal Year				
	2000/01	2001/02	2002/03	2003/04	2004/05
Recurrent					
Capital					
Grants					
<b>Total</b>					

8. Sources of Funds:
9. Activities and Constraints
- a) List the types of activities that the institution executes routinely
  - b) List the type of activities that the institution would like to execute routinely, but does not because of resource constraints
  - c) List the major resource constraints that affect the execution of the institution's activities
  - d) List the major government policy constraints that affect the execution of the institution's activities
10. Project Execution History
- a) Number of projects planned or designed in the last five years.
  - b) Number of projects started in the last five years.
  - c) Number of projects completed in the last five years
11. Public Participation
- a) Who are the stakeholders with which the organisation interacts?

- b) How do the stakeholders impact on the efficacy of the organisation in carrying out its functions?
  - c) Describe the external network(s) of which the organisation is a part?
12. List the opportunities and obstacles which exist in the operating environment?
13. List the Major Issues for your Institution (with #1 being the most important).
14. What are the Priority Issues to be addressed for Protected Areas Management in your Country (with #1 having highest priority)?

Name of person completing the questionnaire:

Position:

Date:

**NAME OF INSTITUTION:** Department of Fisheries

1. **Contact Information:**

Ministry of Agriculture, Forestry and Fisheries, Point Seraphine, Castries, Saint Lucia  
Telephone: 758 468 4135  
Facsimile: 758 452 3853  
E-Mail: deptfish@slumaffe.org

Name & Position of Officer in Charge: Vaughn Charles, Chief Fisheries Officer

2. **Legal Basis for Institution (laws providing mandate):**

- Fisheries Act, No. 10 of 1984;
- Fisheries Regulations, S. I. No. 9 of 1994

3. **State Organisational Mandate and Current Objectives:**

Mandate: Fisheries development and management

Objectives: To promote and regulate fishing and fisheries in the fisheries waters of Saint Lucia and matters incidental thereto and connected therewith.

4. **Staffing Levels (Number and qualifications of professional and technical staff):**

(a) Full-time employees and assigned positions:

- Fisheries Biologist - 5
- Fisheries Assistant - 11

(b) Other Positions:

- Chief Fisheries Officer - 1
- Deputy Chief Fisheries Officer - 1
- Fisheries Officer - 1
- Senior Executive Officer - 1
- Secretary - 1
- Clerk Typist - 1
- Accounts Clerk - 1
- Data Entry Clerk - 2
- Office Assistant - 1
- Driver - 1

- (c) Qualifications relative to job descriptions:
  - Fisheries Biologist I, II and III (Bachelors to Masters: in fisheries, marine, environmental or other related degrees),
  - Fisheries Assistant I, II, III and IV (minimum five O'levels)

5. Information Systems

- (a) Available Library/Documentation Facilities:
  - Not established. Space is allocated for a library in which documents are kept; however, there is no organized keeping of the materials in this section and no trained or assigned staff to these duties.
- (b) Type of Computerized Data Systems in Place (PC, LAN, etc.):
  - Department's Data Unit served by 3 desktop computers and function as part of the office network. Also have access to high speed Internet.
- (c) Databases Available:
  - Fish landings are stored in Trip Interview Program.
  - Information regarding fishermen's registration and vessel licencing is stored in the Licencing and Registration System
- (d) Involvement in Regional Information Network (e.g. SIDSNET, CaMPAM):
  - Reef Check
- (e) Programme/Project Review Procedures:
  - Procedures depend on the funding agency supporting the project. But generally, programmes/projects are evaluated through the ministerial reporting system.

6. Reporting Mechanisms (receiving institutions, format, frequency):

- (a) Internal:
  - Work programme and monthly reports submitted to the Chief Fisheries Officer.
- (b) Reports submitted the Ministry of Agriculture, Forestry and Fisheries:
  - Work Programme and Quarterly Reports
  - Work Programme and Semi-annual Reports
  - Work Programme and Annual Reports

- (c) Regional and International:
- Several reports are submitted to various regional and international agencies in response to obligations under various conventions e.g. CITES. Note that many of these reports are prepared by way of collaborative efforts among the relevant agencies.
  - Others include FAO (fish landings data) and ICCAT reports.

7. Annual Budget:

No specific budget allocated to Protected Areas Management; thus figures (EC\$) in the Table below represent the full budget of the Department of Fisheries. Note that less than 1% of this budget is spent on protected areas management. However, the Department provides a number of in-kind services to actively managed protected areas around Saint Lucia. Further, no capital or grant monies were allocated to protected area management during these periods.

Budget Head	Fiscal Year				
	2000/01	2001/02	2002/03	2003/04	2004/05
Recurrent			1,921,522.00	1,934,094.00	2,210,853.00
Capital					
Grants					
<b>Total</b>					

8. Sources of Funds:

Sources of funds for protected areas management have been received from several sources over the years, namely:

- Government of Saint Lucia; and
- UNEP

9. Activities and Constraints

- (a) List the types of activities that the institution executes routinely:
- (i) Several activities are carried out routinely to provide assistance to the Soufriere Marine Management Association, and these include:
- Facilitation of coastal conflict resolution for resource use management, as appropriate;
  - Organization of and/or participation in meetings with fishers, divers and other stakeholders;

- Joint review and approval of work plan and budget (as a representative on the Board of Directors);
  - Participation in public awareness activities (preparation and/or review of newsletter articles, brochures, posters, flyers, information for website and scripts for public awareness videos and public service announcements; participation in exhibitions and workshops; holding of lectures with schools and other interest groups; provision of information to students, researchers, environmental impact assessment specialists and developers, etc.);
  - Preparation of or assistance with administrative documents (staff administrative handbook, job descriptions, agreements for employment, etc.);
  - Preparation of requests to Government (through chairman) on behalf of Stakeholder Committee or the Board of Directors;
  - Preparation of or assistance with project proposals to request funding for specific activities;
  - Assistance with enforcement/user compliance through preparation of necessary correspondence and direct intervention (e.g. with marine police) as appropriate; and
  - Participation in, and/or assistance with specific projects (internally and externally funded) relating to area.
- (ii) The Department also sits on the Piton Management Area Advisory Committee and the OPAAL Project Steering Committee.
- (b) List the type of activities that the institution would like to execute routinely, but does not because of resource constraints:
- Several marine reserves have been established at various locations around the island and these include both mangrove and reef areas. However, the Department is unable to actively manage all of these marine reserves due to resource constraints.
- (c) List the major resource constraints that affect the execution of the institution's activities:
- Insufficient number of available technical and profession staff (this limits research activities).
  - Equipment to facilitate field research.
  - Limited recurrent expenditure to allow for ongoing monitoring.
- (d) List the major government policy constraints that affect the execution of the institution's activities:
- None. However, in general, issues pertaining to generation of data, especially environmental data, have not been given high priority at the national level. As such, very little of the island's limited resources have been allocated to environmental data collection and management.

Further, there is a need to develop policy for the island to address data collection and management issues.

10. Project Execution History:

- (a) Number of projects planned or designed in the last five years:
- No projects re protected areas have been planned or designed in the last five years by this Department. However, the Department has been involved with several related projects administered by other agencies.

11. Public Participation

- (a) Who are the stakeholders with which the organisation interacts?
- Fishers;
  - Other ministerial agencies e.g. Ministry of Health; Ministry of Physical Development, Environment and Housing; Ministry of Cooperatives; Ministry of Tourism; etc.
- (b) How do the stakeholders impact on the efficacy of the organisation in carrying out its functions?
- The Department works collaboratively with all stakeholders, and generally the cooperation of stakeholder strengthens the Department's efficacy. However, continuing to improve on stakeholder cooperation and participation in management of protected areas requires consistent and ongoing public awareness activities, surveillance and enforcement; and these are limited by insufficient finances and human resources.
- (c) Describe the external network(s) of which the organisation is a part?
- Ministry of Agriculture, Forestry and Fisheries is the lead governmental agency responsible for fisheries development and management. The fisheries management (administration) unit within the Ministry is the Department of Fisheries.
  - To fulfill its mandate the Department of Fisheries networks with a number of agencies, and these are carried out mainly through committees, boards, and conferences

**Other Governmental Agencies:**

- Attorney-General: provides legal support and advice on fisheries matters.
- Customs and Excise: regulates imports/exports of seafood, fishing gear and vessels.
- Ministry of Agriculture, Forestry and Fisheries:
  - Corporate Planning Department: provides overall guidance and advice on both policy and legislation formulation which incorporates sustainable development

- Department of Forestry: management authority for forestry and wildlife matters and thus supports integrated coastal area management
- Ministry of Finance, Planning, Information Services and the Public Service
  - Development Control Authority (DCA): responsible for coastal development and planning and sustainable development. The Department of Fisheries serves as a referral agencies for the DCA (re EIAs for coastal development)
- Ministry of Health: responsible for environmental health and pollution monitoring.
- Ministry of Tourism and Civil Aviation: responsible for providing licences to ply for hire. The Department of Fisheries is a member of the Craft Committee and advices on snorkel, dive, whale watching, and recreational and sportfishing licences.
- National Development Corporation: responsible for the management of St Lucia Fish Marketing Corporation. The Department of Fisheries is a member of the Board of Directors for this agency.
- St. Lucia Air and Sea Ports Authority: responsible for the management of designated ports.
- St. Lucia Development Bank: provides financing for fishing enterprises.
- St. Lucia Solid Waste Management Authority: responsible for solid waste management. The Department of Fisheries sits on the stakeholder committee for this agency.
- Ministry of Physical Development, Environment and Housing: responsible for regulating physical development, environmental management-including coastal zone management.

**Fishers Organizations:**

- National Association of Fishermen's Cooperatives (NAFCO-OP) - umbrella group for the nine (9) registered fishermen's cooperatives in Gros Islet, Castries, Dennery, Micoud, Laborie, Choiseul, Soufriere, Canaries/Anse La Raye, and Vieux Fort (Goodwill).

**Regional/international agencies:**

- Caribbean Environmental Health Institute - assists with the development of pollution monitoring capabilities at the national level, including monitoring of coastal water quality.
- Caribbean Regional Fisheries Mechanism (CRFM) Secretariat - promotes and facilitates the responsible utilization of the region's fisheries and other aquatic resources for the economic and social benefits of the current and future population of the region.
- Food and Agriculture Organization (FAO) of the United Nations provides technical advice and facilitates consultation mainly through the Western Central Atlantic Fishery Commission (WECAFC) and the Lesser Antilles Committee.
- International Committee for the Conservation of Atlantic Tunas (ICCAT) - provides information on the regional management of large pelagic species. St. Lucia contributes catch and effort statistics and participates in ICCAT research programs.



- International Whaling Commission (IWC) - International Convention for Regulation on Whaling (ICRW) Commission is responsible for implementing decisions on whaling made by the ICRW.
- IOC (UNESCO) - Inter-governmental Oceanographic Commission for the Caribbean (IOCARIBE) - regional organisation responsible for marine sciences.
- Organization for Eastern Caribbean States (OECS) Environment and Sustainable Development Unit - provides advice on fisheries matters for Organization of Eastern Caribbean States.
- United Nations Environment Program (UNEP) - manages Caribbean Environmental Programs
- Japan International Cooperation Agency (JICA) - The JICA mission functions as a bridge between the people of Japan and the developing countries. It was created to advance international cooperation through the sharing of knowledge and experience. JICA through the Japanese Fisheries Co-operation Programme has been involved in the management and development of the fisheries sector of St. Lucia.

**Other aspects** of the external network include links with regional and international organizations (e.g. UNEP-CAR/RCU) to facilitate fulfillment of obligations under the numerous regional and international agreements to which Saint Lucia is part.

12. List the opportunities and obstacles which exist in the operating environment?

(a) Opportunities

- Creation or strengthening of linkages among relevant agencies by way of policy implementation could help to foster relevant enabling institutional arrangements.
- A number of new legal instruments are being developed, and therefore, there is opportunity for influencing the implementation of relevant legal arrangements to facilitate collection and management of data as it relates to protected areas.
- There is increased lobbying for policy and policy development and this can be used to have protected area issues incorporated into relevant policies.
- A number of international agreements and conventions are calling for greater accountability from Party States and this may serve to foster the development of appropriate policies, plans and procedures.

(b) Obstacles

- Insufficient priority is given to funding management of protected areas.
- Human resource constraints limit day-to-day management of protected areas.

- Resources to allocate to the plethora of required activities currently underway are limited.
- High number of tasks and low number of trained individuals do not allow for sufficient staff to be dedicated mainly to protected area management.
- Low surveillance and enforcement capacity.

13. List the Major Issues for your Institution (with #1 being the most important).

- Land based sources of marine pollution and impacts on fishery resources; and
- Enforcement of fisheries related laws and Surveillance

14. What are the Priority Issues to be addressed for Protected Areas Management in your Country (with #1 having highest priority)?

- Establishing a comprehensive system of protected areas (including institutional, legal and financial arrangements). System should include framework management plans for each protected area.

Name of person completing the questionnaire: Susanna Scott

Position: Senior Fisheries Biologist

Date: 11 September, 2006

**PROFILE OF PROTECTED AREAS PARTNER INSTITUTION  
FOR  
COUNTRY REPORT**

The OECS Secretariat, through the Environment and Sustainable Development Unit (ESDU), has begun implementation of the OECS Protected Areas and Associated Sustainable Livelihoods (OPAAL) Project. Component 1 of this Project seeks to facilitate the development of a harmonised approach to the creation and management of protected areas in the OECS region. There are three sub-components within this project component: (i) policy, legal and institutional arrangements reform; (ii) updating/preparing new national protected areas system plans; and (iii) supporting studies.

This questionnaire is part of the review of existing policy, legal, and institutional frameworks in support of protected areas establishment and management, and is to be completed by institutions that **do not have direct management responsibilities**, but whose mandates and/or activities affect protected areas programming and management.

The completed questionnaire should be submitted in digital form (PDF or Microsoft WORD format) to Lloyd Gardner at: [lgardne@uvi.edu](mailto:lgardne@uvi.edu). For additional information, call Lloyd Gardner at: 340-513-3562.

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1. Name of Institution:
2. Address:
3. Telephone; Fax; Email:
4. Primary Area of Focus of Institution (one paragraph description):
5. Secondary Area(s) of Focus of Institution (one paragraph description each):
6. Activities of Institution that are Relevant to Protected Areas:

7. Resources Committed to Protected Areas Activities in the past 5 years:

<b>Fiscal Year</b>	<b>Financial Resources (US\$,000)</b>	<b>Human Resources (Person Days)</b>	<b>Other (quantify)</b>
2000/01			
2001/02			
2002/03			
2003/04			
2004/05			
<b>Total</b>			

8. Laws/Regulations of Institution that are Relevant to Protected Areas:

9. List Policies/Mandates of Institution that are Relevant to Protected Areas:

10. Describe the Nature of any Existing Relationship with any Protected Areas Management Institution:

11. What are the Most Relevant Issues for Protected Areas Management in your country (list in order of priority, with 1 being the highest priority):

12. Name and Contact Information for Officer dealing with Protected Area Issues in your Institution:

Name:

Position:

Telephone:

Fax:

Email:

Name of person completing the questionnaire (if different from No. 12):

Post:

Date:

Thank you for taking the time to complete this questionnaire.

**APPENDIX 5:**  
**International Environmental Conventions Signed by St. Lucia**

Source: Compendium of Environmental Statistics 2001.

- **International Convention for the Regulation of Whaling**  
Date of entry of St. Lucia: 29/6/1981  
Responsible Government Department: Department of Fisheries
- **Convention Concerning the Protection of the World Cultural and Natural Heritage**  
Date of St. Lucia's ratification: 14/10/1991  
Responsible Government Department: Department of Forests and Lands/Department of Fisheries
- **Convention on the Prevention of Marine Pollution by Dumping of Waste and other Matter at Sea**  
Date of accession of St. Lucia: 23/8/1985  
Responsible Government Department: Department of Fisheries
- **Convention on the Prohibition of the Development, Production and Stockpiling of Biological and Toxic Weapons and on their Destruction**  
Date of succession of St. Lucia: 26/11/1986  
Responsible Government Department: Ministry of Foreign Affairs
- **Convention of International Trade in Endangered Species of Wild Fauna and Flora**  
Date of Accession of St. Lucia 15/12/1982  
Responsible Government Department: Department of Forests and Lands/Department of Fisheries
- **United Nations Convention on the Law of the Sea**  
Date of St. Lucia's signature: 10/12/1982  
Date of St. Lucia's Ratification: 27/3/1985  
Responsible Government Department: Department of Fisheries
- **Agreement for the Implementation of the Provision of the United Nations Conventions on the Law of the Sea 10/12/1982 relating to the Conservation and Management of Straddling Fish Stock and Highly Migratory Fish Stocks.**  
Date of St. Lucia's Signature: 12/12/1995  
Date of St. Lucia's Ratification: 9/8/1996  
Responsible Government Department: Department of Fisheries

- **Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region and Protocol on Co-operation in combating Oil Spills (Cartagena Convention)**  
Date of St. Lucia's signature: 24/3/1983  
Date of Entry of St. Lucia: 30/11/1984  
Responsible Government Department: Department of the Environment
- **Vienna Convention for the Protection of the Ozone Layer**  
Date of adoption: 22/3/1985  
Date of entry into force: 22/9/1988  
Responsible Government Department: Ministry Planning and Sustainable Development
- **The Montreal Protocol on Substances that Deplete the Ozone Layer**  
Date of entry of St. Lucia: 28/7/1993  
Date of last report: 5/11/1997  
Responsible Government Department: Planning and Sustainable Development.
- **Basel Convention on the Control of Trans-boundary Movements of Hazardous Waste and their Disposal**  
Date of Accession: 9/12/1993  
Date of last report: October 1-4, 1996  
Responsible Government Department: Planning and Sustainable Development
- **Protocol on Specially Protected Areas and Wildlife to the Cartagena Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region**  
Date of St. Lucia's signature: 18/1/1990  
Responsible Government Department: Department of Fisheries /Department of Forests and Lands
- **United Nations Convention on Biological Diversity**  
Date of Accession: 28/7/1993  
Responsible Government Department: Ministry of Agriculture, Forestry, Fisheries and the Environment
- **United Nations Framework Convention on Climate Change**  
Date of entry of St. Lucia: 14/6/1993  
Responsible Government Department: Planning and Sustainable Development
- **Convention to Combat Desertification**  
Date of entry of St. Lucia: 30/9/1997  
Responsible Government Department: Department of Forests and Lands

- **Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Stocks and Highly Migratory Fish Stock**  
Date of St. Lucia's signature: 12/12/1995  
Date of St. Lucia's ratification: 9/8/1996  
Responsible Government Department: Ministry of Fisheries
- **Convention on the Prohibition of Military or any other Hostile use of Environmental Modification Techniques**  
Date of St. Lucia's Succession: 27/5/1993  
Responsible Government Department: Planning and Sustainable Development
- **Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their destruction**  
Date of St. Lucia's signature: 29/3/1993  
Responsible Government Department: Planning and Sustainable Development
- **Treaty for the Non-Proliferation of Nuclear Weapon in Latin American and the Caribbean**  
Data on adoption and signature were not available
- **Protocol Concerning Cooperation in Combating Oil Spills in the Wider Caribbean Region**  
Date of St. Lucia's Signature: 24/3/1983  
Date of ratification: 30/11/1984  
Responsible Government Department: Ministry of Agriculture (Fisheries)
- **London Amendment to the Montreal Protocol**  
Date of accession: 24/8/1999  
Responsible Government Department: Planning and Sustainable Development
- **(Copenhagen) Amendment to the Montreal Protocol**  
Date of accession: 24/8/1999  
Responsible Government Department: Planning and Sustainable Development
- **Convention on Wetlands of International Importance especially as Waterfowl Habitat**  
Date of accession: 19/6/2002  
Responsible Government Department: Ministry of Agriculture (Fisheries)

## **EXISTING MEA'S BEING CONSIDERED FOR RATIFICATION**

- **Convention on the Prevention of Marine Pollution by dumping from Ships and Aircraft s (as amended)**  
Date of Entry into force: 7/4/1974, 1/9/1989  
Responsible Government Department: Ministry of Planning (Sustainable Development)
- **Protocol concerning Land Based Sources of Marine Pollution in the Wider Caribbean Region, 1999 (LBSMP)**  
Responsible Government Department: Ministry of Planning (Environment)
- **International Convention for the Safety of Life at Sea, 1974 (SOLAS)**  
Responsible Government Department: St. Lucia Air and Sea Ports Authority
- **International Convention on Civil Liability for Oil Pollution Damage,**  
Date of Adoption: 29/11/1969  
Responsible Government Department: SLASPA, Maritime Authority
- **International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage**  
Date of Adoption: 25/5/1984  
Responsible Government Department: SLASPA, Maritime Authority
- **International Convention on Oil Pollution Preparedness, Response and Cooperation**  
Date of Adoption: 30/11/1990  
Responsible Government Department: SLASPA, Maritime Authority
- **Rotterdam Convention on the Prior Informed Consents Procedure for Certain Hazardous Chemicals and Pesticides in International Trade 1998 (PIC)**  
Responsible Government Department: Ministry of Agriculture, (Department of Agriculture)

## **TREATIES UNDER NEGOTIATION**

- **Treaty on Persistent Organic Pollutants**  
Responsible Government Department: Ministry of Agriculture
- **Biosafety Protocol to the Convention on Biological Diversity**  
Responsible Government Department: Ministry of Agriculture



**APPENDIX 6:  
Legislation Relevant to Protected Areas Management**

**1. National Conservation Authority Act, 1999 (No. 16 of 1999)**

- *“An Act to provide for the establishment of a National Conservation Authority in Saint Lucia and other related matters”.*
- Section 39 – Repeals the Parks and Beaches Commission Act, 1983.
- Section 2 – Provides an interpretation of a beach that provides control by the Crown up to 33 meters landward of the foreshore.
- Section 3(1) authorises the Minister to declare protected areas for the following purposes:
  - (a) preserving or enhancing the natural beauty of the area, its fauna or flora;
  - (b) creating a recreational area or national park; and
  - (c) creating a marine park.
- Section 4(1) – Established the National Conservation Authority to administer the Act.
- Section 7(1) – Sets the functions of the Authority, which includes protected areas designation and management, development and management of beaches and associated facilities, beautification of public recreational places, and advising the Minister on matters related to beach management and coastal protection.
- Section 24 – Allows for persons who wish to appeal a decision of the Authority to appeal to the Courts.
- Section 37 – Limits the powers of the Authority by removing from its reach, any building or land under the management or control of the St. Lucia National Trust or any other environmental management organisation as recognized by the Minister responsible for the environment.
- Section 38 – Authorises the Authority, with the approval of the Minister, to make regulations for a range of functions to support the implementation of the Act.

**Implications for Protected Areas:**

- (a) The Act provides for management of important natural resources under a protected areas management regime, as well as management of general recreational resources.
- (b) The provisions of the Act deal extensively with beach resources and licensing issues, and treats protected areas issues in a limited manner.

- (c) The provision for the appeal of decisions of the Authority to be heard by the Courts instead of the Minister responsible for parks reduces the possibility of decisions concerning protected areas decisions being made for political reasons. However, it requires the Authority to develop appropriate consultation, assessment, and decision-making procedures.
- (d) The provision to limit the control of the Authority to sites not managed by other environmental management institutions reduces institutional conflicts for site management. However, the Act does not adequately address the linkages with other protected areas management institutions, national protected areas policy, and the system of protected areas.

## 2. Fisheries Act, 1984 (No. 10 of 1984)

- *“An Act to make provision for the promotion and regulation of fishing and fisheries in the fishery waters of Saint Lucia and for connected matters”.*
- Section 2 – Defines “fish” to mean any aquatic animal, including corals.
- Section 4 – Mandates the Chief Fisheries Officer to prepare and periodically review a fisheries development and management plan, which, among other things, must assess the state of each fishery at the time of the plan preparation or review.
- Section 6 – Authorises the Minister to enter into agreements with other Caribbean countries and regional organizations to cooperate on fisheries management measures and harmonise data collections and other management procedures.
- Section 20 – The Minister may, by Order published in the Gazette, declare any area to be a fishing priority area.
- Section 22 – Authorises the Minister to declare, by Order published in the Gazette, any area a Marine Reserve, where it is determined that special measures are necessary:
  - a. *to afford special protection to the flora and fauna of such areas and to protect and preserve the natural breeding grounds and habitats of aquatic life, with particular regard to flora and fauna in danger of extinction;*
  - b. *to allow for the natural regeneration of aquatic life in areas where such life has been depleted;*
  - c. *to promote scientific study and research in respect of such areas; and*
  - d. *to preserve and enhance the natural beauty of such areas.*
- Section 23 – Research into fisheries requires permission from the Minister, which is based on a fisheries research plan approved by the Chief Fisheries Officer.

- Section 39 – Authorises the Minister to make regulations for a wide range of purposes, including the management of marine reserves and the taking of corals and shells.
- Section 42 – Repeals the Turtle, Lobster and Fish Protection Act, 1971.

**Implications for Protected Areas:**

- (a) The definition of “fish” implies that the Fisheries Division should be consulted in all matters concerning aquatic animals. This consideration extends to research on coral reefs and other benthic communities in protected areas.
- (b) The requirement for preparation and periodic review of a fisheries management plan should provide guidance on the development and management of marine reserves<sup>9</sup>, which in turn should identify the linkages with other sector plans and thus provide guidance for the long-term planning for marine reserves.
- (c) The provision authorizing the Minister to enter into agreements with other regional governments and organizations for the purpose of harmonizing approaches to fisheries management supports the possibility of trans-boundary protected areas development and management, which is particularly relevant to marine mammals.
- (d) The reasons for which marine reserves can be established extend beyond fisheries management. However, the large number of coral reefs and artificial reef established as marine reserves indicate that the focus thus far has been on replenishing fish stock.

**3. Fisheries Regulations, 1994 (SI 9 of 1994)**

- Regulations made under Section 39 of the Fisheries Act, 1984. The main objectives of these regulations to establish the Fisheries Advisory Committee and the licensing of fishing activities and the regulation of fishing vessels and gear.
- Section 34 – Provides for a general prohibition against the collection or possession of corals, sponges, and marine algae without the written permission of the Chief Fisheries Officer.
- Section 45 – Prohibits the discharge of any poison, noxious substance, or pollutant into the fresh, estuarine, or marine waters of St. Lucia.

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<sup>9</sup> A Fisheries Management Plan for St. Lucia was not made available during this review, and as such, it was not possible to determine the level of treatment accorded to marine reserves within the context of fisheries management.

- Section 46 – Restricts the use of a marine reserve, except with the written permission of the Chief Fisheries Officer.
- Section 48 – Requires Ministerial approval for scientific research in the fishery waters of St. Lucia.

**Implications for Protected Areas:**

- (b) The provision requiring permission for collections of sponges, corals, and algae provides a basis for the development and application of procedures for collection and research in marine reserves and other protected areas.

**4. Saint Lucia National Trust Act, 1975 (Act 16 of 1975)**

- *“An Act to establish a body Corporate to be known as the Saint Lucia National Trust”.*
- Section 4 – Sets the objects of the Trust, making it responsible for the promotion and protection of St. Lucia’s natural, historical, and archeological resources, including areas that are submarine and subterranean.
- Section 5 – Empowers the Trust to acquire and dispose of assets, though the disposal or lease of assets is subject to approval by Cabinet.
- Section 16 – Authorises the Trust to make by-laws to support the implementation of the Act and the programmes of the Trust. The by-laws developed by the Trust must be approved by Cabinet and published in the Gazette to become law.

**Implications for Protected Areas:**

- (a) The Act provides for the management of a range of terrestrial and marine protected areas to meet a range of national development objectives.

**5. Forest, Soil and Water Conservation Act, 1945 (Act 6 of 1945)**

Amended by Act 11 of 1983

- *“An Act to make provision for the conservation of the forest, soil and water resources of Saint Lucia”.*
- Section 2 – Defines “forest” to mean “... an area of land, with or without trees declared to be a Forest Reserve, Protected Forest or Prohibited Area”.

- Section 5 – Identifies a number of persons, other than the staff of the Forestry Department, who are deemed to be forest officers for the purposes of the law.
- Section 19 – Authorises the Governor General to declare any Crown land as a Forest Reserve, and mandates the surveying and mapping of the boundaries of the reserve.
- Section 21 – Authorises the Governor General to declare private lands as Protected Forests for a range of purposes, including:
  - (a) *for protection against storms, winds, rolling stones, floods, and landslides;*
  - (b) *for the prevention of soil erosion and landslip, of the formation of ravines and torrents, and of the deposit of mud, stones and sand upon agricultural land;*
  - (c) *for the prevention of wastage of resources of timber and for securing the proper management of timber lands;*
  - (d) *for the maintenance of water supplies in springs, rivers, canals and reservoirs;*
  - (e) *for the protection of roads, bridges, railways, and other lines of communication; and*
  - (f) *for the preservation of health.*
- Section 22 – Permits the Governor General to make rules to regulate a range of activities in protected forests.
- Section 24 – Provides for three different mechanisms to compensate land owners once private lands are declared as protected forests, assuming the owner complies with the rules.
- Section 25 – The State can acquire the land under the Land Acquisition Act if the private landowner fails to comply with the rules governing the protected forest.
- Section 27 – Allows a private land owner to request that the Government supervises an agreed area for conservation purposes. In such a case, the land owner and the Chief Forest Officer agree on the rules, pending approval by the Governor General.
- Section 28 – Permits the Governor General to declare any Crown land to be a Prohibited Area for the purposes set out in Section 21.
- Sections 29-36 – Lists a range of offences in forests, including squatting, straying livestock, felling of timber, lighting fire, and trespassing.
- Section 48 – Authorises the Governor General to make rules for the implementation of the Act.

**Implications for Protected Areas:**

- (a) The definition of “forest” implies that any terrestrial area can be brought under a protected areas management regime under this Act if deemed to be necessary for conservation of soil, water, or forest resources. If this argument is extended, then protected areas can be used as mechanisms to address disaster mitigation and pollution prevention objectives within a watershed or coastal zone management programme. This includes the declaration of protected forests on private lands (Section 21).
- (b) The designation of personnel from a number of government departments as forest officers widens the network of persons involved in surveillance and enforcement. This could now be extended to protected areas personnel.
- (c) The provision for private land owners to enter into agreements for State supervision of private lands for forest conservation purposes offers a mechanism for establishing protected areas regimes on private lands to protect critical resources without the need to purchase those lands. This is useful where the resources for acquisition are not available, or where the protection regime is not required in perpetuity.

**6. Physical Planning and Development Act, 2001 (No. 29 of 2001)**

- *“An Act to make provision for the development of land, the assessment of the environmental impacts of development, the grant of permission to develop land and for other powers to regulate the use of land, and for related matters”.*
- This Act repeals the Town and Country Planning Ordinance (Cap. 175), the Control of Advertisements Ordinance (1960), and the Land Development (Interim Control) Act (1991).
- Section 3 – States the objects of the Act, including the purpose of protecting and conserving the natural and cultural heritage of St. Lucia.
- Section 6 – Mandates the Physical Planning and Development Division to an *“... administrative scheme for coordination between the Physical Planning and Development Division and the referral agencies in respect of the expeditious processing of applications”.*
- Sections 10-15 – Mandates the preparation of a physical plan for all or a part of St. Lucia, allocating land for a variety of purposes, including conservation and recreation. The Act requires a public consultation process, which includes entertaining proposals relevant to any issue to be addressed by the plan.

- Section 33 – Requires the Physical Planning and Development Division to “... *compile lists of buildings, monuments and sites of special prehistoric, historic or architectural interest, ...*”, to notify the owners of listed assets of the listing, and to make arrangements for protection and/or restoration of the asset.
- Section 34 – Provides for protection of natural areas, primarily through the declaration of such areas as Environmental Protection Areas. The Act gives the Physical Planning and Development Division the authority to compile a list of such places of interest, as well as to adopt similar lists compiled by the St. Lucia National Trust and the National Conservation Authority. Sub-section 34(4) lists the steps that can be taken to protect land and other resources within environmental protection areas<sup>10</sup>.
- Section 62(2) – This Act dissolves the Development Control Authority, effectively returning planning and development control responsibility directly to the relevant Minister.
- Second Schedule – Lists the matters to be dealt with by physical plans. Part IV of the Schedule addresses the matter of amenity areas, and provides for the allocation of lands for a wide range of environmental protection functions.
- Fourth Schedule – Lists matters for which an environmental impact assessment is required, including “*development in wetlands, marine parks, national parks, conservation areas, environmental protection areas or other sensitive environmental areas*”.

**Implications for Protected Areas:**

- (a) The Act supports the development and management of protected areas through allocation of land uses for protected areas and through the development control process.
- (b) The Act provides for the listing, and hence protection, of sites of special historical interest. As such, sites possessing mixed natural and cultural resources could be protected under more than one law.
- (c) The use of environmental protection areas (EPAs) provides a mechanism for dealing with important resources outside of protected areas, as well as providing a mechanism for buffer zone protection for protected areas. This is an important provision that is particularly useful in areas where a substantial level of development activity is taking place, or where economic forces tend to overwhelm protected areas.

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<sup>10</sup> Part of Section 34, and Sections 35-37 were missing from the copy of the Act reviewed. As such, it could not be determined how the Act dealt with amenity areas (Section 35).

- (d) The list of environmental protection functions offered by the amenity areas provisions of the Act (Schedule 2, Part IV) supports the development of a comprehensive system of protected areas, able to address all the development goals of St. Lucia.
- (e) The provision for conducting environmental impact assessments (EIAs) of developments in protected areas imply that protected areas management institutions need to have the skill sets to oversee the EIAs. Additionally, the same skills will be necessary to evaluate developments in areas adjacent to protected areas that may produce impacts on protected areas resources.

## **7. Land Conservation and Improvement Act, 1992 (No. 10 of 1992)**

- *“An Act to provide for the conservation of land in Saint Lucia, for the establishment of a Board to be known as the Land Conservation Board, for conferring on that Board functions as to land, and for connected purposes”.*
- Sections 3-4 – Establishes the Land Conservation Board, and sets the functions of the Board, including coordinating the efforts of other conservation agencies in matters related to conservation of land and water resources (Section 4(d))<sup>11</sup>.
- Section 6 – Authorises the Board to make Protection Orders to regulate a number of activities normally associated with farming, such as land clearing.
- Section 12 – The Board may declare any lands, including Crown lands, to be a conservation area, and the Board can make regulations for that area as necessary for the following purposes:
  - (i) *the protection against storms, storm waters, winds, rain, stones, floods, land slides, drought and airborne emissions;*
  - (ii) *the preservation of soil and vegetation, ridges, valleys and hilly tracks;*
  - (iii) *the prevention of land slides and the formation of ravines and torrents, and the protection of land against erosion or the deposition thereof of soil, sand, stones, gravel and noxious material;*
  - (iv) *the maintenance of the water supply in springs, rivers, canals and any other source;*
  - (v) *the maintenance and carrying out of drainage works;*
  - (vi) *the protection of transmission lines, pipelines, bridges, roads, culverts, hydraulic structures, and the protection of any other property or lines of communication;*
  - (vii) *the preservation of soil fertility, scenic beauty, cultural and other unique characteristics;*
  - (viii) *the promotion of the most efficient and economic utilisation of land; and*
  - (ix) *the preservation of public and environmental health.*

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<sup>11</sup> An agriculture sector plan should articulate the role of conservation areas and protected areas in land and water resources management



- Section 12(5-17) – Requires the Board to prepare a management and implementation plan for the conservation area, and sets out a process of public notification, hearings, and appeals dealing with the declaration of a conservation area and management plan.
- Section 15 – Provides for compulsory acquisition of lands declared to be a conservation area, and the Governor General may vest the lands so acquired in any authority or body of persons.
- Sections 16& 17 – Deals with the treatment and payment of claims for compensation relating to private ownership of lands declared as conservation areas.
- Section 21 – Authorises the Board to create a reserve fund as support its functions.
- Schedule 2 – Declares two areas to be conservation areas, Model Farm Lands and Mabouya Valley Development Project Lands.

**Implications for Protected Areas:**

- (a) With the Land Conservation Board and the Forest Department being responsible to the Minister of Agriculture, the Ministry of Agriculture can potentially have a major impact on protected areas development and management.
- (b) The provision for conservation areas to be declared under this Act appears to be based on an intent similar to the environmental protection areas in the Physical Planning and Development Act (2001), wherein conservation areas can either become protected areas or simply offer special protection to specific lands and resources

**Relevant Laws not Obtained during this Review**

- **Agriculture Small Tenancy Act (1983)**  
Enforcement of regulations requiring sound soil and water conservation practices on small land holdings.
- **Beach protection Act (1967)**  
Protection of beaches through permitting system for beach sand mining
- **Crown Lands Ordinance (1946)**  
Establishment of the Crown Land Committee to review and make recommendations on the allocation/use of crown lands
- **Employees Occupational Health and Safety Act (1985)**  
Provision of inspection of food handling premises
- **Litter Act (1983)**  
Control of litter in public and private places

- **Maritime Areas Act (1984)**  
Provision for territorial sea continental shelf, Establishment of contiguous zone, economic zone and other related purposes, Implementation of various provisions of the United Nations Convention on the Law of the Sea
- **Merchant Shipping Act (1981)**  
Introduction of the law of England with regard to Merchant Shipping and matters connected therewith including marine pollution
- **Oil in Navigable Waters Act (Cap91)**  
Provision against the discharge or escape of oil into the territorial waters of the colony
- **Public Health Act (1975)**  
Regulatory oversight for sewage, industrial and solid waste disposal. Removal of nuisance and unsanitary conditions on premises.
- **Plant Protection Act (1988)**  
Control of pest and diseases injurious to plants and to prevent the introduction of exotic species.
- **Rodney Bay Development Act (1970)**  
Authorisation of land improvements works at Rodney Bay
- **St. Lucia Solid Waste Management Authority Act (1996)**  
Environmental Levy Order SI 1996 and Tipping Fee Order SI 1996  
Establishment of the National Solid Waste Management Authority
- **Water and Sewerage Authority Act (1984)**  
Management of water supply and resources, Development and control of sewage systems, Protection of surface water supply intakes
- **Wildlife Protection Act (1980)**  
Provision for conservation of wildlife and recommendations for designation of wildlife reserves, Enforcement of hunting regulations
- **Minerals (vesting) Ordinance (1966).**

## APPENDIX 7: Institutional Capacity Issues

Source: National report on the implementation of the Barbados Programme of Action (Pages 18-19)

### **Constraints:**

Despite the execution of several environmental and sustainable development programmes in past years, the legal and institutional framework for promoting sustainable development in St. Lucia continues to be both fragmented and inadequate. In order to address these deficiencies, a comprehensive review of the institutional policy and legislative framework for environmental management has been conducted. Constraints identified include:

- Duplication, and confusion in the administration of environmental management functions and responsibilities which are currently shared by a large number of agencies;
- Absence of framework or structure that sets out the manner in which sustainable development initiatives are to be undertaken as part of the integrated development planning (IDP) process;
- Inadequate access to essential environmental information on the part of the public;
- The rapid proliferation of environmental treaties in recent years, created a particular problem in the implementation of ever more complex legal obligations in the face of severe resource (human, technical financial) constraints; and
- Despite the absence of critical policy barriers to the effective implementation of AGENDA 21 initiatives and the BPOA, there continued to be limited financial, technical and human capacities to realize many activities.

### **Responses:**

- Updating of legislation, conventions and multilateral agreements. Development planning legislation needs to reflect recent political, socio-economic and scientific changes witnessed over the past fifty years. The policy positions that underpin these agreements also contribute to the strengthening of the national capacity for undertaking sustainable development.
- Co-ordination linkages and interagency collaboration. Current approaches to development planning are sector based. Agencies are pursuing objectives in isolation without placing them within the framework of a larger national development plan. This results from the absence of a commonly agreed vision for national development and the absence of a formal structure to translate policies into programmes or projects. The proposed IDP processes will enable the Ministry of Physical Development, Environment and Housing to work more closely with the political directorate, the public and private sectors as well as civil society to define a broad vision for national development.

Source: Pitons Management Area Management Plan (2003)

### **Constraints and limitations of existing management arrangements**

- ***Poor coordination and integration in planning and management*** - To date, collaboration among agencies tends to be on an ad-hoc, case-by-case basis, with the exception of the SMMA where the multi-agency Board oversees area planning, as well as programme development and execution. This situation is reflected in overlap in some aspects of the mandates of organisations (e.g., the establishment and management of protected areas), as articulated by their respective legal and policy instruments. There are a few aspects where no agency has clear responsibility (e.g., the lack of an agency or legal instrument giving clear authority for the regulation and control of pollution), thus effective action is limited in cases where administrative gaps exist. However, there are a number of systems being put in place to alleviate this area of constraint, such as the development of a national environmental commission to coordinate all environmental related activities.
- ***No national land policy***- A lack of clear guidelines for land use has led to instances of non-sustainable, competing uses within a limited natural resource base. Guidelines are needed for the allocation of land to specific activities, resolving land-use conflicts, protection of critical areas and habitats, and limiting use to existing carrying capacities of natural systems. Currently, the Ministry with responsibility for planning is in the process of developing a land policy which would address this constraint.
- ***Lack of development guidelines for ecologically and culturally sensitive areas*** - Existing regulatory systems are inadequate to ensure preservation and conservation of the unique landscape and resources of the Pitons and surrounding area. Clear and comprehensive development guidelines are required to assist public, private and community agencies in achieving an overall goal of preserving the unique and outstanding aesthetic, natural and cultural values of the Pitons, the Sulphur Springs and surrounding resources. In this regard, the new physical planning legislation has been developed which makes way for environmental impact assessment regulations to control development in such sensitive areas.
- ***Inadequate enforcement of current regulations*** - Many key agencies are limited by human and financial constraints. Site-based enforcement is most effective where persons are available to effect regular awareness building and enforcement of area rules and regulations on a day-to-day basis. The level of effective enforcement in the SMMA improved substantially with the establishment of a resident staff, who perform a dual education and enforcement role, working closely with user communities, commercial operators, community organisations and the police.
- ***Limited economic and social benefits to the community*** - High levels of unemployment exist within the Soufriere community, especially among the youth. Despite the steady flow of visitors, the flow of economic benefits to the community

from tourism needs to be expanded, through a more direct and complete interaction between the visitor and the people of Soufriere. Enhancement of the unique product which Soufriere and its natural environs present have been recognised as essential for securing increased benefits for the local community. Efforts have been made to promote the area as a region rich in heritage tourism, and a draft development plan has been devised for Soufriere, highlighting actions to be taken to facilitate increased social and economic benefits.

- ***Limited assistance for restoration and preservation of historic properties and sites*** - Key historical and cultural sites and properties exist on private lands, some of which are being actively managed while others are under no formal arrangement to ensure their preservation. Agencies that can assist in identifying, rehabilitating and developing management plans for such sites (e.g., the Archaeological and Historical Society; the Saint Lucia National Trust) are constrained by limited human and financial capacities. In 2002, a Cultural Policy was established to facilitate the preservation of cultural and historical resources.
- ***Inconsistent public awareness and support*** - Despite significant work in this area, incidents of illegal hunting of wildlife, poor agricultural practices, littering, and vandalism of natural and historical treasures continues. However various institutions with management responsibility within the area continue efforts at awareness, public education and sensitisation to foster compliance to existing rules and regulations. Past experience has shown that support is best generated by close involvement through a consultative and participatory management approach, and this approach continues.