

**OECS PROTECTED AREAS AND ASSOCIATED LIVELIHOODS PROJECT**

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



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**TABLE OF CONTENTS**

*Page No:*

List of Tables .....	3
List of Figures .....	3
Acronyms .....	4
Executive Summary .....	6
1. INTRODUCTION .....	10
1.1 Methodology .....	10
2. OVERVIEW OF DEVELOPMENT PLANNING PROCESS .....	11
2.1 Macro-Economic Planning Process .....	13
2.2 National Environmental Planning .....	14
2.3 Cross-Sectoral Linkages .....	16
3. PROTECTED AREAS POLICY AND LEGISLATIVE FRAMEWORK .....	17
3.1 Protected Areas Policy .....	17
3.2 Legislative Framework for Protected Areas Management .....	19
4. INSTITUTIONAL FRAMEWORK .....	24
4.1 Protected Areas Management Institutions .....	24
4.2 Supporting Institutions .....	26
4.3 Institutional Gaps and Current Initiatives .....	27
4.4 Institutional Capacity for Protected Areas Management .....	29
5. CURRENT STATUS OF PROTECTED AREAS MANAGEMENT .....	32
5.1 Overview of the Current System of Protected Areas .....	32
5.2 Support Systems for Protected Areas Management .....	37
5.3 Current and Planned Initiatives .....	37
6. MAJOR ISSUES .....	40
6.1 Threats to Protected Areas .....	41
7. SUMMARY AND RECOMMENDATIONS .....	42
Bibliography .....	43
Appendix 1: Summary of OPAAL Project .....	45
Appendix 2: Terms of Reference .....	49
Appendix 3: Institutions Consulted .....	54
Appendix 4: Profiles of Protected Areas Management Institutions .....	56
Appendix 5: Legislation Relevant to Protected Areas Management .....	69
Appendix 6: Institutional Capacity Issues .....	85

**LIST OF TABLES**

*Page No.*

Table 1:	Protected Areas in St. Kitts and Nevis .....	33
Table 2:	Proposed Protected Areas .....	34

**LIST OF FIGURES**

*Page No.*

Figure 1:	Location Map of St. Kitts and Nevis .....	12
Figure 4:	Proposed Protected Areas .....	36

## ACRONYMS

CARIFORUM	Caribbean Forum
CARIMOS	Organization of the Wider Caribbean on Monuments and Sites
CBD	Convention on Biological Diversity
CITES	Convention on International Trade in Endangered Species of Wild Flora and Fauna
CREP	Caribbean Regional Environmental Programme (Project)
DPPE	Department of Physical Planning and the Environment
DPPNRE	Department of Physical Planning, Natural Resources & Environment
EIA	Environmental Impact Assessment
ESDU	Environment and Sustainable Development Unit
FEM	Fonds Français pour l'Environnement Mondial
GDP	Gross Domestic Product
GEF	Global Environment Facility
GPS	Global Positioning System
IRF	Island Resources Foundation
IWCAM	Integrated Watershed and Coastal Areas Management (Project)
MEA	Multilateral Environmental Agreement
MPA	Marine Protected Area
MTESP	Medium Term Economic Strategy Paper
NCEPA	National Conservation and Environmental Protection Act
NEMS	National Environmental Management Strategy and Action Plan
NGO	Non-governmental Organisation
NICE	National Implementation Coordinating Entity
NPC	National Project Coordinator
NRMU	Natural Resources Management Unit <sup>1</sup>
OAS	Organisation of American States
OECS	Organisation of Eastern Caribbean States
OPAAL	OECS Protected Areas and Associated Livelihoods (Project)
PMS	Participating Member State
PSC	Project Steering Committee

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<sup>1</sup> This Unit has since been renamed the Environment and Sustainable Development Unit.

PSIP	Public Sector Investment Programme
SIE	Site Implementing Entity
SKN	St. Kitts and Nevis
SRO	Statutory Rules and Orders
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. Kitts and Nevis consisted of a review of relevant literature and consultations with national institutions, with the consultations taking place during the period April 3-7, 2006.

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

Public and civil society organizations in St. Kitts and Nevis have been actively engaged in advocating development of protected areas for several decades. The activism and initiatives have not been consolidated into a comprehensive policy framework for protected areas management. However, the National Environmental Management Strategy and Action Plan 2005-2009 includes a number of strategies and actions focused on protected areas, dealing with site declaration, protection of natural, historic, and natural heritage, as well as capacity building for relevant government agencies and non-governmental organizations.

This latest direction in protected areas policy is supported by policy directions in the Medium Term Economic Strategy Paper 2005-2007, which identifies protected areas as a supporting strand for tourism and fisheries sector development. Additionally, the purposes and objectives for the designation of protected areas listed in Section 4 of the National Conservation and Environmental Protection Act (1987) provide a basis for the development of a system of protected areas.

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

There are several laws that are relevant to the various aspects of development and management of protected areas. The four laws under which protected areas can be declared and established are:

- Fisheries Act, 1984;
- South-East Peninsula Land Development and Conservation Act, 1986;
- National Conservation and Environmental Protection Act, 1987; and
- Development Control and Planning Act, 2000.

There are several areas of uncertainty, gaps, or conflicts in the legal coverage for protected areas management. Many of these issues result from the legislative instruments themselves, but some are based on the provisions of the Constitution of St. Kitts and Nevis, which grants a level of autonomy to the Nevis Island Administration.

Current legislative issues affecting the protected areas management framework include:

- (a) The Government of St. Kitts is also the federal government, and therefore all federal laws affecting protected areas have effect on St. Kitts, but not necessarily on Nevis. As such, there may be different application of laws, guidance, and standards on the two islands. This also affects institutional issues, such as the extent of authority of the fisheries departments of both islands.
- (b) The Fisheries Act restricts designation of protected areas to only marine reserves. The law needs to be updated to support a wider range of uses and protection regimes for marine resources.
- (c) The requirement for the Minister (under the National Conservation and Environmental Protection Act) to consult with the Conservation Commission prior to making regulations under the Act places the Conservation Commission in a position of conflict, wherein it functions as both a regulatory agency (advising the Minister) and a land management institution (site management).
- (d) The National Conservation and Environmental Protection Act (1987) gives the authority for the selection and management of protected areas to the Minister. Site selection and determination of management requirements should be moved from the purview of the Minister to the relevant management institution.

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

Responsibility for the management of protected areas in St. Kitts and Nevis is shared among five (5) institutions, two of which are non-governmental organizations focused on management of a specific site. There are several institutions that provide support to protected areas management, and one of these, the Saint Christopher Heritage Society, is currently going through the formalities of being transformed to a national trust. The change, which is contained within the Saint Christopher National Trust Bill, would then allow the new Trust to manage a number of publicly-owned heritage sites.

There is currently no institutional coordinating mechanism for protected areas management. However, the existing initiatives dealing with establishment of protected areas are designed to facilitate increased collaboration among the relevant institutions, with the result that discussions have restarted concerning the establishment of a formal coordinating mechanism.

In addition to the absence of a coordinating mechanism, the major institutional issues are:



- (a) Inadequate implementation and enforcement of the relevant laws result in continued degradation of important cultural and natural resources. The non-implementation of the conservation objectives of the South-East Peninsula development process is a case in point.
- (b) Appropriate support systems and standard operating procedures have not been adopted to facilitate site and system development and management.
- (c) Data management systems for protected areas management are generally lacking. This may be due to the fact that only two sites are being actively managed, but with the planned development of several sites, such systems need to be established.
- (d) There is inadequate capacity to design and manage a system of protected areas, and most of the management institutions are also experiencing limited capacity for site management.

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

There are only two (2) declared protected areas in St. Kitts and Nevis, both of which are heritage sites, and one of which (the Brimstone Hill Fortress National Park) was also inscribed as a World Heritage Site in 1999. Thirty three (33) sites have been proposed as protected areas, eight (8) of which are marine protected areas, and seven (7) of which are historic sites. However, there is no definitive list of proposed protected areas, as the available literature does not indicate that the inventories of heritage properties have produced priorities for sites to be designated as protected areas. Similarly, the proposals for establishment of marine protected areas have not identified the various sites to be incorporated into a system of marine protected areas.

Due to the limited experience in establishing protected areas, a standard site planning process has not been established. However, the protected areas management institutions have indicated that the lessons to be derived from the current initiatives will be used to develop appropriate planning processes. The major protected areas initiatives in St. Kitts and Nevis are:

- CREP Amenity Area Demonstration Project;
- OPAAL National Demonstration Project; and
- Basseterre Valley Aquifer National Park declaration and development.

The major issues for protected areas management in St. Kitts and Nevis identified during this Review are:

- (a) There is no national policy or plan for protected areas development and management. The increased emphasis on protected areas development to meet national development priorities requires the supporting framework usually articulated within a national policy and plan for protected areas.

- (b) There is no institutional coordinating mechanism for protected areas management. However, a coordinating mechanism is needed to resolve the institutional conflicts resulting from constitutionally-enshrined governance arrangements between St. Kitts and Nevis, personality conflicts, conflicting priorities and directions, and different initiatives drawing on the small pool of human and financial resources.
- (c) Data management systems for protected areas do not currently exist, and given the lack of research capacity for environmental management, a system has to be established to capture data generated by external institutions working in St. Kitts and Nevis that is relevant to protected areas.
- (d) Inadequate capacity for design and management of a system of protected areas is the single most critical problem for protected areas management in St. Kitts and Nevis. A capacity building programme will be required to address this limitation.
- (e) Natural disasters, particularly tropical storms, present a clear threat to protected areas resources. The severe damage caused by hurricanes hitting St. Kitts and Nevis since 1995 underscore the need for comprehensive disaster management approaches to be incorporated into protected areas development and management.

The following actions are recommended to meet the short-term demands while establishing a basis for continued development of protected areas:

- (a) Initiate a protected areas system planning process to develop a comprehensive policy framework and rationalise the legislative and institutional frameworks.
- (b) Undertake institutional assessment of protected areas management institutions for the purpose of designing a capacity development programme for said institutions.
- (c) Establish an institutional coordinating mechanism to assist with oversight of the current initiatives, and supporting the system planning process.
- (d) Develop reporting mechanisms for both internal and external stakeholders, and link the internal processes to constituency building for protected areas.
- (e) Establish a trust fund for protected areas development and management.
- (f) Obtain technical assistance to provide technical support necessary to undertake the actions recommended above.

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

## **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. Kitts and Nevis 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 results from a review of the current policy, legal, and institutional frameworks for protected areas management in St. Kitts and Nevis.

### **1.1 Methodology**

As indicated by the Terms of Reference (TOR), the country review was designed to be composed of two distinct, and sequential, steps. However, due to non-receipt of the relevant documentation from St. Kitts, the literature collection, review, and stakeholder consultations all took place at the same time.

The visit to St. Kitts and Nevis took place during the period April 3-7, 2006, during which consultations were held with eleven (11) institutions (Appendix 3). Much of the information presented in this report is based on the review of the documentation presented by the various national 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 OECS Secretariat.

Information on institutional responsibilities for protected areas was obtained from various reports, primarily the National Environmental Management Strategy and the laws. 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**

The state of St. Kitts and Nevis is located at the northern end of the Leeward Islands chain, and is made up of two islands separated by a narrow strait approximately 3 kilometres wide (Figure 1). The total landmass of the state is approximately 262.4 km<sup>2</sup>, with St. Kitts being approximately 168.4 km<sup>2</sup>, and Nevis being 93.2 km<sup>2</sup>. St. Kitts and Nevis has a population of 46,111, with 75.6% of the population residing on St. Kitts and the remaining 24.4% on Nevis (MTESP 2005-2007).

The economy of St. Kitts and Nevis is small and open, producing a small range of goods for export, while being heavily dependent on imports. Real economic growth in St. Kitts and Nevis averaged 2.5% during the period 1999-2003. The sugar industry was the main contributor to economic activity, until the Government decided that production of sugar for export would cease after the 2005 crop. The economy is being diversified, with increased attention to financial services, information technology, light manufacturing, and tourism. The tourism sector has grown over the past decade to become the dominant sector in St. Kitts and Nevis, growing 31.3% in 2003 (MTESP 2005-2007), and accounting for 5.5% of Gross Domestic Product (GDP).

Policies and programmes are developed on a sectoral basis in response to national development priorities, regional cooperative agreements, and international agreements. The compilation of the sectoral programmes into a national development strategy is coordinated by the Ministry of Finance, and is articulated as the national economic strategy in a Medium Term Economic Strategy Paper (MTSEP).

Development planning in St. Kitts and Nevis is also influenced by the Saint Christopher and Nevis Constitution Order (1983). The constitution gives Nevis the right, through the Nevis Island Assembly, to make rules for matters over which it has exclusive responsibility. As such, some laws and institutional arrangements apply to one island and not the other.



Figure 1: Location Map of St. Kitts and Nevis

## 2.1 Macro-Economic Planning Process

A number of development policy documents provide guidance as to the development priorities for St. Kitts and Nevis, including the Sugar Adjustment Strategy (under preparation), Agricultural Diversification Strategy (under preparation), National Physical Development Plan (under preparation), Strategic Plan for Tourism Development (under preparation), National Environmental Management Strategy and Action Plan 2004-2009, and the Medium Term Economic Strategy Paper 2005-2007.

The main document that sets out the Government's policy for the medium term is the Medium Term Economic Strategy Paper (MTESP). In addition to setting the economic policies, the MTESP also outlines the Public Sector Investment Programme (PSIP) for the period (2005-2007). The strategies in the MTESP are focused on the main sectoral sources of growth including:

- (a) Services
  - Tourism;
  - Financial services; and
  - Telecommunications and information technology.
- (b) Agriculture
  - Sugar; and
  - Non-sugar agriculture.
- (c) Industry
  - Manufacturing; and
  - Construction.

The MTESP also identifies a number of cross-cutting issues for attention, including:

- (a) Supporting Infrastructure;
- (b) Physical Planning and Development Control; and
- (c) The Environment.

The objectives dealing with protected areas under the identified programmes include:

- Tourism – The Nevis Island Administration, in the 12 objectives focused on tourism, has one objective that has a focus on “...*development of more heritage, cultural and nature tourism products*”.
- Non-Sugar Agriculture – The Nevis Island Administration will implement the establishment of marine protected areas (MPAs) as a strategy to address the challenges in fisheries.
- Physical Planning and Development Control – Establishment of the Basseterre Valley Aquifer National Park as a 530-acre water resources management area.
- Environment – Updating the National Conservation and Environmental Protection Act (1987), and expansion of watershed management projects.

Attention to international obligations has been included in the MTESP in the form of specific

focus on the attainment of the Millennium Development Goals. Under the goal “Ensuring Environmental Sustainability”, the following actions are to be taken:

- Implementation of the National Environmental Management Strategy and Action Plan (NEMS); and
- Establish protected areas covering 15-20% of St. Kitts (including forests above the 1,000 foot contour in the central portion of the island, and the Wingfield Watershed).

## **2.2 National Environmental Planning**

Environmental policy development in St. Kitts and Nevis is undertaken on a sub-sector basis, with different applications in St. Kitts and Nevis. Until the preparation of the National Environmental Management Strategy and Action Plan (NEMS) in 2004, there was no coordinated environmental planning process. Environmental management in St. Kitts and Nevis is the responsibility of various government departments, including:

- Biodiversity – Department of Agriculture, Department of Fisheries, Department of Physical Planning and Environment, Nevis Island Assembly
- Forestry – Department of Agriculture, Department of Physical Planning and Environment.
- Watershed Protection – Water Services Department (Ministry of Works and Public Utilities), Ministry of Agriculture, Department of Physical Planning and Environment.
- Mining and Quarrying – Public Works Department (Ministry of Works and Public Utilities).
- Waste Management – St. Kitts and Nevis Solid Waste Management Corporation.
- Fisheries Management – Fisheries Management Unit, Nevis island Assembly.

The major initiatives in national environmental reporting and policy planning include:

- Preparation of a national Environmental Profile in 1991 (IRF, 1991) – A compilation of natural resources data, examination of the key environmental issues, and recommendations for policy directions.
- Preparation of a National Environmental Action Plan in 1994 – Identification of the major environmental problems of the country and recommendation of appropriate policies and actions to address these problems.
- Preparation of a National Biodiversity Strategy and Action Plan (Department of the Environment).
- Preparation of the National Environmental Management Strategy and Action Plan 2005-2009 (Homer, 2004).

The initiatives mentioned above all result from external arrangements, in that they form part of regional initiatives. Two major national programme initiatives focusing on protected areas include the promulgation of the National Conservation and Environmental Protection Act in 1987, and the preparation (by the Fisheries Management Unit) in 1998 of a proposal for the development of a system of marine protected areas in St. Kitts.

The Government of St. Kitts and Nevis, through the MTESP 2005-2007, has stated its intention to implement the latest environmental policy guidance, the National Environmental Management Strategy and Action Plan 2005-2009. The NEMS addresses protected areas under Principles 11 and 12.

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

St. Kitts and Nevis is Signatory to five (5), and Party to forty one (41) international environmental agreements (<http://sedac.ciesin.columbia.edu/entri/CountryISO.jsp>), of which eighteen (18) are deemed to be the most important (Planning Unit, 2004). The obligations of St. Kitts and Nevis under a number of these international agreements have been recognised in national law, with the amendment in 1996 to the National Conservation and Environmental Protection Act (1987). The amendment, by Act 12 of 1996, gives force of law to eight (8) international environmental agreements.

The multilateral environmental agreements (MEAs) directly relevant to protected areas that have been signed by the Government of St. Kitts and Nevis are the:

- Convention concerning the Protection of the World Cultural and Natural Heritage (World Heritage Convention) – Accepted July 10, 1986; and
- Convention on Biological Diversity (CBD) – Signed June 6, 1992 and ratified January 7, 1993.

Other multilateral environmental agreements of relevance to specific operational aspects of protected areas management (such as pollution control) include:

- Convention on International Trade in Endangered Species of Wild Fauna and Flora;
- Framework Convention on Climate Change;
- United Nations Convention to Combat Desertification;
- United Nations Convention on the Law of the Sea;
- International Convention on Civil Liability for Oil Pollution Damage;
- International Convention for the Prevention of Pollution from Ships (MARPOL 73/78);
- The Convention for the Protection and Development of the Marine Environment in the Wider Caribbean Region (ratified June 15, 1999); and
- Protocol Concerning Cooperation in Combating Oil Spills in the Wider Caribbean Region.

The Government of St. Kitts and Nevis participates actively in the programmes of the World Heritage Convention and the CBD, as confirmed by the submission of a Tentative List (of world heritage sites) to the World Heritage Centre in 1998. Brimstone Hill Fortress National Park was inscribed as a World Heritage Site in 1999. The policy direction given in the MTESP 2005-2007 for the establishment of a protected area in the central forest range of St. Kitts is said to be in response to the obligations under the CBD Programme of Work on Protected Areas.



St. Kitts and Nevis also participates in a number of regional and sub-regional environmental programmes, namely:

- Caribbean Environment Programme;
- Programme of Action for the Sustainable Development of Small Islands Developing States (Barbados Programme of Action);
- CARICOM Regional Fisheries Mechanism;
- Caribbean Regional Environmental Programme (CREP); and
- St. George's Declaration of Principles for Environmental Sustainability in the OECS (The St. Georges Declaration).

Of the regional agreements, the St. George's Declaration has the most significant direct influence on national environmental policy. The St. George's Declaration, which was developed in 2000 by the Organisation of Eastern Caribbean States (OECS), outlines a set of principles that places environmental management as a cornerstone of sustainable development. In that context, the Declaration functions as a regional policy for achieving enhanced management of the environment in pursuit of sustainable development objectives in the OECS Region. The development of a national environmental management strategy (NEMS) is the mechanism for national expression of environmental programming in support of those sustainable development objectives. The treatment of protected areas development by the NEMS is addressed above.

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

Tourism and agriculture are the major economic sectors that would either use, or have direct impacts on, protected areas. The Agricultural Diversification Strategy and the Strategic Plan for Tourism Development are being prepared, and thus only a partial picture emerges of the direct linkages between these key sectors and protected areas. However, based on the objectives set forth in the MTESP (Section 2.1) and the environmental planning policies identified above, it can be stated that both islands intend to pursue marine protected areas (MPAs) development as a strategic initiative to support the tourism and fisheries sectors.

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

St. Kitts and Nevis does not have a comprehensive policy framework for protected areas management, even though legal provisions have been in place for several decades. However, the absence of such a policy framework belies the deep sense of commitment felt and displayed in regards to the historical resources. This commitment, and the activism of civil society in this regard, is exemplified by the formation of the Society for the Restoration of Brimstone Hill in 1965, and its continuing successes. Additionally, prior to 1990, the historical resources were not seriously threatened by much more than natural deterioration (IRF, 1991). The same perception held for the natural heritage, as much of the upland of the country was under forest cover. Prior to 1996, forests covered approximately 37% of the land area of St. Kitts (approximately 6,500 ha) and approximately 20% (1,900 ha) of the island of Nevis (Caribbean Environment Programme, 1996). As such, interventions initially focused on specific sites (e.g. Brimstone Hill Fortress) or development areas (e.g. South-East Peninsula).

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

The first attempt at constructing a protected areas policy framework was undertaken during the preparation of the Country Environmental Profile in 1991. In addition to the listing of previous attempts at compiling an inventory of historical sites, the Environmental Profile identified a number of relevant issues, and articulated policy recommendations (IRF, 1991). One of the policy recommendations made was for the preparation of a parks and protected areas system plan.

The Medium Term Economic Strategy Paper (MTESP) and the National Environmental Management Strategy and Action Plan 2005-2009 (NEMS) present the most current policy guidance concerning protected areas. The Government of St. Kitts and Nevis, through the MTESP 2005-2007, has stated its intention to implement the latest environmental policy guidance, the National Environmental Management Strategy and Action Plan 2005-2009. The NEMS specifically deal with protected areas under Principles 11 and 12.

#### **PRINCIPLE 11: Ensure the Sustainable Use of Natural Resources**

Strategy 32: Manage terrestrial, marine and atmospheric resources, organisms and eco-systems in an appropriate manner to obtain the optimum sustainable productivity, while maintaining the integrity of natural and ecological processes and inter-relationships between such systems and processes.

#### Activities:

- Develop and implement management plans for marine and terrestrial protected areas.

## **PRINCIPLE 12: Protect Cultural and Natural Heritage**

Strategy 37: Institute appropriate measures, including legislation where necessary, to provide for the researching, documenting, protecting, conserving, rehabilitating and management of cultural, historic and natural monuments, buildings and symbols, as well as areas of outstanding scientific, cultural, spiritual, ecological, scenic or aesthetic significance.

### Activities:

- Build the capacity of the relevant government agencies and non-governmental organisations to manage natural and cultural heritage sites.
- Build the capacity of the National Archives and local museums to manage historic/cultural/heritage resources.
- Declare and protect areas of cultural and natural heritage.

Strategy 38: Collaborate on mechanisms for the protection of cultural, historic and natural heritage.

### Activities:

- Participate in activities of the World Heritage Convention, the Museum Association of the Caribbean and other related activities for the management of cultural and historic resources.
- Involve the public/NGOs in the management of cultural, historic and natural heritage.

As stated above (Section 2.2), the Government of St. Kitts and Nevis stated its intention to discharge its obligations under the Convention on Biological Diversity, and this should increasingly influence the national protected areas policy framework.

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

A number of important first steps have been taken in stating the government's intention to pursue the development of protected areas to meet national development priorities and international environmental obligations. That first step now needs to be strengthened by the preparation of a policy and plan for a national system of protected areas. A comprehensive policy framework is necessary to address issues of institutional conflicts, establish procedures and standards for site management, and provide a guide to addressing the financial sustainability issues for the system of sites. Additionally, it clarifies how a system of protected areas will support other national development initiatives, such as biodiversity, fisheries, water production, and tourism.

The development of a comprehensive policy framework should be supported by standard procedures for site identification, assessment, and designation. This not only makes the process simpler and more transparent, it supports efforts to engage in collaborative action with local, national, and international institutions. Adoption of standard operating

procedures is also necessary for monitoring and evaluation at site and system levels, and to support national and international reporting.

St. Kitts and Nevis possess a number of areas of outstanding scenic beauty, most of which are threatened by development activity. The treatment of scenic landscapes and seascapes should be addressed more centrally within a protected areas framework, as it supports both the community sense of the beauty of the areas and the national development process. The provision for preservation of scenic “resources” is contained in the South-East Peninsula Development and Conservation Act (1986), but is not broadly expressed or applied elsewhere in the country.

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

The legislative framework for protected areas management in St. Kitts and Nevis provides substantial guidance for the establishment and management of both natural and historical resources. A number of the laws affect only specific operational considerations, such as public health issues (Appendix 5). Legislation under which protected areas can be established includes the:

- Fisheries Act, 1984;
- South-East Peninsula Land Development and Conservation Act, 1986;
- National Conservation and Environmental Protection Act, 1987; and
- Development Control and Planning Act, 2000.

#### **(a) Fisheries Act, 1984**

The Act provides for the management of the fishery resources of St. Kitts and Nevis, including the licensing of local and foreign fishing vessels. The Act also makes provision for the declaration of marine reserves (Section 23).

The proposals for the Fisheries Management Unit and the Nevis Island Administration to designate marine protected areas (MPAs) for the purpose of supporting dive tourism is not permitted under this law, which uses language specific to marine reserves. This should be compared with the provisions of the National Conservation and Environmental Protection Act (1987), which permits the Department of Environment<sup>2</sup> to designate a range of protected areas, including making specific reference to marine reserves as declared under the Fisheries Act.

#### **(b) South-East Peninsula Land Development and Conservation Act, 1986**

This Act is specific to the South-East Peninsula, and therefore does not offer the opportunity for application elsewhere in the state. The law requires that landuse

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<sup>2</sup> Now the Department of Physical Planning and the Environment

planning precede development, and that such a plan include an environmental protection plan (Section 4). Section 5 of the Act requires that the development and land use management plan for the development area include proposals for the “*preservation and management of the scenic and other natural resources*” in the area. Section 7(1) of the Act goes even further to designate the entire South-East Peninsula a conservation area, to focus on the protection of wildlife and its habitat.

Clearly the Act meant for protected areas planning and management to be a central part of the development of the South-East Peninsula. There is no evidence to suggest that the South-East Peninsula Land Development and Conservation Board has ever undertaken any serious planning for protected areas, coastal conservation, or the maintenance of environmental quality, as required by the Act. As such, critical natural resources and fragile wildlife habitat continues to be threatened (Consultations, April 3, 2006).

**(c) National Conservation and Environmental Protection Act, 1987**

The Act provides for “...*the better management and development of the natural and historic resources of Saint Christopher and Nevis for purposes of conservation; the establishment of national parks, historic and archeological sites and other protected areas of natural or cultural importance including the Brimstone Hill Fortress National Park...*”.

This Act is the most comprehensive legislation for protected areas development and management in both St. Kitts and Nevis, containing provisions for:

- Designation of several categories of protected areas;
- Treatment of private lands as protected areas;
- Preparation of site management plans;
- Treatment of historical and archeological resources;
- Delegation of management authority to any institution as appropriate; and
- Recognition of the obligations under selected MEAs in national law.

The Act now needs to be bolstered by the promulgation of appropriate regulations.

**(d) Development Control and Planning Act, 2000**

This Act provides for the orderly development of land through land use planning and development control purposes. As such, this Act focuses more on allocating land for conservation and protected areas.

The Act supports the National Conservation and Environmental Protection Act (1987), in that it utilises the mechanism of interim preservation orders to protect sites and immovable assets and plant protection orders to protect a group of plants, sites, or landscapes.

The provision for environmental protection areas under the Act implies that specially demarcated areas require special treatment, even though such areas may not require the level of management intervention customary in the protected area. This provision appears to be similar to the designation of the South-East Peninsula as a Conservation Area, within which certain levels of development are permitted.

### **3.2.1 Relevant Issues and Initiatives**

The existing legislative framework is a good starting point for protected areas management. However, there are a number of gaps, as well as relevant issues to be addressed, including:

- (a) The Government of St. Kitts is also the federal government, and therefore all federal laws affecting protected areas have effect on St. Kitts, but not necessarily on Nevis. As such, there may be different application of laws, guidance, and standards on the two islands. This also affects institutional issues, such as the extent of authority of the fisheries departments of both islands. The preparation and approval of a national protected areas policy and system plan would be a major step in the resolution of these policy and institutional issues.
- (b) The National Conservation and Environmental Protection Act (1987), including the 1996 amendment, covers both Nevis and St. Kitts. However, the Development Control and Planning Act (2000) applies only on St. Kitts, with Nevis in the process of drafting its own version of the law (Nevis Physical Planning and Development Control Ordinance). However, with the merger of the Department of the Environment and the Department of Physical Planning to form the Department of Physical Planning and the Environment, there appears to be confusion as to whether the authority of the new department extends to Nevis. This type of uncertainty needs to be resolved to ensure a more structured approach to protected areas development and management.
- (c) The Fisheries Act restricts designation of protected areas to only marine reserves. The law needs to be updated to support a wider range of uses and protection regimes for marine resources.
- (d) The Development Control and Planning Act (2000) does not treat environmental impact assessments (EIAs) for development in or adjacent to protected areas any differently from any other area in the country. Given the special importance accorded to protected areas, EIA rules should be applied more rigorously in or adjacent to such areas. The same is true for the designation and management of environmental protection areas.
- (e) The requirement for management planning (Section 14 of the National Conservation and Environmental Protection Act) is currently limiting, and needs to be improved to

- take into consideration the range of community issues, adaptive management requirements, and monitoring and evaluation considerations.
- (f) The provision in the National Conservation and Environmental Protection Act (NCEPA) for dealing with antiquities and historic buildings can supplement or conflict with the related provisions in the Development Control and Planning Act. The result depends on the regulations developed for the implementation of the two Acts, as well as the institutional arrangements developed.
  - (g) The requirement for the Minister (under the NCEPA) to consult with the Conservation Commission prior to making regulations under the Act places the Conservation Commission in a position of conflict, wherein it functions as both a regulatory agency (advising the Minister) and a land management institution (site management). Considering that other institutions may manage protected areas, this provision should be either revoked or expanded to include other protected areas management institutions.
  - (h) Giving the authority for the selection and management of protected areas to any Minister of government (Part III, National Conservation and Environmental Protection Act, 1987) poses a potentially serious threat to the protection of such areas. The need to attain short-term economic goals oftentimes require politicians to forego long-term societal benefits, and thus protected areas are often not selected and managed on the basis of long-term ecosystem issues. There are a number of cases elsewhere in the Caribbean where attempts have been made to reduce the size of protected areas to accommodate tourism developments. Additionally, the need to meet international obligations and standards require a high level of technical expertise in the selection and management of protected areas. It is recommended that site selection and determination of management requirements be moved from the purview of policy makers to the ambit of a technical agency.
  - (i) The 1996 amendment to the National Conservation and Environmental Protection Act (1987) that seeks to give force to specified international conventions has implications for protected areas, though the applications remain uncertain. The uncertainty stems from the fact that the international conventions require promulgation of specific national legal instruments, not simply recognition of the conventions.
  - (j) The Finance Act (1990) does not deal specifically with the matter of fee collection at a site by a management institution that is a NGO, or collection of levies by tour operators visiting protected areas. However, since both practices currently exist in St. Kitts, appropriate regulations should be developed to provide broad support for existing and future mechanisms of a similar nature.

The legislative initiatives that will impact protected areas development and management in St. Kitts and Nevis include:

- (a) Saint Christopher National Trust Bill (2005) – This instrument will transform the Saint Christopher Heritage Society into a national trust, for vesting and management of selected heritage properties. The Bill has already gone through two readings in Parliament, but the opportunity should not be missed for inclusion of provisions for discharging national obligations under the World Heritage Convention.
- (b) The Saint Christopher National Trust Bill assumes some of the functions of the Conservation Commission and the Department of the Environment (now Department of Physical Planning and the Environment), as provided for by Part IX of the National Conservation and Environmental Protection Act (1987). This issue should be resolved prior to the promulgation of the new Act.
- (c) The NCEPA is being reviewed. The proposed National Conservation and Environmental Management Act is slated to be completed by late 2006. This updated legislation will include provisions to support CITES.
- (d) The Development Control and Planning Act (2000) does not apply to the island of Nevis. As such, the Nevis Island Administration is in the process of drafting its own version of the planning law, the Nevis Physical Planning and Development Control Ordinance.
- (e) Amendments to the Fisheries Act have been sent to the Legal Department for review and approval.
- (f) The Public Health Act (No. 20 of 1969) has been updated to the Environmental Health Act 2005. Similarly, the Draft Food Safety Regulations 2005 replaces the current outdated food safety regulations. Both instruments have been sent to the Legal Department for review and approval.
- (g) The Legal Department is undertaking a comprehensive review of all laws of St. Kitts and Nevis, an exercise that is to be completed by mid-2007. Just as importantly, there is recognition that all the environmental laws need regulations, and this issue will be addressed as part of the law review process (Consultations, April 4, 2006).



#### **4. INSTITUTIONAL FRAMEWORK**

Responsibility for environmental management in St. Kitts is dispersed among six (6) government departments and one (1) non-governmental organization. On Nevis, environmental management is the responsibility of the Nevis Island Administration, with one main non-governmental organization playing a supporting role in heritage resources management and environmental education. These government and non-governmental organizations work together on committees and form informal networks.

The Conservation Commission was established as a formal institutional coordinating mechanism 1987, with the promulgation of the National Conservation and Environmental Protection Act (NCEPA). The Commission, which was advisory to the Minister with responsibility for the environment, was composed of persons representing government departments, private sector groups, and civil society organizations. This institutional coordinating mechanism was important not only for environmental management generally, but also for protected areas development and management, as the NCEPA is the main legislative instrument guiding protected areas development and management.

The available information indicates that the Conservation Commission never functioned in the manner intended by the NCEPA. The lack of functionality of the Commission was due to a number of factors, including inadequate budgetary support, failure to re-appoint members in a timely fashion, and the refusal of the Government to pay a stipend to members (Toppin-Allahar, 2004). The NCEPA was amended in 1996 to establish the Department of the Environment (in the Ministry of Health and Environment) to provide a supporting and implementing mechanism for the Conservation Commission. With the establishment of the Department of the Environment, the Conservation Commission gradually faded (Planning Unit, 2004). Toppin-Allahar (2004) notes the re-appointment of the Conservation Commission in 1997 and its subsequent demise in 2000.

Similarly, no national commission is in place for world heritage, despite having one site inscribed as a world heritage site and two others on the Tentative List. The approach being discussed is to establish a world heritage committee as a sub-committee of the National Commission for UNESCO.

##### **4.1 Protected Areas Management Institutions**

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

### **Brimstone Hill Fortress National Park Society**

The Brimstone Hill Fortress National Park Society was founded in 1965 as voluntary organization called the Society for the Restoration of Brimstone Hill. The current name was adopted in 1987 when the Society was named as the management entity for the Brimstone Hill Fortress National Park under the NCEPA.

The Society is registered as a non-profit company, whose operations are overseen by the Council of Management, which is composed of elected representatives of the Members of the Society and two Government nominees.

The chief executive officer of the Society is the General Manager, but the operations of the National Park are administered by the Park Manager, assisted by the Park Supervisor (<http://www.brimstonehillfortress.org/management/index.html>).

### **Nevis Historical and Conservation Society**

The Nevis Historical and Conservation Society was established in 1980 to conserve the natural, cultural, and historic resources of the island of Nevis and adjacent marine areas. The Society is a non-profit organization governed by an Executive Board. The current Executive Board consists of 15 persons, including one appointee each of the Nevis Island Administration and the youth groups, both of which are ex-officio members. Though the Society has 5 full-time staff members, the Executive Board maintains responsibility for the museum and the programmes of the society (<http://www.nevis-nhcs.org/administration.html>).

The Society is currently the management entity for the Baths Hotel Historical Site, designated under Section 23 of the NCEPA (1987).

### **Department of Physical Planning and the Environment (St. Kitts)**

The Department of the Environment was established in 1996 within the Ministry of Health and Environment to enable the implementation of the NCEPA. In 2004, the Department of the Environment was merged with the Physical Planning Unit to form the Department of Physical Planning and the Environment (DPPE), and the new DPPE was placed within the newly created Ministry of Sustainable Development.

The DPPE functions as both the lead agency for planning in St. Kitts and the lead agency for environment and protected areas management in St. Kitts and Nevis. In the latter capacity, and as the lead agency for watersheds management, the DPPE is responsible for the development of the Central Forest Reserve as the OPAAL Demonstration Site, and the Basseterre Valley water resources management area as a national park (Section 5.3) under the Integrated Watershed and Coastal Areas Management (IWCAM) Project coordinated by the Caribbean Environmental Health Institute. The Department does not currently use a

standard protected areas planning format in the development of the projects, but it is intended that the two projects will be used to design such a process.

The Environment Unit, which is the unit responsible for protected areas, has only four assigned posts, with three currently filled. However, technical support is provided by the Physical Planning Unit as necessary, and vice versa. The DPPE is considering its strategy for management of protected areas, and in keeping with the provisions of the NCEPA, is likely to delegate site management to a second institution (Consultations, April 3, 2006).

### **Nevis Island Administration**

The Saint Christopher and Nevis Constitution Order 1983 gives the Nevis Island Assembly responsibility over the affairs of Nevis. As such, the Nevis Island Administration is the Local Government for Nevis. The Department of Physical Planning, Natural Resources & Environment (DPPNRE) is responsible for land use planning, land conservation, and environmental management. The Department is in the process of preparing a physical development plan, which would zone land for conservation and protected areas. The current staff complement of the Department is ten (10) persons and one (1) volunteer, covering a range of skill sets and years of experience (Appendix 4).

Current proposals for marine protected areas development have been developed by the Fisheries Unit in the Department of Agriculture.

### **Department of Fisheries (St. Kitts)**

The Department of Fisheries is responsible for the management of the fisheries resources in the territorial waters of St. Kitts and Nevis. The Department developed a proposal for a system of marine protected areas (MPAs) in 1998, but thus far, no MPA has yet been declared.

## **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.

### **Saint Christopher Heritage Society**

The Saint Christopher Heritage Society is a non-governmental organization founded in 1989 with the goal of preserving the national heritage of St. Kitts. The Society was incorporated

as a private company in 1994, and currently manages the National Museum in the Old Treasury Building in Basseterre. Management of the National Museum resulted from a Memorandum of Understanding signed between the Government and the Society in 1999, which allowed the Society to restore the Old Treasury Building.

The Society is currently going through the formalities of being transformed to a national trust (with the passage of the Saint Christopher National Trust Bill), at which point it will become responsible for the management of a number of heritage properties currently owned by the Government.

### **Ministry of Education and Foreign Affairs**

The Ministry functions as the St. Kitts and Nevis National Commission for UNESCO. In that capacity, it was instrumental in getting the Brimstone Hill Fortress National Park designated as a World Heritage Site. The Ministry was also responsible for the submission of the Tentative List (of potential world heritage sites in St. Kitts and Nevis) to the World Heritage Centre in 1998.

### **Water Services Department (Ministry of Works and Public Utilities)**

The Water Services Department is responsible for the identification, upkeep and protection of water supply sources on St. Kitts. The Watercourses and Waterworks Ordinance (1956) makes provision for the declaration of watersheds to protect waterworks and water sources. Watershed management is critical to maintaining both surface and groundwater sources, but the Water Services Department does not consider itself a watershed management institution, and would prefer to leave that function to a competent institution (consultation, April 6, 2006).

The Department of Physical Planning and Environment has requested that the Water Services Department play the lead role in Basseterre Valley Protected Area project and the Wingfield Watershed project. The Water Services Department has consented to the request, but has concerns about its capacity to implement the two projects.

## **4.3 Institutional Gaps and Current Initiatives**

There are a number of issues that have to be addressed in order to effect an improvement in the institutional framework for protected areas management in St. Kitts and Nevis.

- (a) **Institutional Coordinating Mechanism** – The Conservation Commission was the closest thing to a coordinating mechanism for environmental management, and would have addressed issues of protected areas development. During the consultations, a number of persons stated that the relationship between the relevant agencies on both

islands had improved, and that past poor relationships had resulted mainly from personality issues. More obligatory institutional arrangements should be developed, as they tend to reduce the negative impacts of personality conflicts. More coordination is also necessary to address issues concerning rationalization of protected areas planning objectives (e.g. the conflict between the two fisheries units over the location and status of proposed MPAs). It is to state the obvious that in a small state with a small pool of expertise, limited resources, and inadequate institutional capacity, coordination and collaboration is necessary to optimize programme design and delivery.

- (b) **Inadequate Enforcement** – St. Kitts and Nevis is experiencing the familiar situation wherein inadequate enforcement of laws results in degradation of important natural and cultural resources. What is unusual in the case of the South-East Peninsula is that an institution created to manage a development area established with conservation as a cornerstone of the development process has apparently ignored the provisions for conservation that are contained in the law. This underscores the need for a lead agency for protected areas management that will track and report on the various initiatives.
- (c) **Inadequate Support Systems** – Support systems and standard operating procedures are required for each step of the management cycle, from site identification through development and evaluation. For example, Section 15 of the NCEPA permits the Minister to designate a competent authority to be responsible for a particular site, but there is no guidance as to what constitutes a competent authority. These support systems and procedures must facilitate the active participation of public, private, and civil society interests, and must operate at both site and system levels. Additionally, they must be responsive to both national and international obligations and reporting requirements.
- (d) **Role of the Water Services Department** – The Department has been asked to play a lead role in two large projects, both involving external coordinating mechanisms. This at a time when the Department has stated that it has no intention to manage watershed areas, and questions its capacity to manage the two projects. The fact that they have been asked to play this role indicates that the Department of Physical Planning and Environment also doubts its own capacity to discharge these responsibilities.
- (e) **Lead Institution for World Heritage** – The documentation accompanying the submission of the Tentative List to UNESCO contains two different contact persons for the two sites. These two individuals work for two different agencies, even though the Tentative List was submitted under the aegis of the Ministry of Education and Foreign Affairs. With one World Heritage Site inscribed, and two others pending, and with the need to report periodically, a lead institution for world heritage should be named. It could be the same institution that coordinates protected areas management, or it could be the new national trust. The Saint Christopher National

Trust Bill therefore presents an opportunity for designation of a national focal point for the World Heritage Convention.

- (f) **Data Management** – Much of the information necessary to conduct this review was obtained from sources outside of St. Kitts and Nevis. Additionally, there was no information on the current status of the proposed sites. There was anecdotal information that proposed protected areas were being damaged (Section 3.1 IWCAM national assessment report, consultations), but the extent of that damage is largely unknown. It is therefore important that a data management system be established to support the monitoring and assessment of protected areas. Such a data management system would also support the evaluation of the site and system management processes, as well as national and international reporting.

The major institutional initiative at this time is the transformation of the St. Christopher Heritage Society into the St. Christopher National Trust.

#### **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. The consultations were intended to provide additional insight into the functioning and utility of the institutional arrangements.

Previous reports containing information on institutional capacity include the review of the legal and institutional framework for environmental management (Toppin-Allahar, 2001), NEMS 2005-2009 (Homer, 2004), national report on watersheds management for the IWCAM project (Department of Environment, 2001), and the report of the national assessment of the Barbados Programme of Action (Planning Unit, 2004). The reports highlight inadequate systems, inadequate access to information and resources, and inadequate institutional capacity overall (Appendix 6).

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** – It seems clear that staffing levels are inadequate in most of the institutions with protected areas programmes. The institution with the largest number of persons focused on protected areas management is the Brimstone Hill Fortress National Park Society, with 20 members of staff (Armony and Petty, 2003). Yet that institution does not have all the skill sets it needs for restoration work.
- (b) **Adequate Skill Sets and Orientation** – A wide range of skills are necessary to undertake all the functions of a protected area management institution, and based on the available information (Appendix 6), even where staff is available, they may not possess the appropriate types and levels of training and experience. It was not possible in this Review to determine the human resources needs for protected area management in St. Kitts and Nevis, due to the fact that only the Department of Physical Planning Natural Resources & Environment (Nevis Island Administration) submitted information showing programmes, staffing level, and qualifications. Based on the number and types of protected areas that are proposed, a human resource needs assessment and development programme should be undertaken as a matter of priority.
- (c) **Financial Resources** – Inadequate financial resources is a constant issue for protected areas management globally, and St. Kitts and Nevis is no different in this regard. This affects not only the development of large new projects (Armony and Petty, 2003), but also the functioning of mandated institutional arrangements (Toppin-Allahar, 2004).
- (d) **Institutional Culture** – The lack of information sharing is much more prevalent in the public sector agencies than the civil society institutions, and seems to be part of the institutional culture. Whether this situation resulted from the constitutionally-based conflict between the two islands, from personality conflicts, or from changing institutional arrangements partnership, building and information sharing has to become standard practices in order to address some of the resource constraints. For example, it is likely that all of the major protected areas initiatives (Section 5.3) had or will have training opportunities. It makes much more sense to rationalise the opportunities across all the projects and ensure that as many persons as possible, from both islands and from both government and NGOs, receive the training available.
- (e) **Political Dexterity** – There is increasing articulation of the need to ensure social/community benefits from protected areas management. Within St. Kitts and Nevis, this takes focus within the MTESP on the role of protected areas as a supporting strand of the development process. As such, there will be significant social and political pressure to ensure that protected areas resources are available for use by residents and visitors. The persons involved in protected areas management must therefore display the ability to maneuver within these institutional, social, and political dynamics. The report of the national assessment of the Barbados Programme of Action (Planning Unit, 2004) makes the statement that “*Weak technical expertise and capacity in the environmental areas, has resulted in a general lack of political awareness, which leads to less tangible support for environmental matters*”. Clearly then, protected areas personnel have to be politically astute and

institutions have to be nimble and productive to garner the political and community support required for effective protected areas management.

The foregoing discussion clearly indicates that St. Kitts and Nevis does not currently possess adequate institutional capacity to design and manage a system of protected areas. The report of the national assessment of the Barbados Programme of Action (Planning Unit, 2004) states that the country works with other islands and regional institutions to develop and augment its capacity at all levels. The prior statement notwithstanding, a more comprehensive programme of institutional strengthening for protected areas management is necessary.



## **5. CURRENT STATUS OF PROTECTED AREAS MANAGEMENT**

There is no policy or plan for a system of protected areas in St. Kitts and Nevis, and as such neither objectives nor targets for such a system have been articulated. The best guidance is provided by the National Conservation and Protection Act, 1987. Section 4 of the Act lists the purposes and objectives for the designation of protected areas under the Act, these being:

- (a) to preserve biological diversity of wild flora and fauna species that may be endemic, threatened, or of special concern and the land and marine habitats upon which the survival of these species depend;
- (b) to protect selected examples of representative or unique biological communities, both on land and in marine areas, and their physical environments;
- (c) to sustain natural areas important for protection and maintenance of life-support systems (air, water) and basic ecological processes including water recharge and soil re-generation;
- (d) to protect selected natural sites of scenic beauty or of special scientific, ecological historic or educational value, including sites that are already degraded and need protection for restoration or sites that may become degraded if not protected;
- (e) to maintain or restore historic sites of cultural, archaeological, scientific or educational value or interest.

### **5.1 Overview of the Current System of Protected Areas**

There are only two declared protected areas in St. Kitts and Nevis, the Brimstone Hill Fortress National Park and the Baths Hotel Historic Site (Table 1). The Brimstone Hill Fortress National Park was also inscribed in 1999 as a World Heritage Site under the World Heritage Convention.

The 2006 World Database on Protected Areas lists St. Kitts and Nevis as having the following categories and numbers of (mostly proposed) sites: one (1) Bird Sanctuary, 2 Marine Parks, 1 Marine Reserve, 4 National Parks, 1 Natural Monument, 9 Other Areas, and 1 Reserve. Other publications, such as the country Environmental Profile (IRF, 1991) and the National Assessment of the Barbados Programme of Action (Planning Unit, 2004), lists a number of other heritage sites, natural sites, and watersheds (Table 2, Figure 2).

However, the above listing may not be complete. The Country Environmental Profile (IRF, 1991) identifies a number of studies and partial inventories of heritage sites dating from 1974, and notes that a number of the archeological sites have regional importance. The national report submitted to the World Heritage Centre for the World Heritage Periodic Report (Armony and Petty, 2003) lists specific inventories of heritage properties, including:

- 1991 – Heritage Site Inventory (funded by the OAS);
- 1993 – St. Kitts and Nevis Tourism Master Plan (funded by the OAS);
- 1998 – St. Kitts Heritage Site Management Project (funded by the OAS); and
- 2001 – Sites on Nevis submitted to the Organization of the Wider Caribbean on Monuments and Sites (CARIMOS) by the Nevis Historical and Conservation Society.

The Nevis Historical and Conservation Society notes that there are 33 heritage properties on Nevis (Consultations, April 6, 2006). There is no indication how many of these properties will be listed as historic buildings versus historic sites, and how many will be brought into a protected areas management regime. This review did not locate any reference to the number of historic sites on St. Kitts.

No information was obtained concerning the current status of the proposed protected areas. However, the national watershed assessment report (Department of Environment, 2001) noted the impact of pollution, sand mining, over-fishing, “poor” development activities, and recreational activities on a number of proposed protected areas on both islands. The report did not state the extent to which these negative impacts compromised the integrity of the sites. It is expected that the cumulative effect of natural disasters and anthropogenic sources of stress will have damaged historic resources and ecosystems.

**Table 1: Protected Areas in St. Kitts and Nevis**

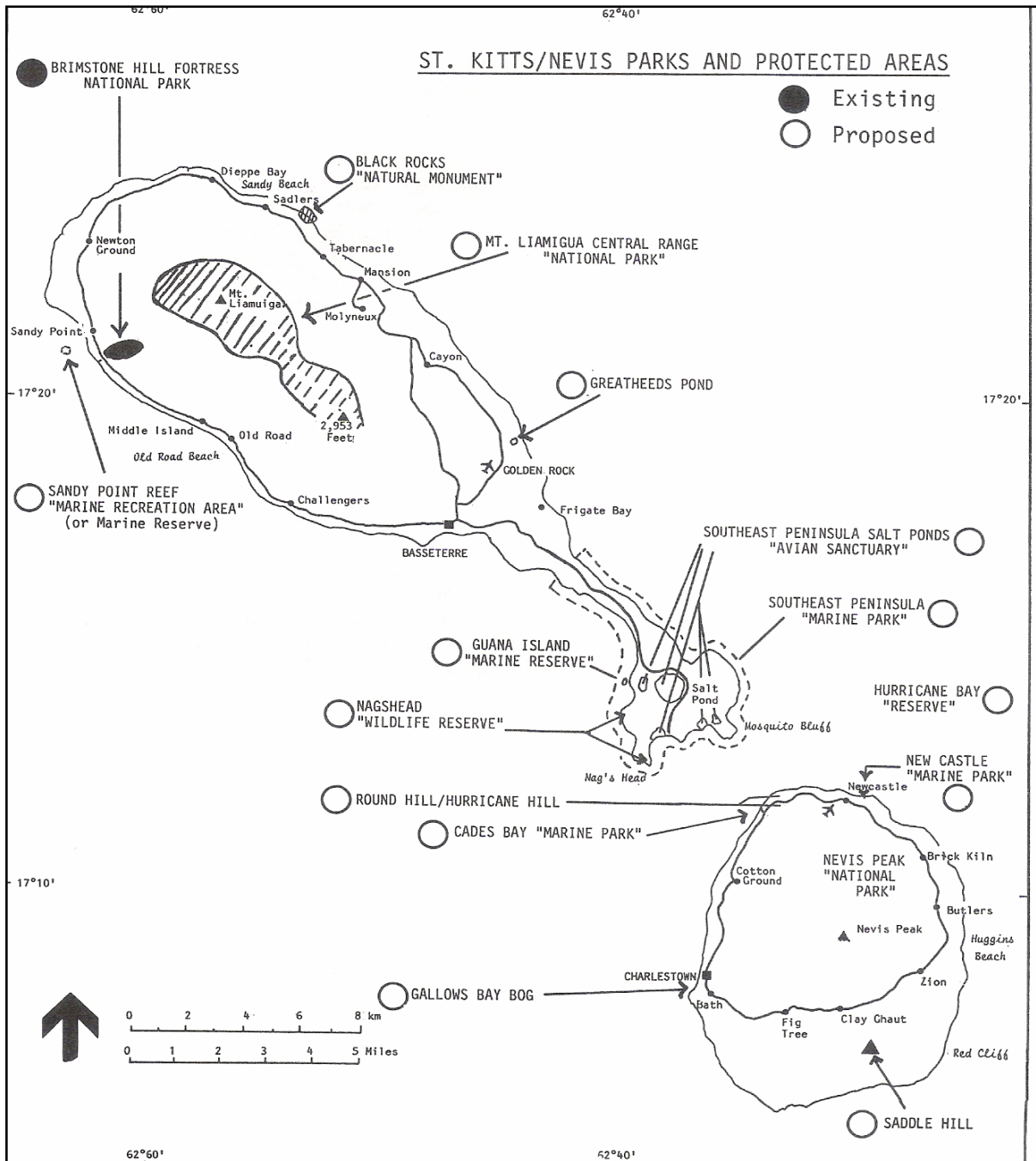
<b>Site</b>	<b>Year Designated</b>	<b>Management Institution</b>	<b>Size (hectares)</b>	<b>Reason for Declaration</b>
Brimstone Hill Fortress National Park (a)	1987	Brimstone Hill Fortress National Park Society	15 (b)	Heritage protection. Also inscribed as a World Heritage Site in 1999.
Baths Hotel Historic Site (a)	1987	Nevis Historical & Conservation Society	N/A	Heritage protection.
<u>Source:</u> (a) NCEPA, 1987; (b) 2006 World Database on Protected Areas				
N/A = not available				

**Table 2: Proposed Protected Areas**

Site	Proposed Category	Significance for Protection
Southeast Peninsula Salt Ponds (a) (b)	Bird Sanctuary	One of the largest wetlands in St. Kitts. Species protection; ecotourism; historic value.
Southeast Peninsula marine area	Marine Park (a) Marine Reserve (c) MPA (d)	Reef protection; fisheries management; ecotourism.
Southeast Peninsula (b) <sup>3</sup>	National Park	N/A
Cades Bay (a) (b)	Marine Park	Reef habitat; Amerindian site; recreation.
New Castle (a) (b)	Marine Park	Reef protection; recreation.
Guana Island (a) (b)	Marine Reserve	Habitat protection; high productivity.
Mt. Liamigua Central Range (a) (b)	National Park	Forest and habitat protection; soil, water, and species conservation; recreation.
Nevis Peak (a) (b)	National Park	Forest and habitat protection; soil, water, and species conservation; recreation.
Black Rocks (a) (b)	Natural Monument	Unique lava phenomena; public education.
Gallows Bay Bog (a) (b)	Other	Wetland habitat; species protection.
Greatheeds Pond (a) (b)	Other	Primary freshwater pond in St. Kitts; extensively used by migratory waterfowl and shorebirds.
Half Moon Pond (b)	Other	N/A
Mt. Misery (b)	Other	N/A
Muddy Pond (b)	Other	N/A
Round Hill/Hurricane Hill (a) (b)	Other	Bird habitat.
Hurricane Bay (a) (b)	Reserve	Turtle nesting.
Saddle Hill (a) (b)	Other	Historic and scenic value.
Sandy Point Reef (a) (b) (c)	MPA or Marine Reserve	Reef protection; recreation.
Nagshead (a) (b)	Wildlife Reserve	Species protection (Magnificent Frigate Bird, Brown Pelican).
City of Charlestown (e)	World Heritage Site	Historic value
Historic zone of Basseterre (e)	World Heritage Site	Historic value

<sup>3</sup> The South-East Peninsula Land Development and Conservation Act (1986) designated the South-East Peninsula a conservation area. There is no information to determine whether the 2,610-hectare site listed in the 2006 World Database on Protected Areas is the same as designated by the Act.

Site	Proposed Category	Significance for Protection
Frigate Bay (f)	N/A	N/A
Longhaul (d) (f)	N/A	N/A
Sandy Shoal Coral Reef (d)	MPA	N/A
Wingfield Catchment (d)	Protected Area	Sustained production of water, wood products, wildlife, and forage; soil conservation; outdoor recreation; education.
Frankland's Catchment (d)	Protected Area	Sustained production of water, wood products, wildlife, and forage; soil conservation; outdoor recreation; education.
Stonefort Catchment (d)	Protected Area	Sustained production of water, wood products, wildlife, and forage; soil conservation; outdoor recreation; education.
Greenhill Catchment (d)	Protected Area	Sustained production of water, wood products, wildlife, and forage; soil conservation; outdoor recreation; education.
Phillip's Catchment (d)	Protected Area	Sustained production of water, wood products, wildlife, and forage; soil conservation; outdoor recreation; education.
Lodge Catchment (d)	Protected Area	Sustained production of water, wood products, wildlife, and forage; soil conservation; outdoor recreation; education.
Sugar Factory archeological site (a)	N/A	Historic value of regional importance
Great Pond archeological site (a)	N/A	Historic value of regional importance
Old Road Town (a)	N/A	Historic value of regional importance
Fort Charles (a)	N/A	Historic value of regional importance
Fountain Estate (a)	N/A	Historic value of regional importance
<p>Source: (a) IRF, 1991; (b) 2006 World Database on Protected Areas, (c) Department of Fisheries, 1998; (d) Planning Unit, 2004; (e) World Heritage Centre, 1998; (f) Department of Environment, 2001.</p> <p>MPA = marine protected area; N/A = not available</p>		



Source: IRF, 1991

**Figure 2: Proposed Protected Areas**

## **5.2 Support Systems for Protected Areas Management**

As stated previously, there is no protected areas planning process in St. Kitts and Nevis, at either system or site levels. The Department of Physical Planning and Environment indicated that such processes would be derived from lessons learned under the OPAAL and Basseterre Valley projects. Such an ad hoc, trial by error approach is wasteful, and in this case, unnecessary. Protected areas site and system planning is becoming more commonplace in the Caribbean, and not only do examples exist in the OECS region, regional expertise is also readily available. Standard system planning and management guidelines (e.g. standard operating procedures) and processes (e.g. monitoring and evaluation, research) need to be developed and applied to ensure that the system of protected areas meet the various development needs of the country.

Financial arrangements specifically for supporting protected areas development and management do not exist. The government agencies receive financial support through the central government budget process, as well as grants from external agencies for specific projects. Fees are levied on tours going to the forests, but those monies are sent to the Consolidated Fund. The St. Christopher Heritage Society and the Brimstone Hill Fortress National Park Society receive government subventions, primarily because they manage public assets. However, the greater part of their financial support is derived from grants, membership fees, charitable donations, merchandising, and fund-raising events.

There is a significant level of public consultation around specific projects, such as the development of the proposal for MPAs in 1998 by the Fisheries Management Unit. Participation in projects in an advisory capacity also takes place, as with the Basseterre Valley project. However, standard public participatory processes are not in place, and the participation does not take place at all phases of the protected areas management process.

## **5.3 Current and Planned Initiatives**

There are a number of initiatives at different stages of design and implementation that focus on protected areas development. The major initiatives 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 Baths Estate in Nevis was selected as the demonstration site.



Baths Estate

The project was supposed to produce the following outputs (<http://www.crepnet.net>):

- Institutional arrangements for implementation established and functional;
- Bath Amenity Area Management Plan developed in a participatory manner;
- Key natural, historic, social, economic and cultural resources within the Amenity Area assessed and database of key resources developed;
- Design for rehabilitation of Bath stream water quality completed;
- Income-generating opportunities developed, mainly guided tours through the bogs;
- Bath Estate Tourism Marketing Plan Developed;
- Capacity building support to the Nevis Historical and Conservation Society (NHCS) – as the NGO focal point charged with responsibility for implementing the project;
- Community Outreach & Awareness Program implemented; and
- Capacity Building to Implement Project – locals trained as managers and tour guides.

The project was launched in June 2004 and was due to end in February 2006. The project experienced several setbacks, said to have resulted mainly from project management problems within the Project Management Unit based in Barbados. Attempts during this review to determine the current status of the project were unsuccessful.

#### (b) OPAAL National Demonstration Project

The implementation of national demonstration activities is one of the components of the OPAAL project (Appendix 1), and the site selected in St. Kitts and Nevis is the Central Forest Reserve on St. Kitts. The objectives of the project include:

- Building capacity for managing watersheds;

- Regulate access into sensitive ecological areas;
- Promote sustainable use of resources in watershed;
- Sensitize the public to the need for protecting resources in the watershed;
- Protection of forests which in turn protects the water resources; and
- Designation of the watershed as a national park.

The project is being coordinated by the Environmental Unit of the Department of Physical Planning and Environment, Ministry of Sustainable Development. The project was launched in October 2005, and is intended to last for 4 years.

(c) **Basseterre Valley Aquifer National Park**

The Basseterre Valley project is focused on approximately 215 hectares (530 acres) of land currently under sugarcane. The land sits atop a major aquifer that provides water for Basseterre, and now that sugarcane is no longer the major crop, there is a concern that development activities will contaminate the aquifer.

The national assessment of the Barbados Programme of Action (Planning Unit, 2004) notes that 55.8% of domestic and other premises use septic tanks and soak-aways for sewage disposal, 39.0% of private households use pit latrines, and only major institutions use private sewage systems.

The Basseterre Valley project is therefore intended to protect the aquifer by turning the 215 hectare water resources management area into a national park. The project is currently being coordinated by the Department of Physical Planning and Environment, and guided by the Basseterre Valley Advisory Committee. This inter-agency advisory committee is chaired by the Director of the Department of Physical Planning and Environment, and is composed of representatives from seven institutions. The role of the Committee is to:

- Coordinate the activities of Basseterre Valley National Park;
- Regulate development and other activities in the areas of the Basseterre Valley;
- Ensure protection of the aquifer of the Basseterre Valley from the impacts of pollution and other land-based activities.

(d) **World Heritage Programme**

As previously noted, there is no national programme for World Heritage in St. Kitts and Nevis, despite having a World Heritage Site and having submitted a Tentative List. The periodic report (Armony and Petty, 2003) indicated the need for action to address protection of heritage properties. The approach to be used in defining the national programme is to establish a world heritage committee as a sub-committee of the National Commission for UNESCO. There is also no indication as to whether St. Kitts and Nevis intends to participate in the Caribbean Action Plan in World Heritage.



## **6. MAJOR ISSUES**

The country visit and consultations (April 3-7, 2006) identified a number of major issues for protected areas management, including:

### **(a) Absence of a National Policy Framework**

The declaration of only two protected areas in 20 years suggests that either there is little public support or there are significant economic forces acting against the establishment of protected areas. This is even more difficult to understand given the apparent body of information, and the significant consistent international interest (e.g. the number of OAS studies).

However, the protected areas initiatives proposed in the MTESP and NEMS suggest that more attention is being given to protected areas to meet a range of sustainable development objectives. The greater role played by the government agencies in the recent initiatives also indicate that the public sector intends to play a more central role in protected areas management.

Given the traditional and ongoing role of civil society institutions in the establishment and management of historical resources, the increased demand for protected areas resources to support other sectors (e.g. tourism and water resources protection), the increased conflicts with development activities and between resource users (fishermen versus boating), it is timely that a national policy and plan for protected areas be developed.

### **(b) Lack of Institutional Coordination**

As shown earlier in this review, there are institutional conflicts based on constitutionally-enshrined governance arrangements between the two islands, and exacerbated by personalities. Additionally, there are different priorities and different initiatives, drawing on a small technical resource base. The need for better information sharing, increased efficiency in the allocation of resources, and more sustainable outcomes require the development of more cooperative arrangements and coordinating mechanisms.

### **(c) Absence of Data Management Systems for Protected Areas**

The national watershed assessment report (Department of Environment, 2001) noted the lack of research capacity for environmental management. However, the data that is being generated through projects can be better managed. The inventories of heritage properties, the data generated by the environmental impact assessment process, and monitoring by a range of institutions generate data that can be used for planning and evaluation. As such, the spatial database being constructed by the two

planning departments need to be expanded to incorporate attribute databases. If data storage becomes an issue, arrangements can be made to store documents and databases with a number of regional environmental organisations.

(d) **Inadequate Institutional Capacity**

The issue of institutional capacity has already been discussed (Section 4.4). Except for the lack of a coherent policy framework, inadequate capacity is the single most critical problem for protected areas management in St. Kitts and Nevis. However, the information contained in this report should not be used to design a capacity building programme. Any such programme should be based on a more in-depth assessment/audit of the relevant institutions.

**6.1 Threats to Protected Areas**

The anthropogenic sources of threats to protected areas have been identified (Department of Environment, 2001). The solutions to the threats from these sources will involve direct resource protection, better application of the development control and pollution prevention processes, and changes in the attitudes of resource users.

The potential impacts from natural disasters can be immediate and devastating. St. Kitts and Nevis is affected by storms, flooding, earthquakes, and volcanic activity elsewhere in the region. The most devastating impacts to date have been from tropical storms.

Available data (<http://stormcarib.com/climatology/>) shows that 24 storms have passed within 60 nautical miles of St. Kitts and Nevis during the period 1851-2005. Nine (9) of those storms were in the past decade (1995-2004), with three being hurricanes of Category 3 and higher (Luis in 1995, Georges in 1998, and Lenny in 1999). 1995 was a particularly bad year, with three storms affecting the country between August 28 and September 15. These included Hurricanes Luis (category 4) and Marilyn (category 1) occurring 10 days apart. The national assessment of the Barbados Programme of Action (Planning Unit, 2004) states that hurricane damage amounted to approximately 85% and 140% of Gross Domestic Product (GDP) in 1995 and 1998 respectively. These storms not only damage protected areas resources, they drain resources from the sector for reconstruction of critical infrastructure and social services.

Other phenomena, not associated with storms, can be just as devastating to marine ecosystems. The problems resulting from the die-off of *Diadema* across the Caribbean in 1982, and the ongoing problem of coral bleaching, are notable examples.

Comprehensive disaster planning must therefore be part of any protected areas development programme.

## 7. SUMMARY AND RECOMMENDATIONS

St. Kitts and Nevis possess more than 30 sites proposed as protected areas, and several of those sites are of regional or world heritage value. However, in the past decade, the Government has designated only two sites, both of which are managed by non-governmental organizations. With the economic impact of cessation of sugar production for export, there have been increased efforts at diversification of the economy. Tourism is one of the key growth sectors, and the tourism strategies include plans to develop natural and heritage sites.

However, no national policy for protected areas has been developed, and the institutional framework is inadequate, showing conflicts and severe capacity constraints. In spite of these shortcomings, there are several protected areas initiatives that require expertise and clear guidance. Based on the need to take into consideration both short-term and long-term demands and solutions, the following actions are recommended:

- (a) Initiate a protected areas system planning process to develop a comprehensive policy framework and rationalise the legislative and institutional frameworks.
- (b) Undertake institutional assessment of protected areas management institutions for the purpose of designing a capacity development programme for said institutions.
- (c) Establish an institutional coordinating mechanism to assist with oversight of the current initiatives, and support the system planning process.
- (d) Develop reporting mechanisms for both internal and external stakeholders, and link the internal processes to constituency building for protected areas.
- (e) Establish a trust fund for protected areas development and management.
- (f) Obtain technical assistance to provide technical support necessary to undertake the actions recommended above.

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## 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).

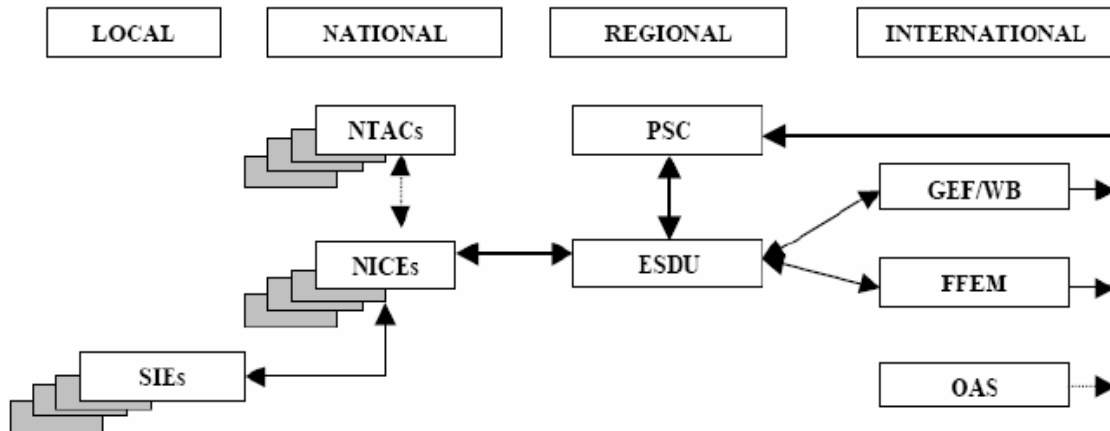
### **Administration**

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**

<b>Name of Person</b>	<b>Designation</b>	<b>Contact</b>
<b>Department of Physical Planning and Environment</b>		
Mr. Ellis Hazel	Director	Tel: 869-465-2277 phyplskb@sisterisles.kn
Mr. Randolph Edmead	Senior Conservation Officer	Tel: 869-465-2277 doeskn@caribsurf.com
Ms Joan Hughs	Conservation Officer	phyplskb@caribsurf.com
Mr. Andy Blanchette	Conservation Officer	Tel: 869-465-2521 ablanchee@hotmail.com
<b>National Emergency Management Agency</b>		
Mr. Carl Herbert	National Disaster Coordinator	Tel: 869-466-5100 nemaskb@thecable.net
<b>Brimstone Hill Fortress National Park Society</b>		
Mr. Larry Armony	General Manager	Tel: 869-465-2609 brimstonehill@caribsurf.com
Ms Kate Orchard	Administrative Officer	Tel: 869-465-2609 brimstonehill@caribsurf.com
<b>Legal Department</b>		
Ms Karen Hughs	Draftsperson	blestkay@yahoo.com
<b>Environmental Health Unit</b>		
Mr. Elton Morton	Deputy Chief Environmental Health Officer	
Mr. Errol Rollins		earraw@hotmail.com
<b>Fisheries Management Unit – St. Kitts</b>		
Mr. Joseph Simmonds	Senior Fisheries Officer	Tel: 869-465-8045 fmusk@caribsurf.com
Mr. Ralph Wilkins	Fisheries Officer	Tel: 869-466-8739 fmusk@caribsurf.com
<b>Nevis Island Administration</b>		
Ms Lillith Richards	Director, DPPNRE	Tel: 869-469-5521 nevplan@yahoo.com
Capt. Arthur Anslyn	Director of Fisheries	
Mr. Samuel Powell	Director, Dept. of Agriculture	

<b>Department of Agriculture – St. Kitts</b>		
Jerome Thomas (Ph.D.)	Director of Agriculture	Tel: 869-465-2335 doastk@caribsurf.com
<b>Nevis Historical and Conservation Society</b>		
Mr. John Guilbert	Executive Director	nhcs@sisterisles.kn
<b>Water Services Department</b>		
Mr. Cromwell Williams	Manager/Water Engineer	Tel: 869-466-3070/1467 wsdskn@caribsurf.com
<b>St. Christopher Heritage Society</b>		
Ms Jacqueline Armony	Executive Director	



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

### **OECS PROTECTED AREAS AND ASSOCIATED LIVELIHOODS PROJECT**

#### **REVIEW OF POLICY, LEGAL, AND INSTITUTIONAL FRAMEWORKS FOR PROTECTED AREAS MANAGEMENT**

### **PROFILE OF PROTECTED AREA MANAGEMENT INSTITUTION FOR COUNTRY REPORT**

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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?
  
13. List the opportunities and obstacles which exist in the operating environment?
  
14. List the Major Issues for your Institution (with #1 being the most important).
  
15. 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:

**OECS PROTECTED AREAS AND ASSOCIATED LIVELIHOODS PROJECT**

**REVIEW OF POLICY, LEGAL, AND INSTITUTIONAL FRAMEWORKS  
FOR PROTECTED AREAS MANAGEMENT**

**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.

**Institutions Submitting Completed Questionnaires**

- Department of Physical Planning and Environment (St. Kitts)
- Department of Physical Planning, Natural Resources & Environment (Nevis)

1. Name of Institution: **Department of Physical Planning and Environment**
2. Address: P. O. Box 597, Bladen Commercial Development, Wellington Road, Basseterre.
3. Telephone; Fax; Email: Tel: 869 465 2277, Fax: 869 465 5842  
Email: phyplskb@sisterisles.kn
4. Primary Area of Focus of Institution (one paragraph description):  
  
To ensure that development is undertaken in a sustainable manner. The department is also responsible for implementing the provisions of the Development Control Planning Act and the National Conservation and Environmental Protection Act. The Department is also responsible for ensuring that St. Kitts and Nevis meets its obligations to the Multilateral Environmental Agreements that is Party.
5. Secondary Area(s) of Focus of Institution (one paragraph description each):
6. Activities of Institution that are Relevant to Protected Areas:
  - Department of Fisheries
  - Department of Agriculture
  - Water Services Department
  - St. Kitts Tourism Authority
  - Brimstone Hill Fortress and National Park Society
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>			

- The information on Budget allocations is not available as it is not broken to allocation for the Department of Environment.

8. Laws/Regulations of Institution that are Relevant to Protected Areas:
- National Conservation and Environmental Protection Act
  - Development Control and Planning Act
  - The Fisheries Act
9. List Policies/Mandates of Institution that are Relevant to Protected Areas:
- The National Physical Development Plan for St. Kitts is responsible for coordinating the development process identifies the protection of areas of biological, historical and heritage significance.
  - The Department of Fisheries has as one of its mandates fisheries conservation through the establishment of marine protected areas.
  - The Brimstone Fortress and National Park Society has as one of its mandates the preservation and protection of the heritage of St. Kitts and Nevis through the operations of the National Park.
10. Describe the Nature of any Existing Relationship with any Protected Areas Management Institution:
- The Brimstone Fortress and National Park Society is represented on the National Technical Advisory Committee for the OPAAL project. They are also part of the membership of a number of environmental steering committees.
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):
- Watershed protection and forestry conservation;
  - Protection of the areas to contribute to the tourism product;
  - Contribution to local communities through employment and other benefits;
  - Fulfilling obligations to the Convention on Biological Diversity.
12. Name and Contact Information for Officer dealing with Protected Area Issues in your Institution:

Name: Randolph Edmead

Position: Senior Environmental Officer

Telephone: 869 465 2277

Fax: 869 465 5842

Email: phyplskb@sisterisles.kn



1. Name of Institution: **Department of Physical Planning Natural Resources & Environment**

2. Contact Information:

Address:

2<sup>nd</sup> Fl. Eulalie Williams Bldg,

Main St. Charlestown, Nevis

Telephone: 869 4695521 ext. 2106/2040

Facsimile: 869 4690096

E-Mail: [nevplan@yahoo.com](mailto:nevplan@yahoo.com)

Name & Position of Officer in Charge:

Ms. Lillith Richards, Director

3. Legal Basis for Institution (laws providing mandate):

- Land Development Control Ordinance 1966

4. State Organisational Mandate and Current Objectives:

### **Mission**

- To promote sustainable development through the preparation, introduction and implementation of planning instruments that regulates the use and development of land and the exploitation of the island's natural resources.

### **Key Objectives**

- (a) Development and implement a system of planning governance that would ensure the suitable use, enhancement, protection and where necessary preservation of the environment and its natural resources.
- (b) Develop and administer a timely and transparent process for development application and building construction.
- (c) Provide guidance to the public on matters of land development.

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

- Number of full-time employees and assigned positions  
Ten (10) staff
- Qualifications relative to job descriptions
  - a) Two (2) Physical Planning Officers:
    - 1 with post Graduate Diploma in Planning
    - 1 with BSc in Geology and Certificate in GIS

- Working experience: seven (7) years cumulative in the field of planning
  - b) One (1) Environment and Development Officer
    - BA in Zoology and MSc. in Environmental Resources
    - Working experience: Five (5) years in the field of environment
  - c) One (1) Development Planning Officer
    - Diploma in Planning and BSc Arch
    - Working experience: eighteen (18) years in the field of planning
  - d) One (1) Building Systems Engineer – Building Inspector
    - BSc Building Systems Engineering
    - Working experience: Three years in the field of planning, two (2) years in public works
  - e) Two (2) Building Inspectors
    - Certificates in building construction technology
    - Working experience: Cumulative ten (10) years in building inspection and fifteen (15) years in public works
  - f) Two (2) Planning Technician
    - A Levels,
    - Working experience: cumulative six (6) years in planning
  - g) One (1) Director
    - MSc Planning, BSc Arch
    - Working experience: Nine (9) years in planning
  - Number of volunteers  
One (1)
6. Information Systems
- Available Library/Documentation Facilities: Computerized Planning Register
  - Type of Computerised Data Systems in Place (PC, LAN, etc.): none
  - Databases Available: none
  - Involvement in Regional Information Network (e.g. SIDSNET, CaMPAM, etc.): none
  - Programme/Project Review Procedures: As laid out by the PSIP Committee
7. Reporting Mechanisms (receiving institutions, format, frequency):
- National: Economic Planning Office, quarterly reports
  - Regional: None
  - International: None

8. Annual Budget:

Budget Head	Fiscal Year				
	2000/01	2001/02	2002/03	2003/04	2004/05
Recurrent		430,000	440,000	500,000	500,000
Capital		500,000	700,000	600,000	1,000,000
Grants	None	None	None	None	None
<b>Total</b>		930,000	1,140,000	1,100,000	1,500,000

*Note: figures for 2001/2002 are estimated*

9. Sources of Funds: Consolidated fund

10. Activities and Constraints

- a) List the types of activities that the institution executes routinely
  - Land use management
  - Review of development application
  - Building inspection
  
- b) List the type of activities that the institution would like to execute routinely, but does not because of resource constraints
  - Marine water quality monitoring
  - Coastal surveys
  - Mapping of key ecological systems
  - Mapping of key historical and archeological resources
  - Establishment and monitoring of protected areas
  
- c) List the major resource constraints that affect the execution of the institution's activities
  - Equipment: to measure water quality, measure altitude for the protection of watersheds and forests, and demarcate of no-build zones along the coast
  - Techniques: scientific methodology to undertake measurement and analysis of data for key tasks
  - Data: comprehensive baseline data on the ecological and physical environment of Nevis

- Staff: At least two additional staff is required for the distribution of existing and additional work.
- d) List the major government policy constraints that affect the execution of the institution's activities.
- Not clear what the national requirements are.
  - Overlapping policies for marine environment
  - Defunct Water Board
  - Absence of watershed management policy
  - Absence of regulation for the management of quarries
11. Project Execution History:
- a) Number of projects planned or designed in the last five years.  
Approximately fifteen (15)
  - b) Number of projects started in the last five years.  
Approximately ten (10)
  - c) Number of projects completed in the last five years  
Approximately ten (10)
12. Public Participation
- a) Who are the stakeholders with which the organisation interacts?
    - Nevis Historical and Conservation Society
    - Department of Agriculture
    - Department of Environmental Health
    - Department of Fisheries
    - Water Department
  - b) How do the stakeholders impact on the efficacy of the organisation in carrying out its functions?
    - Discussionary forum for environmental and planning considerations
  - c) Describe the external network(s) of which the organisation is a part?
    - None
13. List the opportunities and obstacles which exist in the operating environment?
- Poor access to regional and international grant funding and technical assistance
  - Weak policy formulation
  - Small financial resources
14. List the Major Issues for your Institution (with #1 being the most important).
- Poor access to regional and international grant funding and technical assistance

- Inadequate policies for land management

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

- Poor baseline data on the ecological and physical environment
- Inadequately demarcated priority areas

Name of person completing the questionnaire: Lillith Richards  
Position: Director  
Date: April 10, 2006

**APPENDIX 5:**  
**Legislation Relevant to Protected Areas Management**  
**Saint Christopher and Nevis**

1. **The Saint Christopher and Nevis Constitution Order 1983**

- Chapter I, Section 1 – Defines St. Kitts and Nevis as a Federal State.
- Section 37 – Divides the power to make laws between the Parliament, the Governor General, and the Nevis Island Assembly. Section 37(2) states that “*Save as otherwise provided in subsections (3) and (4), the power of Parliament to make laws having effect in the island of Nevis shall not extend to any of the specified matters (that is to say, matters with respect to which the Nevis Island Legislature has exclusive power to make laws so having effect).*”
- Chapter X, Sections 100-114 – Deals with the administration of the island of Nevis, with Section 106 providing a list of matters over which the Nevis Island Assembly has exclusive responsibility, including fisheries and land vested in the Crown.

**Implications for Protected Areas:**

- (a) The Government of St. Kitts is also the federal government, and therefore all federal laws affecting protected areas have effect on St. Kitts, but not necessarily on Nevis. As such, there may be different application of laws, guidance, and standards on the two islands. This also affects institutional issues, such as the extent of authority of the fisheries departments of both islands. However, the ratification of multilateral environmental agreements by the federal government affects both islands.

2. **Public Health Act (No. 22 of 1969)**

- “*An Act to consolidate and amend the law relating to Public Health in the State and to provide for matters incidental thereto or connected therewith*”.
- Section 3 – Lists the duties, powers, and functions of the Minister to “... *extend to and include all matters relating to the promotion or preservation of the health of the people of the state, ...*”.
- Section 10 – Allows the Minister, with the approval of Cabinet, to make a wide range of regulations to give effect to the Act. Provisions relevant to protected areas management include:
  - 10(4) – regulating floor and air space to prevent overcrowding and ensuring adequate ventilation in buildings;
  - 10(5)-(6) – construction and monitoring of sewage systems;

- 10(8) – prevention of water pollution;
- 10(10) – waste disposal;
- 10(20) – food handling.

**Implications for Protected Areas:**

- (a) Many of the support infrastructure and operations of protected areas that support public uses will be subject to permitting and monitoring by the Environmental Health Unit.

**3. Frigate Bay Development Corporation Act 1972 (No. 13 of 1972)**  
Amended by Act No. 9 of 1975.

- *“An Act to provide for the vesting of lands situate at Frigate Bay in the island of Saint Christopher known as Frigate Bay Estate in the Frigate Bay Development Corporation, a body constituted for the purpose of undertaking and encouraging the development of Frigate Bay and for matters incidental thereto or connected therewith”.*
- Section 9 – Lists the functions and powers of the Corporation, effectively making it the development control authority within the Development Area.
- Section 12 – Vests the lands within the Development Area in the Corporation.
- Schedule – Delineates the Development Area.

**Implications for Protected Areas:**

- (a) Ecosystems that fall within the Development Area may not be included in a system of protected areas if the Frigate Bay Development Corporation is not convinced to include conservation areas and protected areas within its development strategy. Although Section 3 of the Development Control and Planning Act (2000) binds the Crown, the provisions of the Act may only override the development plans of the Corporation if the Development Control and Planning Board prepares a development plan for St. Kitts that includes the Frigate Bay Estate. Given the normal practice of non-resolution of institutional politics, it is unlikely that a development plan for St. Kitts will include any landuse that is not approved by the Corporation.

**4. Litter (Abatement) Act 1989 (No. 8 of 1989)**

- *“An Act to make provision for the abatement of nuisances caused by the littering of premises and public places and for matters connected therewith or incidental thereto”.*

- Section 3(1)(f) – Requires the occupier or owner of premises to prevent “unreasonable” accumulation of litter on the premises.
- Section 8 – Requires trades and businesses to make private arrangements for disposal of litter.

**Implications for Protected Areas:**

- (a) Protected areas management institutions are required to make arrangements for the proper disposal of solid waste.

5. **Finance Act 1990 (No. 9 of 1990)**

- *“An Act to revise and consolidate the law relating to the management of public funds of Saint Christopher and Nevis and to provide for the appropriation, withdrawal and issue of sums therefrom and for matters connected therewith or incidental thereto”.*
- Section 1 – The law applies to the Island of Nevis, as provided in Section 104 of the Saint Christopher and Nevis Constitution Order, 1983.
- Section 2(1) – Defines “public monies” as *“revenues or monies raised or received for the purpose of the Government”*, and *“any other monies or funds held, whether temporarily or otherwise, by any public officer in his official capacity...”*. A statutory body is broadly defined as any body *“...established by or under an Act to provide goods or services to the public”*, and that meet any one of three criteria, the most general of which is where *“all or part of its appropriations for operating purposes are provided under that heading in the budgetary estimates tabled in Parliament”*.
- Section 3(1) – Requires that revenues and monies raised for the public purpose be paid into the Consolidated Fund, except for situations where the monies are payable into a special fund.
- Section 13 – Deals with the matter of trust funds, to be operated under guidance provided by the Minister.
- Section 30(1)(a) – The Minister may make regulations for *“... expenditure, due accounting for, care and management of all public monies and the guidance of all persons concerned therein...”*.

**Implications for Protected Areas:**

- (a) This Act facilitates the establishment of trust funds for a variety of public purposes, including protected areas management.



- (b) The Act is also clear that management of public funds must be supported by appropriate guidance from the Minister. It implies that the authorisation of any institution to collect and management monies from protected areas should be based on related regulations, especially if those monies are not destined for the Consolidated Fund.
- (c) The broad definition of a statutory body implies that non-governmental organisations (NGOs) receiving subventions from the government for the purpose of supporting operations may be treated in the same manner as government agencies, essentially making them subject to the provisions of the Act.
- (d) The Act does not deal specifically with the matter of fee collection at a site by a management institution that is a NGO, or collection of levies by tour operators visiting protected areas. However, since both practices currently exist in St. Kitts, appropriate regulations should be developed to provide broad support for existing and future mechanisms of a similar nature.

6. **Foundations Act, 2003 (No. 8 of 2003)**

- *“An Act to provide for the establishment, operation and management of foundations; and to provide for related or incidental matters”.*
- Section 64(1) – Exempts foundations from paying taxes, *“... as long as the foundation effects transactions exclusively with persons who are not resident in the Federation.”*

**Implications for Protected Areas:**

- (a) This Act seems to be aimed at providing a tax haven for foundations, and would not be appropriate for a foundation focused on supporting protected areas in St. Kitts and Nevis. Information gleaned during the consultation process suggests that the Government is considering legislation granting civil society organizations the status of charitable organizations, which would assist in making donations to such institutions tax deductible.

7. **Land Surveyors Act, 2000 (No. 5 of 2000)**

- *“An Act to provide for the licensing and professional conduct of land surveyors; to provide for the making of land surveys; to provide for the establishment of a Land Surveyors Board; and to provide for related or incidental matters”.*

- Section 19 – States that only surveyors and their assistants can survey lands to prepare plans affecting land titles, or perform surveys that define boundaries, or set survey marks.

**Implications for Protected Areas:**

- (a) There is a growing practice in the Caribbean of persons setting boundaries for protected areas using Global Positioning System (GPS) technology. This Act would effectively make the determination of protected areas boundaries using GPS invalid in St. Kitts and Nevis.

**8. Copyright Act, 2000 (No. 8 of 2000)**

- *“An Act to provide for copyrights and related rights and their protection; and to provide for related or incidental matters”.*

**Implications for Protected Areas:**

- (a) Protected areas management institutions generally use a range of tools and materials. Institutions need to be careful that there is no copyright infringement, especially where sophisticated tools or manuals are being used.
- (b) Many institutions conduct research and produce various forms of publications. The necessary steps should be taken to protect the works produced by staff or the institution. This is especially important when there are collaborative arrangements with external institutions.
- (c) Merchandising is a growing source of revenues for protected areas, and copyright and brand management is an important part of merchandising.

**9. Development Control and Planning Act, 2000 (Act No. 14 of 2000)**

- *“An Act to make provision for the orderly and progressive development of land in both urban and rural areas and for the protection of the environment and improvement of the amenities thereof; for the grant of permission to develop land and for other powers of control over the use of land; to confer additional powers in respect of the acquisition and development of land for planning purposes, and for other matters connected therewith”.*
- Amended by the Development Control and Planning (Amendment) Act, 2002 (No. 7 of 2002) to enable the Minister to appoint any member of the Development Control and Planning Board as Chairperson of the Board.
- Section 3 – The Act binds the Crown.

- Section 4 – Sets the objectives of the Act, and limits the provisions of the Act to St. Kitts and the territorial sea. Nevis is excluded. The same exclusion is shown by a number of the terms defined under Section 2, such as “coastal zone”.
- Part VI, Sections 48-54 – Deals with Environmental Protection.
- Section 48 – Permits the Development Control and Planning Board to declare a group of buildings or a site as protected using an interim preservation order, assuming the group of buildings or site is not already listed under Section 52 of the National Conservation and Environmental Protection Act (No. 5 of 1987).
- Section 50 – The Development Control and Planning Board can, after consultation with the Minister responsible for the environment, make plant preservation orders to protect any plant or group of plants for amenity, environmental, landscape, scientific, or other similar reasons.
- Section 54 – The Minister can declare an environmental protection area within a development plan if it is deemed that the area requires special protection.
- Schedule 2 – Allows the Development Control and Planning Board to request environmental impact assessments (EIAs) for a range of development activities, including developments in protected areas.
- Schedule 3 – Lists the matters for which an EIA may be required, including developments in protected areas (Item 18).

**Implications for Protected Areas:**

- (a) The provision to use interim preservation orders to protect sites could be used to protect protected areas from damage or development activity where such sites are proposed but not legally declared.
- (b) The integration of the environment unit within the Department of Physical Planning and Environment can either be beneficial or result in conflict in the establishment of protected areas. Increasingly in the Caribbean, protected areas objectives are being supplanted by tourism development imperatives, and protected areas are increasingly under threat. It is therefore important for a national protected area agenda to be developed.
- (c) Protected areas staff should have the skills to review EIAs for developments in the general vicinity of the sites, particularly when said developments are likely to have a negative impact on protected areas resources.

10. **National Conservation and Environmental Protection Act, 1987 (No. 5 of 1987)**

- *“An Act to provide for the better management and development of the natural and historic resources of Saint Christopher and Nevis for purposes of conservation; the establishment of national parks, historic and archeological sites and other protected areas of natural or cultural importance including the Brimstone Hill Fortress National Park; the establishment of a Conservation Commission; and for other matters connected thereto”.*
- Amended by the National Conservation and Environmental Protection (Amendment) Act, 2001 (No. 21 of 2001) and the National Conservation and Environmental Protection (Amendment) Act, 1996 (No. 12 of 1996).
- Part II, Sections 3-6- Deal with the objectives of the Act, define the different types of protected areas, and designation of protected areas. Section 6 deals with the treatment of private lands as protected areas, either through acquisition or written agreement.
- Part III, Sections 7-16 – Deal with the management of protected areas. They provide for the Minister to be responsible for the selection and management of protected areas, as advised by the Conservation Commission. However, the Minister can delegate management functions to any other organization as appropriate (see also Section 15).
- Section 8 – Sets the composition of the Conservation Commission, while Sections 10-12 list its functions.
- Section 13 – Requires a management plan for each protected area, while Section 14 sets out the content of a management plan.
- Section 15 – The Minister can designate a competent authority to be responsible for management of any protected area, which allowed the Minister to designate the Brimstone Hill Fortress National Park Society as the management entity for the Brimstone Hill Fortress National Park (under Section 18). The Act establishes the first two protected areas, the Brimstone Hill Fortress National Park, and the Bath Hotel as a historic site.
- Section 25 – Involves the Conservation Commission in coastal zone management.
- Section 31 – Provides for the declaration of protected beaches, to support the purposes of the Act.
- Part VII, Sections 34-39 – Deals with forestry, soil, and water conservation, and the larger issue of watershed conservation. It also identifies and declares all ghauts as areas of special concern.

- Part VIII, Sections 40-46 – Deals with protection of wild animals and birds, listing the deer and 28 birds as wild animals in the 3<sup>rd</sup> Schedule.
- Part IX, Sections 47-54 – Deals with antiquities and historic buildings, including archeological digs and salvage operations.
- Section 56 – Empowers the Minister to make regulations to effect a wide range of actions under the Act, including health and safety issues, fees and charges, and use of sites. Section 56(1) requires the Minister to consult the Conservation Commission prior to making regulations.
- Section 58 – Repeals the Forestry Act (Cap. 92), the Beach Control Act (Cap. 28), and the Wild Birds Protection Act (Cap. 113).
- First Schedule – Sets out the composition and mode of functioning of the Conservation Commission.
- Second Schedule – Legal description for the Brimstone Hill Fortress National park.
- Third Schedule – Lists the wild animal and wild birds.
- Fourth Schedule – Description of the Bath Hotel heritage site.
- Amendment by Act 12 of 1996:
  - Establishes the Department of Environment for “purposes of conservation and environment protection in Saint Christopher and Nevis” (Part 1A, Section 2A(1)).
  - Sections 2 and 2B set out the functions and powers of the new Department of Environment<sup>4</sup>.
  - Part IXA, Section 54A – Gives force of law in St. Kitts and Nevis to specific international conventions set out in the schedule (the new Fifth Schedule of the Principal Act. These conventions include CITES, Climate Change Convention, Biodiversity Convention, Vienna Convention for the Protection of the Ozone Layer (1985) and the Montreal Protocol on Substances that deplete the Ozone Layer (1987), Basel Convention, Civil Liability Convention, and the International Oil Pollution Compensation Fund Convention.
- Amendment by Act 21 of 2001
  - Revises the interpretation section (2) of the primary act by introducing new definitions.
  - Facilitates the declaration of protected areas.
  - Provides for better administration of the Act.

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<sup>4</sup> The 1996 amendment that sets the functions for the Department of Environment does not mention the Conservation Commission, though the functions are essentially the same. The roles of the two bodies need to be rationalised.

- Substitutes the Director of Environment for the Chief Forest Officer in dealing with watershed issues.

**Implications for Protected Areas:**

- (a) In the absence of an agreed national policy and plan, protected areas selection is dependent on convincing the Minister of the efficacy of each site, a process that is likely to require significant effort over the long term.
- (b) The requirement for management planning should improve the management planning processes and thus improve protection of the sites.
- (c) The provision to delegate management responsibility to any competent authority implies that any civil society or private sector group can become involved in protected areas management. This has implications for financing, financial management, community benefits, and general public support for protected areas management.
- (d) The involvement of the Conservation Commission and the Chief Agriculture Officer<sup>5</sup> implies recognition of an obligatory consultation process. This should be formalized and broadened to include more institutions (management institutions and/or stakeholder groups).
- (e) The provision for dealing with antiquities and historic buildings can complement or conflict with the related provisions in the Development Control and Planning Act, 2000. The result depends on the regulations developed for the implementation of the two Acts, as well as the institutional arrangements developed.
- (f) The requirement for the Minister to consult with the Conservation Commission prior to making regulations under the Act places the Conservation Commission in a position of conflict, wherein it functions as both a regulatory agency (advising the Minister) and a land management institution (site management). Considering that other institutions may manage protected areas, this provision should be either revoked or expanded to include other protected areas management institutions.
- (g) The 1996 amendment that seeks to give force to specified international conventions has implications for protected areas, though the applications remain uncertain. The uncertainty stems from the fact that the international conventions require promulgation of specific national legal instruments.

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<sup>5</sup> The amendment by Act 21 of 2001 substitutes the Director of the Environment for the Chief Agriculture Officer.

11. **National Disaster Management Act, 1998 (No. 5 of 1998)**

- “An Act to provide for the effective management and control of disasters, and to provide for related or incidental matters”.
- Section 5 – Gives the National Disaster Management Agency the responsibility for coordinating government policy related to the full spectrum of disaster management issues, including the responsibility to (5(2)(e)) “... conduct investigations, studies, surveys, research and analyses relating to ecological systems and environmental quality and document and define changes in the natural environment that relate to the likelihood of disasters”.
- Section 19 – The Prime Minister may designate specially vulnerable areas under the Act.

**Implications for Protected Areas:**

- (a) Based on the requirements for study of ecological systems, and the fact that protected areas contain some of the most ecologically fragile ecosystems, monitoring and research in protected areas should be responsive to the research programme of the National Disaster Management Agency.
- (b) It is not unusual that especially vulnerable areas also include protected areas, and as such, management arrangements for sites identified under both Acts would have to be carefully designed and implemented.

12. **Audit Act, 1990 (No. 8 of 1990)**

- “An Act to revise and clarify the law relating to the statutory audit responsibilities of the Director of Audit and for matters connected therewith and incidental thereto”.
- Section 1(2) – The Act applies to the island of Nevis, as provided for in Section 104 of the Constitution.
- Section 6(4) – The Director of Audit may conduct an audit of any institution or association in respect of monies provided to that concern by a Public Body.

**Implications for Protected Areas:**

- (a) All protected areas management institutions are required by law to maintain adequate financial management systems. The two non-governmental organizations that currently manage the two heritage sites also obtain funding from international donor institutions, and are therefore used to maintaining such financial records. However, new institutions given protected areas

management responsibilities will need to have the required staffing and support systems to ensure compliance to national law.

13. **South-East Peninsula Land Development and Conservation Act, 1986 (No. 12 of 1986)**

- *“An Act to provide for the development, conservation and management of the South-East Peninsula, to establish a Land Development and Conservation Board with specific powers and functions, and for matters connected thereto”.*
- Section 4 – Sets out the powers and duties of the South-East Peninsula Land Development and Conservation Board, including maintenance of environmental quality and coastal conservation (Section 4(b)(ii)) and development and implementation of an environmental protection plan (Section 4(b)(iii)).
- Section 5 – Stipulates that the development and land use management plan for the South-East Peninsula must include proposals for (5(1)(b)(iii)) *“preservation and management of the scenic and other natural resources”*.
- Section 7(1) – Designates the South-East Peninsula a conservation area, with a focus on the protection of wildlife and its habitat.

**Implications for Protected Areas:**

- (a) The fact that conservation is a large part of the purpose of this Act should have prompted the Board to develop a conservation plan for the whole peninsula. Any such plan would necessarily include proposals for protected areas. The fact that no environmental protection plan has been developed by the Board is an example of what can happen when development and conservation objectives are consigned to the mandate of a single institution. In theory it seems logical and efficient, yet in reality the development imperatives often override the implementation of conservation objectives.
- (b) The above notwithstanding, this Act, if used as intended, has the potential to demonstrate how conservation and development objectives can be complementary. In this scenario, one would expect a number of protected areas to be declared on the South-East Peninsula development area.
- (c) The mode of implementation of this Act also underscores the need for a coordinating institution for protected areas in St. Kitts and Nevis.



14. **Maritime Areas Act, 1984 (No. 3 of 1984)**

- *“An Act to make provision with respect to the territorial sea and the continental shelf of Saint Christopher and Nevis; to establish a contiguous zone and an exclusive economic zone adjacent to and beyond the territorial sea; and for related purposes”.*
- Section 29 – Empowers the Minister to make regulations to give effect to the Act; including:
  - 29(2)(a) – *“regulating the conduct of scientific research within the territorial sea”.*
  - 29(2)(b) – *“prescribing measures for the protection and preservation of the marine environment of the territorial sea”.*
  - 29(3)(a) – Regulating research within the exclusive economic zone.

**Implications for Protected Areas:**

- (a) This Act can influence the siting and establishment of protected areas, as well as the permitting for scientific research relevant to protected areas.

15. **Fisheries Act, 1984 (No. 4 of 1984)**

- *“An Act to provide for the licensing of local and foreign fishing vessels, to confer upon the Minister the power to enter into arrangements or agreements dealing with access or otherwise in regard to fishing matters; to provide an institutional framework for the management, planning, development and conservation of fishery resources in Saint Christopher and Nevis; and for connected matters”.*
- Section 2 – The definition of fish includes any aquatic animal, corals, and sponges.
- Section 4 – Requires preparation and periodic review of a Fisheries Management and Development Plan.
- Part III – Deals with marine reserves and conservation measures. Specifically, Section 23 provides for the declaration of marine reserves in *“... any area of the fishery waters and, as appropriate, and adjacent or surrounding land, ...”*
- Section 43 – Repeals the Fisheries Act (Cap. 91) and Turtle Ordinance (Cap. 99).

**Implications for Protected Areas:**

- (a) The Act obviously provides for the declaration of marine protected areas. However, the omission of conservation areas from the Fisheries Management and Development Plan (Section 4) implies that fisheries management planning is separate from marine protected areas planning. Marine reserves and other

types of marine protected areas should be central to any development plan focused on the use of the marine space and its resources.

- (b) The definition of fish to include corals means that marine protected areas declared under other legislation and managed by other institutions could fall under the regulatory ambit of the Department of Fisheries. Clear policy guidance and institutional arrangements have to be developed for the establishment and management of marine protected areas.
- (c) Given that the territorial waters of St. Kitts and Nevis are Federal waters, the Act therefore confers management responsibility upon the Department of Fisheries on St. Kitts. As such, fisheries management, and by extension the establishment and management of marine protected areas, has to be derived from a common, agreed approach between the Fisheries Departments of both islands.

**16. Watercourses and Waterworks Ordinance, 1956 (Cap. 185)**

- Section 10 (1)(i) – The Water Board may make regulations to deal with “... *the sanitary control of watersheds*”.
- Section 18 – The relevant authority may declare an area draining to a waterworks to be a watershed.

**Implications for Protected Areas:**

- (a) There is no link between this Act and other legislation dealing with forestry or protected areas management, and as such, declaration of watersheds for water production or protection may result in conflicts with other plans developed by other agencies.
- (b) The Act does not define a watershed, though it provides for the declaration of watersheds.
- (c) An inter-agency process for protected areas declaration and management for the purpose of protection of water supplies has to be developed. The Basseterre Valley Project, specifically the process of development of the project and the role of the Water Services Department in the project, underscores the need for a more structured inter-agency planning process.

17. **Fisheries Regulations 1994 (SRO No. 11 of 1995)**

- Regulations made by the Minister under Section 40 of the Fisheries Act, 1984.
- Part VI – Deals with Fishery Conservation Measures, including size limits and seasons for lobsters, protection measures for marine turtles, and size limits for conch.
- Section 21 – Any person taking coral, sponges, and marine algae must have written permission from the Chief Fisheries Officer.
- Section 27 – States that temporary visitors wishing to dive in marine reserves must do so through a locally-licensed operator, unless special permission is given in writing by the Chief Fisheries Officer.
- Section 39 – No person or entity shall put noxious chemicals or pollutants into the marine environment.

**Implications for Protected Areas:**

- (a) The provision for the Chief Fisheries Officer to permit taking of corals, sponges, and algae implies that the Chief Fisheries Officer has permitting control over some elements of research in marine protected areas.
- (b) The law provides for control of dive activities in marine reserves by visitors, but makes no reference to residents. This omission may or may not be deliberate, but it is a gap that should be closed.
- (c) Clause 39 seeks to prevent pollution of the marine environment. This law could be used to deal with toxic chemical used for fishing, but the use for prevention of point sources of pollution (sewage outfalls, factory waste, etc.) impacting on marine protected areas is uncertain.

**Draft Legislation under National Review**

18. **Saint Christopher National Trust Bill 2005**

- *“A Bill to provide for the establishment of a National Trust for the purpose of administering and preserving sites, buildings and objects of historical, archaeological, architectural, environmental and artistic importance to the Island of Saint Christopher; and to provide for related or incidental matters”.*

- Section 3 – Establishes the Saint Christopher National Trust, with the powers to hold, purchase, and dispose of property.
- Section 4 – Lists the objectives of the Trust to:
  - (a) engage in the protection, preservation, restoration of and interpretation of buildings, objects and monuments of archaeological, historical, architectural or artistic interest on the island of Saint Christopher;
  - (b) promote the protection, conservation, interpretation and enhancement of the natural environment of Saint Christopher, including its animal and plant life, its submarine and subterranean areas and other places of natural and historical interest and beauty;
  - (c) assist in the preservation of traditional folk arts, craft, dance, song and the spoken word;
  - (d) assist in the identification, compilation and preservation of manuscripts and photographic records, books and works of art for the benefit and enjoyment of the people of the community;
  - (e) promote the heritage of Saint Christopher through the production of written or audio-visual material;
  - (f) foster co-operation with persons and associations having similar objects;
  - (g) provide a forum for the exchange of ideas, information and knowledge;
  - (h) acquire property for the furtherance of the aims and objects of the Trust;
  - (i) present and interpret the cultural heritage of Saint Christopher by means of museum displays and exhibitions and other relevant productions;
  - (j) attract funds by means of subscriptions, donations, bequests, grants, technical assistance and other means for the execution of any or all of the objects of the Trust;
  - (k) encourage the vesting of property in the Trust for the purpose of furthering the objects of the trust;
  - (l) administer property vested in the Trust in furtherance and achievement of the objects of the Trust.
- Section 7 – Gives management responsibility for six named sites to the new Trust, in addition to (7(g)) “*other monuments, buildings and sites which may from time to time be donated to, vested in or acquired by the Trust*”.

- Section 11(a) – Once the new law takes effect, the Board [of Trustees] is to be constituted by persons currently serving as officers of the Council of the Saint Christopher Heritage Society.
- Section 13 – Provides for immovable private property and submarine subterranean areas to be vested in the Trust.
- Section 15 – Requires an annual audit, the submission of audited accounts to the Minister, and submission of audited accounts and report to the National Assembly.
- Sections 16 & 23 – Transfers the property, assets, and liabilities of the Saint Christopher Heritage Society to the Trust once the Act enters into force.

**Implications for Protected Areas:**

- (a) The new law will effectively transform the Saint Christopher Heritage Society from a private firm to a state-sponsored non-governmental organization (NGO), at the same time giving it the authority to manage properties and other asset in the public interest.
- (b) The Bill does not use the term protected areas, but the objects of the Trust clearly allows it to designate natural and cultural heritage sites.
- (c) The Bill paves the way for the new Trust to manage new World Heritage Sites, once inscribed.
- (d) The Bill assumes some of the functions of the Conservation Commission and the Department of Physical Planning and the Environment, as provided for by Part IX of the National Conservation and Environmental Protection Act (1987).

## APPENDIX 6: Institutional Capacity Issues

The information/perspectives on institutional capacity shown below are taken directly from the listed reports. The numbering of the issues may have changed for formatting purposes, but the information has not been altered.

### **National Environmental Management Strategy and Action Plan 2005-2009**

#### *Appendix 1: Priority Environmental Issues/Problems Identified*

##### *Institutional Capacity*

1. Inadequate training of staff in basic environmental health and post-basic/specialised training e.g. food safety, occupational health and safety.
2. Increasing demands for environmental management means need for increasing capacity in the Dept of Environment....more staff, training, equipment and financing.
3. Interdepartmental cooperation needs improvement, especially in terms of consultation for defining the TOR for EIAs not just the review of EIAs, in terms of information sharing, opposing views are not often welcome, lack of recognition of common goals among ministries in the national interest, guarding turf.
4. Monitoring and evaluation cannot yet be done because of lack of adequate compensation for field work, lack of equipment etc.
5. Need on-the-job solid waste management training, especially technical competence.
6. Lower level staff (collection and at landfill) need more exposure to how things are done in other countries with respect to landfill management and garbage collection..
7. Need to evaluate impacts of Litter Wardens, and effectiveness of environmental education activities.
8. Inadequate technical skills, especially in script writing, and staging of disaster management exercises. Disaster management expertise needed to do the evaluation of National Disaster Management Plan.
9. Appropriate training needed for roadside maintenance and beautification teams.
10. Too many separate planning units or corporations with no coordination among them and the Dept of Environment.
11. Unclear jurisdiction between Dept of Environment in St Kitts and the PPRNE in terms of responsibility for action.
12. No occupational health and safety guidelines or legislation in place.
13. Need probation system with sufficient officers to help with community and social problems. Lack of preventative programmes and guidance for youths. Insufficient collaboration among departments that could have some influence.....due largely to turf protection among dept/ministries, and administrative bureaucracy.
14. Lack of in-depth research to determine the causes of social problems and to find solutions.
15. Multilateral Environmental Agreements (MEAs) signed and national obligations present a challenge to discharge. No institutional memory of these MEAs, little or lack of knowledge on the MEAs including implications for St Kitts and Nevis.
16. Lack of maintenance of government structural works leading to deterioration, also encroachment of weeds/grass.

17. Physical safety of persons in public buildings, caused by poor design, lack of fire reduction treatments, and lack of emergency facilities or equipment.
18. Lack of documentation or data on the problems constrain analysis and defining solutions.

*Proposed Solutions*

1. Effective reporting and monitoring system needed not just for sand mining but for all environmental resources.
2. Serious and consistent coordination of activities among various ministries/ departments needed.
3. Allow sufficient time for EIAs and mitigation of negative impacts in development projects.
4. EIA survey group should be set up to ensure that EIAs be done and the results be publicly known and reviewed to assist in better decision making.

**National Assessment of the Barbados Programme of Action (2004)**

*Section 5.5: Environmental Sustainability (Constraints, p.116)*

1. Human and Financial Resource constraints in the public and private sectors – At the institutional and individual capacity levels there are severe constraints. Among them are: the unavailability of a large enough pool of individuals with the scientific and technical skills to support work on the environment.
2. The lack of training and equipment for environmental impact assessments, understaffing and scant technical training in NGOs and the inability of the country to retain well-qualified and trained individuals to commit to environmental management.
3. Although the mandate for developing and coordinating environmental policy in SKN rests with the Department of Environment, human and institutional capacity deficits have undermined its decision-making, implementation and enforcement roles.
4. Not enough effort is put into encouraging research in schools or colleges that could help to inform environmental decision-making at the local level.
5. The National Conservation and Environmental Protection Act (NCEPA) must be amended if SKN is to meet its international convention requirements; for instance, the law does not integrate the mandates of different government agencies, nor does it have the necessary enforcement provisions.
6. There is the need to raise environmental awareness, technical expertise and experience at national and local levels among regulatory and enforcement agencies, e.g., the judiciary and police.

7. Weak technical expertise and capacity in the environmental areas, has resulted in a general lack of political awareness, which leads to less tangible support for environmental matters.

*Section 5.6: Global Partnership for Development (Constraints, p. 119)*

All of the human, financial and institutional constraints that impede domestic implementation of environmental programmes also carry over into the international sphere, resulting in frustrating delays in delivery and the inability to maximise available funding and investment opportunities. It is important, however, to emphasise two additional areas where small size and lack of resources are undoubtedly putting countries like St. Kitts and Nevis at an international disadvantage – safeguarding national biodiversity and traditional knowledge from unfair exploitation, and securing intellectual property rights.

**National Report on Integrating the Management of Watersheds and Coastal Areas in St. Kitts and Nevis (2001)**

*Section 4.1.1*

A pilot watershed management project is currently underway at the Wingfield watershed in St. Kitts. This is facilitated by the Department of Environment and the Natural Resource Management Unit (NRMU) of the Organization of Eastern Caribbean States (O.E.C.S.). The local island team leader for that project is a member of staff of the department of environment who does not have formal training in natural resource management or forestry. In fact he is just a high school graduate who later acquired a certificate in teacher training. In this pilot project laboring work is supplied by workers from the Parks and Beaches unit. This unit is part of the Department of Environment. There is also an awful lack of training in this unit.

*Section 4.2.1*

There is a severe shortage of trained technical staff among the various agencies that contribute towards the management of various sectors of the watershed – water resources management, water quality monitoring, coastal areas management - This in itself contributes to deficiencies in the management of related resources.