



**United Nations
Environment
Programme**



Twelfth Forum of Ministers of the Environment
of Latin America and the Caribbean

Bridgetown, Barbados
2nd to 7th March 2000

A. Preparatory Meeting of Experts
2nd to 3rd March 2000

Distribution:
Limited
UNEP/LAC-IGWG.XII/Inf.7
1 February 2000
Original: Spanish

MEAs implementation in the Caribbean: Report and guidelines

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I. Background, objectives, scope

Summary

This section introduces the Project. It describes relevant background activities, particularly Caribbean participation in MEAs and regional concerns for greater MEA implementation. The objectives of the project are discussed and its scope explained.

A. Background

The United Nations Global Conference on the Sustainable Development of Small Island Developing States (GCSIDS) held in Barbados from April 25 to May 6, 1994, affirmed Agenda 21 of the Rio Declaration and adopted the Small Island Developing States Programme of Action (SIDS-POA). In this way, Caribbean signatories to the GCSIDS agreements accepted that sustainable management of environmental resources required acceptance of relevant international treaties in the field of the environment and the concurrent development of effective legal, institutional, and regulatory frameworks.

The record of Caribbean participation in multilateral environmental agreements (MEAs) has improved significantly over recent years. Environmental treaty acceptance has been driven by Caribbean interface with the global environmental institutions, the demands of international financial and donor institutions and states, and increasingly, the emergence of local environmental actors and interests.

B. Participation in Global MEAs

A review of multilateral environmental agreements (MEAs) shows that more than 100 global conventions have relevance to the Caribbean. Many of which have attracted significant levels of ratification and/or accession by Caribbean states (UNEP, *Caribbean Environmental Outlook (1999)*). The record of acceptance of some of the global multilateral environmental agreements of particular significance to the Caribbean is presented in **Table 1**.

C. Participation in Regional MEAs

There are three regional MEAs that have been adopted under the Caribbean Environmental Programme of UNEP (CEP/UNEP). The Cartagena Convention (1983) is the premier Caribbean environmental convention and is supplemented by its protocols on oil spills (Oilspills Protocol), specially protected areas and wildlife (SPAW Protocol). A Land-Based Sources of Marine Pollution (LBSMP) Protocol is under development. The Convention and Oilspill Protocol have attracted widespread support but after nine years the SPAW Protocol still requires an additional acceptance before it can enter into force. The record of acceptance of regional multilateral agreements of particular significance to the Caribbean is presented in **Table 2**.

Table 1: Global MEAs

	CBD	CITES	Basel	Ozone	UNFCC	CCD	Ramsar	Heritage	UNCLOS	MARPOL
Antig & Barb	*	*	*	*	*	*		*	*	*
Bahamas	*	*	*	*	*		*		*	*
Barbados	*	*	*	*	*	*		*	*	*
Belize	*	*			*				*	*
Dominica	*	*	*	*	*	*		*	*	
Grenada	*			*	*	*		*	*	
Guyana	*	*		*	*			*	*	*
Jamaica	*	*	*	*	*	*	*	*	*	*
St. Kitts and Nevis	*	*	*	*	*	*		*	*	*
St. Lucia	*	*	*	*	*	*		*	*	
St. Vincent and the Gren	*	*	*	*	*	*			*	*
Trinidad and Tobago	*	*	*	*	*		*		*	

Legend

* = acceptance (ratification or accession) of the convention

Conventions

CBD = United Nations Convention on Biological Diversity, 1992

CITES = Convention on International Trade in Endangered Species of Wild Fauna and Flora, 1973

Basel = Convention on the Transboundary Movements of Hazardous Wastes and their Disposal, 1989

Ozone = Convention for the Protection of the Ozone Layer, 1985, and Protocol on Substances that Deplete the Ozone Layer, 1987

UNFCC = United Nations Framework Convention on Climate Change, 1992

CCD = United Nations Convention to Combat Desertification in those Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa, 1994

Ramsar = Convention on Wetlands of International Importance especially as Waterfowl Habitat, 1971

Heritage = UNESCO Convention Concerning the Protection of the World Cultural and Natural Heritage 1972

UNCLOS = United Nations Convention on the Law of the Sea, 1982

MARPOL = Convention on the Prevention of Marine Pollution from Ships, 1973, 1978

Table 2: Regional MEAs

	Cartagena	Oilspill	SPAW
Antigua & Barbuda	S&R	R	S
Bahamas			
Barbados	S&R	S&R	
Belize			
Dominica	R	R	
Grenada	S&R	S&R	
Guyana			
Jamaica	S&R	S&R	S
St. Kitts & Nevis			
St. Lucia	S&R	S&R	S
St. Vin & Grenada	R	R	S&R
Trinidad & Tobago	R	R	

Legend

S = signed

R = ratified

Cartagena = Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region, 1983

Oilspill = Protocol Concerning Specially Protected Areas and Wildlife in the Wider Caribbean Region, 1983

SPAW = Protocol Concerning Specially Protected Areas and Wildlife in the Wider Caribbean Region, 1990

D. Implementation

MEAs, whether global or regional, make obligations of participating states and require the taking of specific measures for compliance. Among these requirements may be those for:

- Enactment of implementing legislation;
- Establishment of specific enabling administrative/institutional arrangements;
- Public awareness and education;
- Environmental management measures;
- Regulation and enforcement.

GCSIDS was preceded and succeeded by Caribbean recognition of the need for stronger implementation measures. The ***OAS/IMO/USAID Workshop on Oil Pollution Regulation*** held in Puerto Rico 11-15 October 1982 affirmed that with over 30 treaties already regulating the discharge of maritime pollution future emphasis had to be given to their implementation rather than the development of new conventions. The 1992 Report of the Caribbean Law Institute, *The Environmental Laws of the Commonwealth Caribbean*, attributed the inadequacy of environmental legislation for sustainable development, to among other things, the relatively poor record of adoption and compliance with relevant international treaties. As a follow-up exercise, CLI produced the *Interim Report on International Environmental Conventions and Protection of the Environment of CARICOM Countries* (October, 1993). The Interim Report called for strong measures of MEA implementation.

Caribbean ministerial declarations on the environment have articulated the need to inculcate the objectives and recommendations of WCED, UNCED, and UNGCSIDS into a strong, integrated legislative package. For example, the ***Caribbean Ministerial Meeting on the SIDS-POA***, held in Barbados from November 10-14, 1997, strongly endorsed the need for integrated legislation. CARICAD has recommended adoption of capacity building measures for actualization of environmental treaty regimes. Two months earlier, the Environmental Policy Committee (EPC) made up of the Government Ministers responsible for the environment and natural resources management in the countries of the OECS reiterated the need for comprehensive and integrated legislation at their inaugural meeting in Basseterre, St. Kitts from September 29-30, 1997.

Representatives to the ***Caribbean Sea Forum*** (Port of Spain, 3-6 June 1998) agreed on the need to develop strategies and mechanisms that facilitate the ratification and implementation of MEAs. The Forum proposed the following actions (UNEP, *Caribbean Environmental Outlook (1999)*):

- Development of a strategy to encourage Caribbean countries to ratify relevant treaties (and the identification and implementation of treaties that can be adequately implemented);
- Support and encourage ratification of treaties and the inclusion of treaty provisions in national legislation;
- Establishment of a permanent regional mechanism to consider, review and provide guidance to governments on the provisions of international treaties. This would assist in effective and harmonized treaty implementation and enforcement;

- Identification of resources for the training of negotiators at international fora, and the establishment of post-graduate programmes in law, and multidisciplinary programmes in environmental sciences, at the University of the West Indies.

Drawing upon the inspiration of the Forum, a **Workshop** on “Strengthening Acceptance and Implementation of Maritime Treaties and International Environmental Law Obligations in OECS Member States: Towards National and Regional Actions” was convened in Antigua and Barbuda, (23-26 June 1998). The Treaty Guide, Case Studies and Workshop Proceedings were edited and published in 1999 (Anderson, Rankin, VanderZwaag (OIC, 1999)).

Another **Workshop**, on the Implementation of Jamaica’s Obligations under the Convention on Biological Diversity, 1992, was convened in Kingston, Jamaica from 26-28 May 1999. The Workshop was sponsored by the Natural Resources Conservation Authority (NRCA) of Jamaica with considerable input from the Foundation for International Environmental Law and Development (FIELD) and support of the University of London, England.

Finally, in September, 1999, Caribbean countries, acting in furtherance to the mandate of the Caribbean Sea Forum, sought recognition by the Commission on Sustainable Development (CSD) of the Caribbean Sea a Special Area within the context of sustainable development. The revised **Draft Resolution**, which calls attention to the region’s limited capacity, narrow resource bases, social problems and high levels of poverty, is to be resubmitted to the Second Committee of the CSD before submission to UNGA 54.

E. Objectives

The United Nations Environment Programme Regional Office for Latin America and the Caribbean (UNEP/ROLAC) in association with the United Nations Environment Programme Regional Coordinating Unit, Jamaica (UNEP/RCU) have commissioned the present study. Its *raison d’être* is to build on the work already done in and for CARICOM countries to facilitate MEA implementation. An overriding objective is to encourage the strengthening of the implementation process by discussing some of the practical options available to Caribbean countries at each stage of the compliance cycle.

The central objective of this Project will be achieved by, among other things, providing CARICOM countries with the opportunity to discuss, comment upon, and finalize, descriptions of:

- The institutional structure and process for establishing Caribbean MEA Implementation Mechanisms;
- Implementation mechanisms that have been used effectively in some regional countries; and
- Draft Guidelines on options and procedures for establishing MEA Implementation Mechanisms.

F. Legislative/Institutional Processes

The establishment of legislative/institutional structures and processes for MEA Implementation is multi-faceted and multi-layered. At a minimum the following considerations are involved: (i) environmental treaty making, (ii) the requirement for and typology of implementing legislation, (iii) identification of a national implementing

agency, (iv) identification of a focal point for implementing activity, (v) availability of resources and stimulation of project-based implementing activity.

G. Effective Implementation Mechanisms

The problems that inhibit effective MEA implementation are identified in UNEP's *Caribbean Environmental Outlook (1999)*. They include: inadequate funding, lack of resources, insufficient human resources, coupled with inadequate training; technical considerations relating for example to the absence of an integrated approach to issues at the national level; weak government infrastructure and non-compliance with the law – even when laws are in existence.

Generally speaking, Caribbean MEA implementation remains imperfect and the long-term sustainability of current mechanisms is suspect.

However certain features that may generally be regarded as important components of a successful implementation strategy may be identified with a number of ongoing implementation endeavours. These features derive from the peculiar legal, historical, social, economic and environmental characteristics of CARICOM countries. Essentially, effective implementation mechanisms combine a coherent legislative and regulatory framework, identification of national implementing agencies and coordinating focal points, with project-oriented activity (national in conjunction with regional activity) funded externally but with local capacity building provisions.

H. MEA Implementation Guidelines

The MEA Implementation Guidelines summarizes and proposes options for more effective MEA implementation in CARICOM countries. The Guidelines draws upon selective elements in the implementation strategy adopted with success in individual countries of the region.

The MEA Implementation Report and Guidelines will be discussed and finalized in a workshop with representatives of different sectors and stakeholders involved in MEA implementation. The results of the workshop will be widely distributed throughout the region.

I. Scope

This Project is focussed on the implementation of MEAs in the English speaking countries of the Caribbean Community (CARICOM). MEAs for which UNEP performs the Secretariat function are considered as well as MEAs that are not administered by UNEP. A selection of both terrestrial-related and marine-related MEAs is specifically referenced for illustrative purposes.

This Report has benefited from country visits to several Caribbean island states including the Bahamas (July 13-16); Jamaica (July 18-21); Trinidad and Tobago (July 25-28) and Saint Lucia (August 18-21). The persons interviewed are listed in Appendix I to this Report.

The content of the Report and proposed Guidelines derive from those interviews and independent research and analysis.

II. Establishing MEA implementation mechanisms

Summary

This section of the Report describes the framework of legislative, institutional structure and processes for Caribbean MEA implementation. It discusses the process of Caribbean treaty making, the requirement for implementing legislation, and the utility of having national implementing institutions. The place of project-based activity is briefly outlined.

A. Environmental treaty making

The legislative/institutional structure and processes for establishing MEA implementation mechanisms are inseparably connected with the general principles of environmental treaty making. In the Caribbean, Cabinet is responsible, on behalf of the State, for the adoption of all international environmental agreements. This is in keeping with basic constitutional principles that the Executive has a monopoly on treaty making. The Minister of Foreign Affairs generally represents Cabinet in this regard but there are several exceptions to this rule. For example, in relation to MEAs of especial global significance it may be that the Prime Minister (even if not the Minister of Foreign Affairs) signs on behalf of the State. A Minister in relation to whose portfolio the subject matter of a particular treaty falls may be authorized by Cabinet to adopt that treaty. Other representatives may be empowered to act on behalf of the State by the conferral of "full powers".

As a general rule, there is no necessary conjuncture between environmental treaty making and any assessment of the institutional/managerial resources/capabilities available for implementation. However in one case the lead environmental agency has been empowered to negotiate environmental treaties initiated by regional and international inter-governmental organizations (see: *National Conservation and Environment Protection (Amendment) Act, 1996* (St Christopher and Nevis) (No. 12 of 1996), sect. 4 2B (iv)). Less pointedly the agency may be authorized to establish and coordinate institutional linkages locally, regionally, and internationally (see e.g., *Environmental Management Act 1995 (Act No. 3 of 1995)* (Trinidad & Tobago), sect. 16 (1) (i)).

B. The requirement for and typology of Implementing Legislation

(i) Requirement

The law of the Caribbean for the most part knows nothing, generally speaking, of self-executing treaties: the operating assumption is that legislation is required to give the force of law to environmental treaty obligations. This is the basis for the decision given, for example, by the Court of Appeal of Jamaica in the *Natural Resources Conservation Authority v. Sea Food and Ting (1999)* in respect of the Convention on International Trade in Endangered Species of Flora and Fauna (CITES). Although Jamaica is a contracting party to CITES the Natural Resources Conservation Authority (NRCA) could not impose a quota and export permit system to implement that Convention in the absence of specific enabling legislation enacted by the Parliament of Jamaica.

Given that treaty law generally has no force in Caribbean law without implementing legislation, it might be expected that when a Caribbean State takes the solemn decision to become a party to a treaty, implementing legislation would follow as a matter of course. This logic was not reflected in British practice, which is replete with treaties that have not been followed by enacting legislation. The situation in the Caribbean, until the departure from tradition by Antigua and Barbuda in its pioneering Ratification of Treaties Act (cap. 364), universally reflected the illogicality of the British tradition inherited by Caribbean states.

(ii) Typology

The speed of legislative response to the international obligation to enact enabling statutes could be a function of the typology of legislation adopted. In basic terms enabling legislation may implement a MEA by re-enactment; i.e., by repeating verbatim or by paraphrase, the substantive provisions of the treaty to which the State is party. The Act excludes those substantive treaty provisions in respect of which the State entered a reservation. Implementation by re-enactment is the traditional Caribbean approach and places a premium on State possession of legislative drafting resources, familiarity with the nuisances of international treaty law, and sensitivity to the translation of "soft law" treaty obligations into "hard law" legislative rights and duties.

An alternative to the traditional implementation by re-enactment is the more modern approach of incorporation by reference, a good example of which is provided by the *National Conservation and Environment Protection (Amendment) Act, 1996* (St Christopher and Nevis) (No. 12 of 1996). There are many variations on incorporation by reference (see Anderson (1998), at pp. 198-200) but the classic form comprises a short statute whose central provision is that the treaties listed (and sometimes reproduced in a schedule) have "the force of law" in the country concerned. Incorporation in this way represents an economy of legislative competence and facilitates speedier Parliamentary response to the responsibility for legislative action. Correspondingly, other difficulties may be presented in terms of actual implementation and compliance, as is explained below.

C. Identification of a national implementing agency

In the Caribbean, there is no necessary co-relation between treaty making and the identification or designation of national implementing agencies. The Ministry of Foreign Affairs, although generally responsible for treaty making, is not usually involved in the designation of national focal points or project-based implementation strategies except for those MEAs that fall specifically within the substantive portfolio of that Ministry. There is therefore a disjuncture between the (political) agency responsible for accepting environmental obligations on behalf of the state and those responsible for designating the (technical) agencies/groups that are to ensure compliance with those obligations. This is unsatisfactory since the OECS Case Studies and Workshop (1998) suggested instances in which environmental agencies were unaware of the nature and extent of international environmental rights and obligations binding on the state.

Neither is the problem resolved by the mere enactment of implementing legislation, whether by re-enactment or reference. Implementing legislation might not resolve the conundrum of identifying the most suitable implementing agency for the simple reason that the legislation is often silent on the point. In other instances the

legislation may place the responsibility on a parochial agency having no over-arching responsibility for environmental management in the country.

In the absence of formal rule or standard practice concerning responsibility for designating national implementing agencies the best tradition appears to allow for the ministry with responsibility for the environment to assume, *de facto*, the task of assigning implementation of specific MEAs to particular agencies. In Jamaica, the Ministry of Housing and the Environment performs that function. Alternatively, the lead environmental agency may interpret its legislative environmental mandate as sufficiently broad to encompass the award of responsibilities for MEA implementation. This appears to be the position in Trinidad and Tobago with the Environmental Management Authority (EMA).

In these instances therefore, a distinction must be drawn between the political focal point for MEAs (usually the Ministry of Foreign Affairs) and the technical focal point (generally the Ministry of the Environment and/or the lead environmental agency).

D. Identification of Focal Points for Implementing Activity

Designation of a national implementing agency must often be supplemented by identification of a specific focal point for implementing activity in respect of specific environmental conventions. The most successful Caribbean approaches to date have involved identification of the focal point with the lead environmental agency or the delegation by that agency to other subsidiary bodies over whom the agency exercises some control (see, e.g., the situation in Jamaica, Trinidad and Tobago, St. Kitts and Nevis).

The reasons for the appointment of focal points are not always logical and appear not to follow any standard criteria. Treaties may be assigned on the basis of recognized specialist competence and qualification (e.g., the assignment of UNFCCC to the Meteorological office in Jamaica). Alternatively, a MEA whose subject matter was traditionally dealt with by a particular government Department may be assigned to that Department. A new MEA concerning conservation of forests would be assigned to the Forestry Department, Ministry of Agriculture, Forestry and Fisheries. A new MEA on conservation of biological diversity containing provisions for protection of intellectual property rights while making provisions for areas not traditionally dealt with in Forestry may nonetheless be similarly assigned. MEAs may be allotted to a department on the basis of the personal competence, skill and experience of a particular individual. Such assignment often "follows" the person where he/she is relocated to another Department or even after leaving the Civil Service. This is the case even though new Department/Private Sector agency might be an inappropriate location for those treaty-implementing responsibilities.

In practice responsibility for implementing MEA is increasingly assigned to the national lead environmental agency either because of the existence of the required competence and skills in house, or in default of such qualifications being found elsewhere. The lead agency often co-opts "outside" expertise to complement its own; the University of the West Indies and the Institute for Maritime Affairs (Trinidad & Tobago) are examples of quasi-government institutions that provide expertise in this regard. NGOs and private consultants may also be contracted to perform particular tasks. Assistance might also be afforded in the context of project activities organized at a regional level.

E. Availability of resources and project-based activity

Caribbean public sector resources tend to be limited and do not allow for acquisition and retention of scientific, technical and other expertise on a permanent basis. Externally funded projects (national and regional) often represent the "nuts and bolts" of environmental treaty implementation (see for example, the work of CPACC, WCISW, and OECS Waste Management Project (below)).

National project-based activity has been used to facilitate the drafting of implementing legislation and compilation of inventories of greenhouse gases and ozone depleting substances, and the reporting on remedial measures to the relevant conferences of parties (COP). Similarly, inventories have been made of national biological diversity resources and remedial National Strategic Action Plans (NSAP) formulated. Areas of cultural and natural heritage of outstanding universal value have been identified and conserved, especially vulnerable species and ecological areas have been designation and Management Plans (MP) formulated. Endangered species of wild fauna and flora have been identified and their international trade regulated. Contingency plans have been drafted, assimilation exercises conducted and regional alerting and telecommunications systems established in preparation for dealing with major oil spills. Plans have been developed for construction of oil and waste reception facilities in ports. Specific examples of these implementation strategies are detailed below.

Administrative measures are generally sufficient to facilitate project-oriented activities. Where legislation is required the project formulation may itself speak to the development of the required legislation.

External funding for project-based implementing activity is generally perceived to be based upon the principle of common but differentiated responsibility, enshrined in the Rio Declaration of 1992. Caribbean countries tend to receive financial and technical assistance on the basis that they were less responsible for the creation of the environmental problems and have more limited resources to deal with these problems than the developed countries. Projects have been financed by, among, others, the Global Environmental Facility (GEF), World Bank (WB), Inter-American Development Bank (IADB), Caribbean Development Bank (CDB), International Maritime Organization (IMO), United Nations Environment Programme (UNEP), United Nations Development Programme (UNDP), United States Agency for International Development (USAID), and the Canadian International Development Agency (CIDA).

National Environmental Agencies (NEA) and/or the Focal Point for the relevant Convention (FPC) are generally responsible for identifying possible lines of funding, drafting and submitting the project proposal, engagement of consultants, monitoring implementation and compliance of the project document with the terms of the convention. Projects are generally organized on a national or local basis. Successful project based activities have represented significant variation on this theme. For example, implementing activities have been initiated and largely controlled by international agencies; projects have been organized on a regional and sub-regional basis. Sustainability is a ubiquitous problem that permeates all project-based implementing activity.

F. Establishment of monitoring processes

It is widely acknowledged that the nature and content of the rules in the conventions is critical to ensuring that multilateral environmental agreements are complied with. Most MEAs operate on the basis of self-reporting. Provisions may be made for the regularity of reporting, reporting formats, and national assistance in respect of international inspection and monitoring. These provisions in turn generate the national establishment of systems for ensuring the generation of information and data, and for monitoring implementation and compliance.

III. Environmental treaty making and implementing legislation

Summary

This section describes the provisions of the Ratification of Treaties Act 1987 of Antigua and Barbuda from the viewpoint of its importance in involving Parliament in environmental treaty making. Consequential advantages are seen to accrue in terms of passage of enabling legislation and facilitation of public awareness and education. Public participation is viewed as essential to the fulfillment of the tenets of the Rio Declaration and indispensable to the functioning of any mature system of representative democracy.

This section also discusses the general principle requiring passage of implementing legislation and gives specific examples of the basic types of legislation that may implement or incorporate the provisions of a multilateral environmental agreement.

A. Environmental Treaty Making

a. Introduction

The Ratification of Treaties Act (ROTA) of Antigua and Barbuda was enacted to remedy a fundamental defect in Caribbean law and practice by legislating a role for Parliament in treaty conclusion and thus facilitating public awareness. The Act provides that certain treaties cannot be accepted by the State unless the approval of Parliament is first obtained. Accordingly, the Act furthers the objectives of participatory democracy by giving Parliament, Parliamentarians, and by extension, the populace, a voice in the treaty conclusion process. Anecdotal reports suggest that the Act has been the catalyst for a significant increase in public appreciation of, and sensitivity to environmental treaties, among others.

According to section 3, paragraph 1:

"Where a treaty to which Antigua and Barbuda becomes party after the coming into force of this Act is one which affects or concerns -

- a) the status of Antigua and Barbuda under international law or the maintenance or support of such status, or*
- b) the security of Antigua and Barbuda its sovereignty, independence, unity or territorial integrity, or*
- c) the relationship of Antigua and Barbuda with any international organisation, agency, association or similar body,*

Such treaty shall not enter into force with respect to Antigua and Barbuda unless it has been ratified or its ratification has been authorised or approved in accordance with the provisions of this Act".

Most multilateral environmental agreements would appear to be covered by the requirement for parliamentary ratification. MEAs tend to affect or concern national status, security, sovereignty, independence or relationship with international organizations. The Resolutions ratifying the United Nations Framework Convention on Climate Change and the United Nations Convention on Biological Diversity state that

these treaties concerned "the relationship of Antigua and Barbuda with the United Nations and the state parties to the Convention." (S.I. 1993, No. 3, & 1993 No. 4, respectively).

(b) The Ratification Requirement

A treaty to which section 3 (1) applies must be ratified by Parliament before the Minister of Foreign Affairs may deposit an instrument of formal acceptance. There are two different procedures for ratification. Where the treaty concerns the status, security, sovereignty, independence, unity or territorial integrity of the country, ratification must be by Act of Parliament. As regard these treaties, too, Parliament must be afforded the opportunity to debate any relevant act of a foreign state (section 3 (5)). Legislative approval is also required if the treaty is to become enforceable as part of the law of the land (section 3 (2) (a)). Where the treaty concerns the relationship of the country with any international organization, agency, association or similar body, Parliament may ratify by way of Resolution. It follows from the foregoing that MEAs may be ratified by Act of Parliament or Resolution.

Mixed views have been expressed concerning the overall impact of the Act. On the positive side, public information and awareness, as well as democratic discussions on treaty obligations and implications are facilitated. On the negative front, treaty acceptance becomes politicized and subject to lengthy parliamentary debates. Grandstanding and political attacks can lead to delays in treaty acceptance. Treaty adoption has also been slowed by failure to adopt treaties within the slated parliamentary sessions, necessitating a 'rollover' into a subsequent session.

(c) Ratification and Implementation

The ROTA ratification process bears no necessary relationship to implementation of the treaty provisions in the law of Antigua and Barbuda. It is perfectly possible for Parliament to ratify the treaty without the treaty becoming part of national law. This is apparent from the fact that parliamentary ratification may be by way of an Act or Resolution. A treaty may also be ratified by Resolution with its provisions being legislated into local law on a subsequent occasion.

Where the route of implementing legislation is taken, the treaty may be adopted by repetition of its provision or by reference. In the latter case, the convention will normally be included as a schedule to the implementing Act.

The general lack of automatic incorporation/implementation is evident in section 3, paragraph 3. This is to the effect that "no provision of a treaty shall become part of the law of Antigua and Barbuda except by or under an Act of Parliament." Antigua and Barbuda has therefore given an enhanced legislative status to the old dualism of the British common law. The Act does not attempt to articulate international law into the national law in such a way as to make treaties accepted by the state the source of rights and obligations for individuals without more. Nonetheless, the democratization process is envisaged as bringing greater awareness of international law making into the national realm.

(d) Reform of Rules Governing Parliamentary Participation

The ROTA model could be improved by the adoption of an amendment to Caribbean constitutions that entrenches the principle of parliamentary participation in treaty making. Constitutional entrenchment would bring greater protection to the ratification process by making it immune from repeal by ordinary Act of Parliament and would

enhance the international law efficacy of the process. Embodiment in constitutional law implies that the process is manifest and of fundamental importance in furthering the objectives of democratization and governance in civil society, and that treaties concluded in defiance of the process cannot be regarded as legally binding upon the state.

B. Implementing Legislation

(i) Incorporation by re-enactment

(a) General

Traditionally, most treaties have been incorporated by re-enactment i.e., repetition, in the statute, of the treaty provisions. The usual procedure is that the treaty is identified by name in the definition section of the Act; the substantive sections then repeat, verbatim or by paraphrase, the provisions of the treaty, but the final clauses and any provisions to which the state has entered a reservation are excluded. A standard variation is for the statute to make no reference at all to the treaty while laying down rules that are, for the most part, in conformity with the treaty requirements. In the present context, re-enactment is particularly evident in relation to treaties establishing substantive rules of environmental standards. The main weakness of transformation by re-enactment is the risk of inconsistency between the treaty and legislation because of misinterpretation, omissions, and the insertion of incongruous provisions. The Law of the Sea provides a particularly fertile area for researching such inconsistencies. For example, Trinidad and Tobago is virtually unique in reproducing verbatim, the Law of the Sea Convention's provisions that the innocent passage of a foreign ship through territorial waters is compromised if the ship engages in any act of 'willful and serious' pollution contrary to the Convention. (Compare Article 19 (2) (h) of UNCLOS with s. 12 (2) (h) of the Archipelagic Waters and Exclusive Economic Zone Act 1986 (Act No. 24 of 1986) of Trinidad and Tobago). Elsewhere passage is deemed non-innocent if there is "any act of pollution calculated or likely to cause damage or harm to the state, its resources or its marine environment." (See e.g., s. 7 (1) (d) Barbados Territorial Waters Act 1977 (cap. 386); s. 7 (1) (d) The Maritime Areas Act 1982 (18/1982) (Antigua & Barbuda) a clear deviation from the conventional position).

In addition to the difficulty of ensuring consistency, there are practical problems relating to the resources required to articulate the burgeoning volume of binding international obligations into the increasingly complex network of domestic legislation. In *Natural Resources Conservation Authority v. Seafood and Ting (1999)* the Court of Appeal of Jamaica castigated the Executive for its failure to incorporate the provisions of the CITES by domestic legislation but the fundamental problem appears to have been related to the lack of available drafting resources. Assistance from international organizations in the form of the familiar 'model legislation' or 'code of recommendations and guidelines' has not proved adequate to the difficulty.

Theoretically, the failure to adopt the required legislation leaves the State vulnerable to an international claim in state responsibility, although any claimant state would be required to prove that the failure to enact implementing legislation caused the damage/loss of which it complained.

(b) Shipping Oil Pollution Act 1994 as amended 1997 (Barbados)

The *Shipping (Oil Pollution) Act 1994 (1994-16)* as amended by the *Shipping (Oil Pollution) Act 1997 (1997-22)* provides an excellent example of incorporation by re-enactment. The principal Act received the assent on 29th April 1994 and entered into force on 12th May 1994. Its avowed purpose was to make provision concerning oil pollution of navigable waters by ships, to provide for civil liability for oil pollution by ships "and to give effect to certain international conventions relation to pollution of the sea."

The conventions re-enacted are listed in Part VIII:

- a) *Protocol of 1978 relating to the International Convention for the Prevention of Pollution from ships (1973) as amended*);
- b) *International Convention relating to Intervention on the High Seas in Cases of Oil Pollution Casualties, 1969*;
- c) *Protocol of 1973 relating to Intervention on the High Seas in cases of Pollution by Substances other than oil*;
- d) *International Convention on Civil Liability for Oil Pollution Damage, 1969*;
- e) *Protocol of 1976 to the International Convention on Civil Liability for Oil Pollution Damage*;
- f) *International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1971*;
- g) *Protocol of 1976 to amend the International Convention on the Establishment of an International Fund for Oil Pollution Damage*; and
- h) *International Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, 1972*

The Amendment of 1997 made provision for the re-enactment of two additional international agreements:

- a) *Protocol of 1992 to the International Convention on Civil Liability for Oil Pollution Damage*; and
- b) *Protocol of 1992 to the International Convention on the Establishment of an International Compensation Fund for Oil Pollution Damage*.

Part I deals with Preliminary matters. The short title of the Act is presented. There is an elaborate Interpretation section of key concepts that basically repeats the conventions' definitions. Part II adopts the substantive provisions of Under Annex 1 of MARPOL 73/78 in relation to the prevention of oil pollution. Part III deals with shipping casualties and purports to incorporate the provisions of the 1969 Intervention Convention as amended by the Protocol of 1973. Part IV deals with Civil Liability for Oil Pollution and incorporates the 1969/1992 Civil Liability Convention. Part V establishes the International Oil Pollution Compensation Fund in accordance with the terms of the 1971/92 Fund Convention. Part VI deals with various aspects of enforcement and attempts to incorporate those provisions of MARPOL 73/78 that give jurisdictional competence to the coastal and port states. Part VIII concerns identification of the conventions and protocols that are being re-enacted. A list of these agreements was presented above. The Act resolves any conflict between itself and the conventions by providing (s.57) that in the event of a conflict "the provision

of the international convention or protocol prevails unless the Minister otherwise provides by such regulations as he may make in that behalf."

(ii) Incorporation by reference

(a) General

The technique of incorporation by reference involves the conferral of the force of municipal law upon rules the substantive content of which are found in the multilateral environmental treaty. Although stated in terms of an alternative to re-enactment, incorporation by reference may involve re-enactment of treaty provisions while simultaneously requiring that specific issues be resolved by direct reference to the treaty. A good example here is provided by the Territorial Sea Act 1971 (Act 14 of 1971) of Jamaica. That Act makes extensive provision for the exercise of criminal jurisdiction within the territorial sea but provides in section 4 (5) that such jurisdiction should not be exercised in a manner that constitutes a breach of article 19 of the 1958 Convention on the Territorial Sea and the Contiguous Zone. In *Pianka v. The Queen* ([1979] A.C. 107) the Privy Council decided that "through the reference to" the convention, "it becomes necessary under the law of Jamaica for the coastal state to comply with its [the convention's] provisions." Similarly, the Shipping Act 1994 (1994-15) of Barbados lists some fourteen conventions which prevail over the Act in the event of a conflict, "unless the Minister otherwise provides by Regulations." An analogous regime is adopted in the Barbados *Shipping (Oil Pollution) Act 1994 (1994-16)* as amended by the *Shipping (Oil Pollution) (Amendment) Act 1997 (1997-22)*.

The classical illustration of incorporation by reference, however, eschews re-enactment with consequential provisions for resolving conflicts. Instead, a typically short statute has as its central provision, a section legislating that the particular treaty or treaties have "the force of law" in the local jurisdiction. The text of the conventions incorporated in this way is generally reproduced in a schedule or several schedules to the Act. In more modern style the MEAs are simply listed in the schedule or schedules.

(b) The National Conservation and Environmental Protection Act 1987 as amended 1996 (St. Kitts and Nevis)

The National Conservation and Environment Protect Act, 1987 (No. 5 of 1987) is a framework Act to provide for the better management and development of the natural and historic resources of Saint Christopher and Nevis, for purposes of conservation, establishment of protected areas of natural or cultural importance, establishment of a Conservation Commission and other related matters.

The Act of 1987 (the principal Act) has no explicit provisions on the implementation of international environmental conventions although the emphasis on the establishment and administration of protected areas is clearly relevant to a number of MEAs concerning the protection of natural areas. Such Agreements include the Convention on Biological Diversity 1992 (CBD) and the Protocol on Specially Protected Areas and Wildlife 1990 (SPAW) to the Cartagena Convention on the Protection and Development of the Marine Environment of the Wider Caribbean 1983.

The *lacunae* of the principal Act in failing to treat expressly with MEAs was addressed to dramatic effect by the National Conservation and Environment Protection (Amendment) Act, 1996 (No. 12 of 1996). Enacted on 9th April 1996 the Act creates a Department of the Environment (DOE) with responsibility, *inter alia*, to negotiate

environmental treaties initiated by regional and international inter-governmental organizations.

More critically, the Act of 1996 inserts a new provision concerning conventions that are to have the force of law locally. The principal Act is amended by the insertion of s. 54A, which provides that "The International Conventions specified in the Fifth Schedule shall have the force of law in Saint Christopher and Nevis".

The Fifth Schedule does not reproduce the texts of the conventions thus incorporated into domestic law. Rather, the Schedule simply lists, by short title, the International Conventions and Agreements made part of local law in this way as follows:

- a) *Convention on International Trade in Endangered Species of Wild Fauna and Flora 1973*
- b) *United Nations Convention on Climate Change 1992*
- c) *United Nations Convention on Biological Diversity 1992*
- d) *Vienna Convention for the protection of the Ozone Layer, 1985 and Montreal Protocol on Substances that Deplete the Ozone Layer 1987*
- e) *Basel Convention on the control of transboundary movement of Hazardous Waste 1989*
- f) *Civil Liability Convention 1969*
- g) *International Oil Pollution Compensation Fund Convention 1971*

As a preliminary matter it may be observed that the full benefit of this extreme form of incorporation was not obtained. Several of the conventions listed have been superseded. In particular the International Maritime Organization (IMO) and the International Oil Pollution Compensation Fund (IOPCF) have been actively encouraging Caribbean states to denounce the 1969 Civil Liability Convention and 1971 Fund Convention in favor of the Protocols of 1992 which are intended to replace these conventions. Severe financial and legal problems are anticipated for the dwindling number of contracting parties to the original agreements. Less dramatically, virtually all of the remaining conventions have been or are being amended by protocols adopted by contracting parties.

The Act does enable the Minister "from time to time" to add or remove any convention in the Fifth Schedule by way of Notice which shall be published in the Gazette and be laid before the National Assembly (s. 54C). However the history of policy formulation, administration and legislative activity is not encouraging; legislative apathy and inertia have been blamed for not providing timely responses to environmental problems (see *Natural Resources Conservation Authority v. Seafood and Ting* (1999)).

Another substantial concern is whether, as alluded to earlier, this stratagem of incorporation by reference accomplishes its objective. The conventions listed as having the force of law make substantial requirements of contracting parties. For example CITES requires designation of a Management Committee and Scientific Committee. These institutions are essential to the developments of rules providing for imposition of quotas and export permits as was dramatically illustrated in *Natural Resources Conservation Authority v. Seafood and Ting* (1999). These institutions also evaluate whether international trade in the species would be detrimental to the survival of the species. On the one hand the provision that CITES "has the force of law" creates a qualitative difference from the position which existed in Jamaica. On the other hand, such a provision does not, *per force*, create the required institutions.

The other MEAs incorporated by reference similarly make institutional, administrative, and policy requirements of the State of Saint Christopher and Nevis. National authorities are required to develop national inventories of greenhouse gas emissions and greenhouse gas removals by sinks and to strengthen research capabilities (UNFCCC, 1992). Obligations exist to identify and monitor components of biological diversity and to develop a National Strategic Action Plan to deal with loss of biological diversity (CBD, 1992). National authorities must make provision for the freeze in consumption of chlorofluorocarbons (CFCs) by July 1, 1999 and the complete elimination of their use by 2010 (Montreal Protocol 1987, as amended). There are obligations relating to the establishment of competent authorities and focal points, notifications to importing states and re-importation with regard to the transboundary movements of hazardous wastes (Basel Convention, 1989). Specific legislative provisions must be made for the litigation and judicial proceedings in respect of civil liability for oil pollution damage (CLC, 1969). There are obligations of notification to the International Oil Pollution Compensation Fund in respect of the names and addresses of persons within the territory who import more than 150,000 tons of oil in any one calendar year (1971 Fund Convention).

Such illustrations of the obligations arising under the various conventions serve to support the point that merely providing that the conventions have the force of law within the country may not be sufficient; further institutional, administrative, and policy-making may all be required to complement incorporation by reference.

IV. National implementing agencies and focal points

Summary

This section discusses, in alphabetical order, by country, some of the more important MEA implementing institutions that currently function in the region. Particular attention is given both to those institutional arrangements that are considered to be relatively effective and those where deficiencies are apparent by contrast.

A. Anguilla: The Anguilla National Trust

In Anguilla and other dependencies/associated states MEA acceptance lies with the United Kingdom although consultation with national authorities would take place as a matter of course before any such Agreement was extended to the dependency.

The Anguilla National Trust (ANT) has broad responsibility for coordinating/critiquing MEA implementation. In discharging this function the ANT has developed a conservation programme aimed at increasing (a) public awareness, (b) participation by stakeholders at the community level, (c) institutional support, and (d) public and private sector sensitivity to related environmental issues.

ANT has analysed the implications of acceptance of the Cartagena Convention and SPAW Protocol in anticipation of Anguilla's inclusion in these Agreements under the UK's ratification (see: Ijahnya Christian "Preservation for Generations"). ANT suggests that given Anguilla's small size, becoming Party to the Protocol and Convention would not only be useful but necessary if the protection and development of the marine environment and coastal resources are to be assured.

ANT found that a number of the practices required for implementation were already being pursued but that the legislative framework was inadequate; the practices were not legally obligatory and could therefore be ineffective in the ultimate analysis. Private land ownership and the cultural attitude of Anguillians to land also signalled the need for a strong degree of public discussion and public awareness of the objectives and provisions of the Protocol and the Convention so as to engender public support at the point of implementation. The fact that Government is a major land owner means that the state itself will need to be familiar with the Convention and Protocol and their supporting documents, and to be assured of the Agreements' concern for increased economic growth in tandem with protection of critical environmental assets.

Preserving sea turtles, one of the objectives of SPAW Protocol and CITES illustrates some of the difficulties of MEA implementation. The four species of sea turtle found in Anguilla are the hawksbill (*Eretmochelys imbricata*), leatherback (*Dermochelys coriacea*), green (*Chelonia mydas*) and loggerhead (*Caretta caretta*). Conservation efforts have organized around the Sea Turtle Conservation Project, which is supported by the Wider Caribbean Sea Turtle Conservation Network (WIDECAST). Continuing problems that frustrate the effectiveness of the conservation measures include:

- (i) *The less than complete compliance with the existing moratorium by Anguillian fishermen;*
- (ii) *The unlawful harvesting of turtles by fishermen from neighbouring islands and*
- (iii) *The need to integrate the protection of these and other species into existing and proposed legislation for protected areas.*

In particular, it is not clear that the legislation on marine parks, for example, is sufficient or adequate to ensure the protection of sea turtles and other endangered marine life. The hope was expressed that Anguilla's inclusion in the SPAW Protocol would create an opportunity to address the legislative requirements. Poaching by citizens of European Union countries that are already Parties has been highlighted as requiring redress at the highest levels. This means that the integrated management objective of the Cartagena Convention and SPAW Protocol would include not just collaboration between partner agencies at the national level but perhaps arrangements for legislation and jurisdiction sharing at transnational levels.

ANT is also of the view that the requirements of the SPAW Protocol could strengthen initiatives to engage landowners in conservation planning for the generating of revenue from their lands. Traditionally, owners of coastal lands have thought of development in terms of hotels (villas etc.), restaurants and other facilities of this type. Inclusion in the SPAW Protocol could facilitate national thinking about the importance of landscape, leaving lands in their natural state for low impact activities such as bird watching, the scientific and amateur study of flora, and passive recreation.

As regards environmental impact assessments, ANT is of view that these should be mandatory for all major projects and projects to be developed in environmentally sensitive areas whether they be Government of Anguilla projects or those involving private investors. Again, the legislative and institutional framework is weak but participation in the Convention and Protocol was seen as creating the opportunity for prioritisation of training courses that can strengthen Anguilla's capability in EIA co-ordination, conduct, and evaluation. The provisions should also ensure that development decisions are based on the recommendations of such reports and that they involve public consultation.

B. The Bahamas: The BEST Commission

MEA implementation in The Bahamas is generally unsatisfactory. Formal institutional and regulatory initiatives are fragmentary and largely uncoordinated. Informal initiatives exist upon an inadequate or non-existence legislative basis. There is a widely acknowledged need for institutional strengthening those results in a legislatively established lead agency with broad powers of environmental management.

The BEST Commission was instituted by administrative procedure within the context of the recent developments in international environmental policy making. Following his attendance at UNGCSIDS (which adopted Agenda 21's call for integration of environment and development within the context of suitable institutional arrangements), the Prime Minister caused the establishment of The Bahamas Environmental Science and Technology (BEST) Commission. The BEST Commission functions within the Prime Minister's Office and is the *de facto* national environmental agency pivotal to effective implementation of several environmental treaties and to provision of advice and recommendations, and the facilitating of inter-agency co-

ordination and co-operation. In short, the Commission is an attempt to provide an interim solution to the gaps in the institutional and regulatory landscape.

In relation to its role as implementing agency for MEA implementation the Commission has created a number of sub-committees. The National Climate Change Committee is the focal point for implementation of the UN Climate Change Convention. The Ramsar Committee is the focal point for implementation of Ramsar Convention and identification and management of wetlands of international significance. The Biological Diversity Committee is concerned with implementation of the United Nations Convention on Biological Diversity and is in the process of preparing a national strategy for biological diversity sustainability. *Ad Hoc* Committees are established as appropriate. The strategy of implementation by sub-committees facilitates the co-opting of competence and technical expertise from individuals, groups and organizations without outlandish outlays of financial resources. Service on the sub-committees is generally voluntary.

More problematic is the lack of legal status in the Commission. No legally binding obligations exist in relation to the functioning of the Commission. Consultation with it may be by-passed or ignored when inconvenient or inexpedient. There may be no legal basis for the involvement of BEST in MEA implementation; an issue that could call into questions the validity of the environmental measures taken by the Commission. Accordingly, the Commission has sought support from international donor agencies in reviewing its institutional and juridical arrangements. Sub-component II of the IADB-sponsored Environmental Management Policy and Institutional Strengthening Project is to be focussed on preparation of a detailed institutional and organizational assessment and recommendations for the BEST Commission and other agencies involved in environmental management. The Project is also intended to develop a long-term financial plan for BEST and to assess the capacity in the government agencies for quality control, monitoring and enforcement.

C. Barbados: Ministry of Environment/Ministry of International Transport

The commitment of the Government of Barbados to cooperate with other states in addressing pressing global environmental problems was clearly demonstrated in 1994 when GOB hosted the first Global Conference on the Sustainable Development of Small Island Developing States. That commitment is also evident in Barbados' active participation in several important multilateral environmental agreements. However, very little institutional arrangements exists for MEA implementation outside of the public service. The vast majority of MEAs are administered directly by the Ministry of Environment, Energy and Natural Resources (e.g., UNCBD, CITES, Vienna Convention, Montreal Protocol UNFCCC, Basel Convention, PIC Convention, Cartagena Convention, and UN Desertification Convention). Four are presently administered by the Ministry of International Transport (London Convention, MARPOL 73/78, Civil Liability Convention, 69/92, Fund Convention 71/92). The Ministry of Foreign Affairs administers the 1982 Law of the Sea Convention.

Academics and practitioners have debated whether the absence of a specialized institutional apparatus dedicated to environmental management and concomitantly, MEA implementation has had a constraining effect. Public sector implementation has met with mixed successes. While there has been a measure of success, for example, with the implementation of the Montreal Protocol and the UNFCCC there has been little success with the Basel Convention. The factors influencing the successful implementation include (a) Resources (human, financial, and technological); (b) Institutional Arrangements, e.g. National, Regional, International; and (c) Enabling Legislation.

D. Montreal Protocol

One of the best examples of the effective implementation of a MEA in Barbados is the Montreal Protocol. National activity, undertaken by the Ministry of the Environment, duplicated the opportunities and resources made available under the Agreement. The Protocol made provision for adequate human, technological and financial resources to Barbados which included the funding of staff, funding of a Barbados country programme, training, train the trainers programme and institutional strengthening. Funding has been provided to allow Barbados to participate at various international meetings that allowed for the valuable exchange of information and sharing of experiences. Barbados has also received assistance under this agreement in the form of computer equipment and other technology.

The Protocol also facilitated access to an effective and efficient secretariat to oversee national activities. The Secretariat maintained a rigid reporting system that facilitated the careful monitoring of the country programme. Reports were required to be submitted to the Secretariat of the Montreal Protocol as well as to regional institutions such as the ROLAC of UNEP. At the national level a technical working group assisted with the overall national implementation of Barbados' obligation under the protocol.

E. UNFCCC

The implementation of the UNFCCC shows some of the difficulties and potential benefits of MEA implementation. The main criterion used for providing funding to state parties is the Gross Domestic Product (GDP). This form of means testing restricts assistance to Small Island developing states (SIDS) that have a moderately high GDP, such as Barbados. This lack of financial support has restricted Barbados' involvement at conferences of the parties even though, given its geography, the country could be at risk from the effects of global warming.

National activities under the UNFCCC are funded through the Global Environment Facility (GEF) but the Barbadian experience had been that the GEF process is rather long and filled with bureaucratic requirements and this limits the implementation of the UNFCCC. By the time the GEF projects are approved local conditions may have deteriorated thereby making the funds inadequate. At the national level inadequate resources (human, technical and financial) limits the capacity and capability to undertake the rigorous activities and reporting requirements of the UNFCCC.

These constraints have been overcome in some respects by the Caribbean Planning for Adaptation to Climate Change (CPACC) Project (below). There remains, however, some UNFCCC requirements such as National Communications on Greenhouse Gases inventories which individual states have the responsibility to fulfil. In this regard, CARICOM States party to the UNFCCC, including Barbados, is receiving financial and technical assistance from the UNDP to assist with National Communication projects.

F. Basel Convention

Implementation of the Basel Convention has not been as successful as implementation of the Montreal Protocol or the UNFCCC. On the one hand, with its economy built largely on service industries and with a limited industrial base, Barbados is not a significant trader in hazardous waste. However transshipment of such wastes occurs and the environmental and health risk warrant implementation by way of sound precaution.

Operationalising the Basel Convention has been problematic because of the systemic problems affecting all MEA implementation, including: (a) lack of adequate resources,

(b) weak and fragmented institutional arrangements, and (c) lack of appropriate legislation. The nature of the subject matter covered by the Basel Convention requires a partnership between Government and its civil society and NGO partners; in particular the business sector, but the present institutional arrangements responsible for implementing the Basel Convention do not facilitate the fostering of this partnership. Currently, national activities under the Basel Convention are shared among the Ministry of Environment, Energy and Natural Resources (MEE) which is the National Focal Point, the Environmental Engineering Division (EED) and the Solid Waste Management Unit (SWMU) both of which fall within the Ministry of Health. Whereas MEE has overall implementing responsibility, the Environmental Engineering Division and the Solid Waste Management Unit function on a day-to-day basis as the frontline agencies liaising directly with industry. This fragmentation in functions restricts the proper management of the implementation process especially since monitoring is a critical aspect of the trade in hazardous waste.

Although there is model legislation under the Basel Convention Barbados is yet to prepare domestic laws to assist with the implementation of the Convention. Such legislation will assist with preventing, identifying and managing illegal trafficking in waste. It will also ensure compatibility among different international and regional systems dealing with the control of transboundary movements of wastes. Currently the law does not require the inspection of goods or granting of a permit for goods exported from Barbados.

Another issue restricting the implementation of the Basel Convention in Barbados is the lack of trained customs and police officers to ensure early detection and identification of illegal trade in waste.

G. Administration of MEA's

Historically, the fragmented institutional arrangements for the management of the environment in Barbados appear to have impeded the national efforts at implementing the MEAs in an efficient manner. The establishment of a stand-alone Ministry of the Environment with overall responsibility for government's environmental policy was certainly a step in the right direction, although various MEAs continue to be administered from different ministries. It may be that a national agency whose sole objective was environmental management might have been able to bring greater concentration of focussed energy to bear. Such an agency, depending upon its constitution and legal status, might fall outside the Financial Administration and Audit (Financial) (Amendment) Rules 1997 (S.I. 1997 No. 97) which applies to sub-contracting by Government departments. The Rules require that expenditure on the undertaking of works or services in excess of \$100,000 must go out to tender and that the contract drawn up in a form approved by the Solicitor General, or another nominated legal officer in the public service. Recommendations of the recently completed Environmental Management and Land Use Planning for Sustainable Development (EMLUP) Project propose adoption of new environmental legislation and institutional strengthening and are being considered by Government.

H. Guyana: the Environmental Protection Agency

The Environmental Protection Agency Act 1996 was established by the Environmental Protection Agency (EPA) as the national lead environmental agency of Guyana. The EPA has the substantive mandate and the institutional and administrative apparatus similar to those in Trinidad and Tobago.

Particular insights may be gained in relation to MEA implementation in Guyana by considering the implementation of the UNCBD. Guyana signed the Biological Diversity Convention in June 1992 and ratified it in August 1994. General oversight responsibility for conservation of biological diversity is conceded to the lead environmental agency, the EPA, because of that Agency's broad administrative and implementation powers.

UNCBD implementation is assisted by legislative support derived from fisheries legislation (e.g. Fisheries Act (cap. 71:07), Fisheries Regulation Act, 1957, Fisheries (Aquatic Wildlife Control) Regulation 1966); forestry (The Forest Act (cap. 67:01)); and wildlife (Wild Birds Protection Act (cap. 71:08)). However, this legislation is generally outdated and inappropriate for solving modern biological diversity problems. Legislation in relation to bio-safety and intellectual property rights is even more inadequate.

A National Biodiversity Strategy was formulated in 1997 and a National Biodiversity Action Plan is being developed with local and international expertise.

The most innovative step taken by Guyana pursuant to its commitment to conserve biological diversity was the conclusion of the agreement in 1995 with the Commonwealth Secretariat for the establishment of the Iwokrama International Centre for Rain forest Conservation and Development Programme. The Programme Site covers 60,000 hectares of Guyana's rainforests that under the Agreement are dedicated to the international community. The stated objective is to conserve biological diversity and promote sustainable development, and equitable and sustainable utilization of tropical rain forests that will bring lasting ecological, economic and social benefits to the peoples of Guyana and contribute to the world's knowledge of critical aspects of rain forest management and development. The Agreement is embodied in and receives legal status from the Iwokrama International Centre for Rain Forest Conservation and Development Act 1996.

I. Jamaica: The Natural Resources Conservation Authority

The Natural Resources Conservation Authority (NRCA) is the central agency for the implementation for multilateral environmental agreements in Jamaica and its centrality has been recognized within the United Nations system (NRCA Mission Statement). The Authority has been designated as the focal point for activity related to effectuating Jamaica's rights and obligations under several specific MEAs. The Authority provides support and a coordinating function in relation to all environmental agreements to which the Government of Jamaica (GOJ) is party. The Authority also performs the role of "default agency"; where an MEA is not the responsibility of any other specific agency it may be taken that the Authority has the responsibility for its implementation. To this end the Authority has undertaken or coordinated a number of MEA project-based activity, developed a large number of policy documents critical to MEA implementation, and delegated management functions related to MEA implementation to Non-Governmental Organizations.

The multilateral environmental treaties for which the Authority has specific implementing functions include:

- a) *Vienna Convention for the Protection of the Ozone Layer, Vienna, 1985.*
- b) *Montreal Protocol on Substances that deplete the Ozone Layer, Montreal 1987.*
- c) *London amendment to the Montreal Protocol on Substances that deplete the Ozone Layer, Copenhagen 1990.*
- d) *Copenhagen amendment to the Montreal Protocol on Substances that deplete the Ozone Layer, Copenhagen 1992.*
- e) *Montreal amendment to the Montreal Protocol on Substances that Deplete the Ozone Layer, Montreal 1997*
- f) *Convention on International Trade in endangered Species of Wild Flora and Fauna (CITES)*
- g) *Convention on Wetlands of International Importance especially as Waterfowl Habitats (RAMSAR)*
- h) *Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region, Cartagena de Indias, 1983 (Cartagena Convention)*
- i) *Protocol to the Cartagena Convention concerning Cooperation in Combating Oil Spills in the Wider Caribbean Region [Oil Spills Protocol]*
- j) *Protocol to the Cartagena Convention on Specially Protected Areas and Wildlife [SPAW]*

Administration of multilateral environmental treaties necessarily falls upon the NRCA in the absence of specific designation of other agency because the Authority has broad responsibility for protecting and conserving the physical environment of Jamaica. Conventions that are administered by the NRCA in the absence of special designation of another agency include.

- a) *Convention on Transboundary Movement of Hazardous Waste and their Disposal (BASEL Convention).*
- b) *Convention on the Conservation of Migratory Species of Wild Animals (CMS) Bonn, 1972.*

The Authority necessarily plays a coordinating role in relation to the implementation of all environmental treaties by virtue of its lead agency status. The Authority has broad responsibility for protecting and conserving the physical environment of Jamaica. There are also statutory provisions requiring consultation and collaboration between the NRCA and other agencies exercising environmental functions. Coordination is presently most evident with Planning and Ministry of Agriculture officials. MEAs in relation to which the NRCA performs a support/coordinating role include:

- a) *Convention concerning the Protection of the World Cultural and Natural Heritage, 1972 [in conjunction with the Jamaica National Heritage Trust]*
- b) *International Convention on the Prevention of Pollution from Ships, London 1973 (MARPOL) [in conjunction with the Ministry of Transport]*

- c) *Protocol of 1978 relating to the International Convention for the Prevention of Pollution from Ships, London 1973 [in conjunction with the Ministry of Transport]*
- d) *United Nations Convention on the Law of the Sea, Montego Bay [UNCLOS] [in conjunction with the Ministry of Foreign Affairs]*
- e) *International Convention for the Safety of Life at Sea [SOLAS] [in conjunction with the Ministry of Transport]*
- f) *United Nations Framework Convention on Climate Change, New York, 1992 [in conjunction with the Meteorological Office]*
- g) *Kyoto Protocol to the United Nations Framework Convention on Climate Change, Kyoto, 1997 [in conjunction with the Meteorological Office]*
- h) *Convention on Biological Diversity, Rio de Janeiro, 1992 [in conjunction with the Institute of Jamaica],*
- i) *United Nations Convention to Combat Desertification, Paris, 1994 (UNCCD) [in conjunction with the Ministry responsible for Water]*

The NRCA has been relatively successful in the implementation of MEAs falling directly or indirectly within its purview. The Authority has attracted international funding for several of its activities in addition to the domestic sources of funding identified in its parent statute. The Authority has been able to undertake several MEA project-related activities, develop a large number of policy documents that directly impact MEA implementation. Where constraint of resources has threatened to curtail implementing activity the NRCA has developed the innovative technique of delegating management functions to Non-Governmental Organizations. NGOs are authorized in this way upon the NRCA's approval of their corporate and institutional suitability management plans, plans for attracting funding, and indication of reasonable prospects for sustainability.

J. Trinidad and Tobago: The Environmental Management Authority (EMA)

Prior to 1995, environmental management in Trinidad and Tobago was characterized by a lack of environmental and conservation focuses. Over forty separate pieces of environmental legislation existed with many obsolete with inadequate penalty structures little cross-sectoral linkages and no facility for the establishment of broad environmental standards. After a gestation period compared to that of an elephant (Trinidad Guardian Newspaper 94-09-14) the Environmental Management Act of Trinidad and Tobago (TEMA) was assented to on 7th March 1995 (Act No. 3 of 1995). Not the least interesting aspect of the Act of 1995 is the unprecedented array of institutions established with varying kinds of responsibility for environmental management. The lead agency is undoubtedly the Environmental Management Agency (EMA), but there is also an Environmental Trust Fund (ETF), and the Environmental Commission (EC). The ETF was established to finance the operations of the Authority and derives resources from government, endowments, international donors, payment for EMA's services, and borrowings. The EC has a broad mandate to hear environmental disputes that may be conferred on the Commission and exercises the jurisdiction and powers equivalent to a High Court.

There are no express provisions in the EMA pertaining to MEA implementation but the Authority is necessarily pivotal to the effectuation of all MEA obligations. The general functions of the Authority which necessarily impinge upon MEA implementation include the following:

- a) *Make Recommendations for a National Environmental Policy;*
- b) *Develop and implement policies and programmes for the effective management and wise use of the environment;*
- c) *Co-ordinate environmental management functions performed by persons in Trinidad and Tobago;*
- d) *Make recommendations for the rationalization of all governmental entities performing environmental functions;*
- e) *Promote educational and public awareness programmes on the environment;*
- f) *Develop and establish national environmental standards and criteria;*
- g) *Monitor compliance with the standards, criteria and programmes relating to the environment;*
- h) *Take all appropriate actions for the prevention and control of pollution and conservation of the environment;*
- i) *Establish and coordinate institutional linkages locally, regionally and internationally;*
- j) *Undertake anything incidental or conducive to the performance of any of the foregoing functions.*

The range of its functions and powers made the EMA the natural focal point for MEA implementation. On this ground, the Authority has sought and obtained a loan from the World Bank to facilitate its institutional and administrative work relevant to the effectuation of such agreements as SPAW, United Nations Framework Convention on Climate Change (UNFCCC), the Convention on Biological Diversity (CBD), and the Basel Convention. An important stumbling block remains the passage of enabling legislation to provide the framework for implementation. Particular concerns have been expressed that neither the Basel Convention nor MARPOL 73/78 has attracted the required domestic legislation. External funding is, however, assisting with the development of the Environmental Code, expected to be completed March 2000.

In executing its MEA implementation functions the EMA acts in concert with regional project-based activities and institutions. Particular mention was made of the Caribbean Planning for Adaptation to Climate Change (CPACC) in relation to the UNFCCC, and the Wider Caribbean Initiative on Ship Generated Wastes (WCISW) in relation to efforts to implement the MARPOL convention.

As done elsewhere, the EMA has engaged in the practice of delegating MEA implementation function to agencies over which it exercises supervisory, or at least coordinating, functions. Such agencies are in charge of attracting their own funding and marshalling their own technical competence and expertise. The Forestry Division of the Ministry of Agriculture seeks to implement CITES by *inter alia*, providing for declaration of sanctuaries and protected areas, and provides for protected species such as the leatherback turtle.

K. St. Kitts and Nevis: The Department of the Environment

Of all Caribbean framework legislation, the National Conservation and Environmental Protection Act 1987, 1996 of St. Kitts and Nevis makes the most explicit provisions for the articulation of the lead environmental agency (Department of the Environment) into MEA implementation. The DOE is expressly empowered to negotiate environmental treaties initiated by regional and international inter-governmental organisations and non-governmental organisations. The Department also has the function of implementing environmental policies, programmes and projects in order to achieve sustainable development. This function must be contextualized against the background where seven major MEAs are incorporated by the same statute and given the "force of law" in St. Kitts & Nevis. For further commentary see above.

V. Resources and project based activity

Summary:

This section describes a selection of regional and sub-regional projects that facilitate MEA implementation in Caribbean territories. The relationship of these transnational projects to national implementation and national focal point activity is also discussed.

A. OECS: Solid and Ship-Generated Waste Management Project

The independent governments of the Organization for Eastern Caribbean States (OECS) have been the beneficiaries of loan, credit and grant funds from the International Bank for Reconstruction and Development (IBRD), the Caribbean Development Bank (CDB), Global Environmental Facility (GEF) and other agencies to finance the Solid and Ship-Generated Waste Management Project. The objective of the Project is to address the problems of managing ship and shore generated waste in the countries of Antigua and Barbuda, Dominica, Grenada, St. Kitts and Nevis, St. Lucia, St. Vincent and the Grenadines. The improvement of solid waste management systems in the OECS is anticipated to enhance the quality of both terrestrial and marine environments.

The Project has both national and sub-regional components. The national components include provision of materials and equipment to enhance solid waste storage, collection, treatment and disposal, and the handling of ship-generated wastes. The sub-regional component involves management support and the provision of technical assistance to the countries in order to improve the regulatory environment, strengthen management capabilities, improve day to day monitoring of waste management systems and identify opportunities for waste reduction, recycling, recovery and re-use. Specifically, the project supports and provides for five principal programmes:

- a) *Construction of new sanitary landfills or the upgrading of existing landfills.*
- b) *A system of waste collection and disposal for MARPOL Annex V wastes.*
- c) *Enhancement of waste collection, including, where appropriate, development of transfer stations, and provision of equipment.*
- d) *Waste minimization/recycling through analysis of policy measures needed for encouraging waste minimization.*
- e) *Institutional strengthening, including development of legislation on solid waste and environmental health as well as public education programmes.*

The initiation and operationalization of this project has greatly facilitated practical steps at the national level to implement relevant conventions such as MARPOL 73/78, and the London Convention, 1972, 1996.

B. Wider Caribbean Initiative on Ship-Generated Waste (WCISW)

The proliferation of MEAs relating to protection of the marine environment has informed IMO policy in relation to Caribbean states. At the OAS/IMO/USAOD/Government of Puerto Rico Workshop on Oil Pollution Regulation and Enforcement held in San Juan, Puerto Rico 11-15 October 1982 the IMO estimated that over 30 treaties regulating the discharge of maritime pollution could be identified. In this context the Organization projected that in future more emphasis had to be placed upon the implementation and enforcement of the existing Conventions rather than the creation of new Conventions. The Organization offered assistance on a regional basis and Caribbean states indicated a preference for technical assistance with the development of the required implementing legislation, and technical and financial assistance with regard to the development of port reception facilities.

Within this general context the IMO conducted a number of Missions to several of the region's developing countries in the early 1980s. A Mission by the IMO Inter-Regional Consultant on Marine Pollution was made to the Caribbean Islands of Antigua, Montserrat, Puerto Rico, Cayman Islands, and The Bahamas from 3 February to 3 March 1981; to the Republic of Guyana from 18 to 24 March 1980; and to the Commonwealth of The Bahamas 25 February to 11 March 1981. (The Three Reports are available as IMO Publications compiled by Cmdr. T.M. Hayes).

IMO was responsible for introducing the Draft Protocol Concerning Cooperation in combating Oil Spills in the Wider Caribbean to the first meeting of legal experts convened by the Executive Director of UNEP in New York from 7 to 11 December 1981 to consider flexible and general legal regional arrangements to support the then emerging Caribbean Environment Programme (CEP). The Draft was considered in detail at the second meeting of Legal Experts opened by UNEP in cooperation with IMO at the UN Headquarters in New York from 7 to 16 July 1982. At this meeting the IMO indicated the possibility of linking the draft protocol to the Convention. After a third and final meeting of the Legal Experts in Santo Domingo, from 3-5 November 1982 the Convention and OILSPILL Protocol were finalized. Both instruments were adopted at the Conference of Plenipotentiaries on the Protection and Development of the Wider Caribbean Region at Cartagena de Indias, Colombia, from 21 to 24 March 1983 and entered into force on 11 October 1986. The Cartagena Convention, like others developed under UNEP Regional Seas Programme, is a framework document requiring cooperation among contracting states; to safeguard the integrity of this approach, parties are required to accept more detailed commitment to prevent marine pollution from at least one specific source. The OILSPILL Protocol remained, until June 1991, the only protocol to have been adopted pursuant to this policy. Since the Cartagena Convention requires that each contracting state becomes, simultaneously, a contracting party to at least one of its protocols, it followed that, for the first eight years of the Convention's existence, acceptance of the OILSPILL Protocol was a necessary precondition to becoming a party to the Cartagena Convention (Anderson (1997) at p. 225).

There was a relative lull in IMO activity in the Caribbean until the development of the Wider Caribbean Initiative on Ship-Generated Waste. WCISW is a Technical Assistance Project developed on the request of the 22 Developing Countries in the Wider Caribbean region. The objective is to support implementation of the International Convention for the Prevention of Pollution from Ships (MARPOL 73/78) and the Special Area designation of Annex V of the Convention. The Project is funded by the Global Environmental Facility (GEF) through the World Bank, and is implemented by the International Maritime Organization (IMO).

Most developed countries have ratified MARPOL 73/78 but the status of ratification for developing countries in the Wider Caribbean region is relatively modest. Even where some States have ratified, little or no action has been taken to implement the requirements of the Convention. MARPOL 73/78 is perceived to be a highly technical instrument making special demands in terms of provision of port reception facilities and the like which require external technical and financial assistance. A need specifically recognized was that of the development of national legislation to enable enforcement of the Convention.

Programme activities were envisaged to encourage countries of the region to invest in port reception facilities, waste management infrastructure and institutional training programmes. These would contribute towards the longer-term goal of ending the discharge of all-ship generated wastes into the waters of the Caribbean Sea. Project activities included:

- a) *Assistance to governments and port authorities on legal, technical, and institutional measures needed to implement MARPOL 73/78*
- b) *Provision of a forum for considering options and for reaching a regional consensus on the actions to be taken*
- c) *Assisting ports in the Wider Caribbean Region in setting tariffs for receiving Annex I, II and V wastes, including cost recovery for waste management systems.*

C. Caribbean Planning for Adaptation to Climate Change (CPACC) Project

The most significant initiative in Caribbean implementation of UNFCCC has been the development of the Caribbean Planning for Adaptation to Climate Change (CPACC) Project funded by the Global Environmental Facility (GEF).

CPACC had its origin in the Global Conference on the Sustainable Development of Small Island Developing States which took place in Barbados in April/May 1994. In the words of the *CPACC Project Document (1997)*: "During the Conference, the small island developing states of the Caribbean requested GS/OAS assistance in developing a project on adaptation to climate change for submission to the GEF. A regional consultation took place in Barbados in September 1994, with the active participation of CARICOM and the member states of the Organization. The written inputs received from the various countries and the comments made at the Barbados meeting were incorporated into a revised project document which was subsequently submitted to all the member states of the GEF Caribbean Constituency for consideration and approval. Once this process was completed, the project was submitted to the Council of CARICOM Ministers of Foreign Affairs for consideration. The Ministers of Foreign Affairs endorsed the project and mandated that it should be transmitted to the GEF".

The GEF Council approved the project as part of its Work Program in May 1995. Caribbean countries and CARICOM have maintained an active level of participation throughout the project preparation phase. A Project National Focal Point (NFP) was designated for each country. During the project preparation phase, two regional workshops and a national consultation workshop took place in each of the eleven participating countries. A third regional workshop on the project was held as part of the pre-appraisal review of the project document.

In the words of the Project Document: "The project's overall objective is to support Caribbean countries in preparing to cope with the adverse effects of global climate change (GCC), particularly sea level rise, in coastal and marine areas through vulnerability assessment, adaptation planning, and capacity building linked to

adaptation planning. More specifically, the project will assist national governments and the University of the West Indies Centre for Environment and Development (UWICED) to: (i) strengthen the regional capability for monitoring and analyzing climate and sea level dynamics and trends, seeking to determine the immediate and potential impacts of GCC; (ii) identify areas particularly vulnerable to the adverse effects of climate change and sea level rise; (iii) develop an integrated management and planning framework for cost-effective response and adaptation to the impacts of GCC on coastal and marine areas; (iv) enhance regional and national capabilities for preparing for the advent of GCC through institutional strengthening and human resource development; and (v) identify and assess policy options and instruments that may help initiate the implementation of a long-term program of adaptation to GCC in vulnerable coastal areas."

Elsewhere it is suggested that CPACC (i) promotes the protection of coastal areas and international waters from the effects of both ongoing expansion of human activities and impending global climate change (GCC); (ii) encourages a regional cooperative effort for addressing the issues of adaptation to GCC; (iii) generates sea level/climate information for worldwide use and benefit; (iv) initiates a planning process for making future economic development viable in an area of the world heavily dependent on its coastal zone and seriously threatened by the prospect of sea level rise; (v) provides an appropriate vehicle for assisting those countries of the world which, while contributing very little to global warming, are the most affected by its consequences; (vi) develops new options and means for dealing with GCC; (vii) a[]y innovative technology for the assessment of coastal vulnerability; and (viii) serves as a model for other countries of the Caribbean basin and other regions with comparable needs and means. (*Ibid.*, p. 13)

CPACC follows a regional approach and is executed through the cooperative effort of the eleven participating countries. The CPACC Project document describes the implementing activities as involving: "a combination of national pilot/demonstration actions and regional training and technology transfer linked to adaptation planning. This approach seeks to strengthen regional cooperation and institutions, and to provide cost-effective means for adaptation planning, data collection, and sharing of information, skills, and project benefits. The Project will seek to build on existing institutions and experiences, and to liaise with other important regional initiatives and programs underway in the Caribbean. Project activities focus on planning for adaptation to GCC in vulnerable areas, including regional sea/climate data collection and management, impact and vulnerability studies, and the assessment of policy options through a series of regional activities and pilot studies. These enabling activities are complemented by selective capacity-building activities, aimed at creating or strengthening endogenous conditions and capabilities necessary to prepare a long-term program for adaptation to GCC. The project will execute a comprehensive program of human resource development for upgrading the skills of technicians and officials from participating countries in areas relevant to GCC and adaptation planning. Project execution takes four years and involve both regional and pilot-based components."

The nature of the CPACC Project required cooperation by national authorities as a prerequisite for involvement in the Project. Each participating country is required to designate a national institution to serve as a National Implementation Coordinating Unit (NICU). The NICUs, working in close collaboration with the RPU and the GS/OAS, facilitate project implementation at the national level. During the lifetime of CPACC the functions of the RPIU and the NICUs are to be progressively integrated into the

regular programs of their respective host institutions (*CPACC Project Document (1997)*, p. 11).

The planned pilot-based components of CPACC illustrate the reach and potential of the national action taken pursuant to the Project. The Coral Reef Monitoring for Climate Change (US\$405,900) was designed to increase existing knowledge about the extent and sources of coral reef degradation in the three Commonwealth Caribbean States of The Bahamas, Belize, and Jamaica. Building upon ongoing work on coral reef monitoring throughout the region, this component establishes a long-term monitoring program that over time will show the effects of global warming factors (temperature stress, sea level rise, and hurricanes) on coral reefs. The Coast Vulnerability and Risk Assessment Component (US\$433,400) involves the three states of Barbados, Grenada, and Guyana, which agreed to participate in the development of vulnerability and risk assessments of their coasts. The component involves a review of coastal vulnerability assessment models and the application of the IPCC common methodology in these countries and throughout the region. Representatives from the three countries received special training, information was transferred throughout all the agencies dealing with coastal zone management issues. The Economic Valuation of Coastal and Marine Resources Component (US\$312,300) involves Dominica, Saint Lucia, and Trinidad and Tobago and is designed to consider economic valuation of resources in selected coastal ecosystems at risk from sea level rise. Each of the three pilot studies focuses on an ecosystem and associated economic activities. Using existing information and input from other project components, the pilot studies identify resources of significance, resource uses, and threats from sea level rise. Each pilot study then uses alternative approaches to estimate market and non-market values or resources at risk. The pilot studies illustrate the use of valuation data by demonstrating the development of environmental accounts with linkages to national accounting frameworks, or by demonstrating cost-benefit and other decision-making frameworks for selecting among environmental management approaches. The Formation of Economic/Regulatory Proposals Component (US\$189,000) implements two pilot studies in Antigua and Barbuda and Saint Kitts and Nevis to demonstrate the design and use of economic and regulatory approaches to environmental protection in response to threats from sea level rise. The component demonstrates how innovative approaches to environmental regulation, such as the use of economic incentives, provides flexible, cost-effective alternatives to traditional "command and control" regulatory policies.

D. Integrated Coastal Zone Management Project

The Integrated Coastal Zone Management Project (ICZMP) emerged to satisfy the requirements of the GCSIDS-POA and has intimate linkages to CPACC. Integrated Coastal Zone Management is one of the most effective ways of planning for adaptation to global climate change. To this end the OAS contracted consultants in 1998 to conduct a survey and make recommendations on integrated coastal zone management and legislation in selected countries of the Anglophone Caribbean. In 1999 USAID contracted consultants to broaden the ICZMP to include recommendations in respect of all Caribbean countries, albeit by categories. Category 1 focuses on the mainland states of Guyana and Belize. Category 2 on the larger/more developed islands such as Jamaica, Bahamas, Trinidad and Tobago, and Barbados. Category 3 includes the island states of the Organization of Eastern Caribbean States.

The ICZMP Report record that integrated coastal zone management is assuming increasing importance in the Caribbean. Management systems are being developed to

deal with growing problems of coastal deterioration caused by rapidly expanding levels of beach tourism, growing urbanization of coastal lands and coastal sand-mining used to support the construction industry in coastal areas and elsewhere. Exposure of coastal areas to the risk of maritime oil pollution has also encouraged the stimulation of pollution control legislation.

The tradition of fragmented administrative approach to coastal zone management has experienced significant improvement in the last ten years. Currently, Caribbean countries present a multiplicity of management frameworks. There was independent stand-alone coastal zone legislation, umbrella legislation regulating coastal resources as a component within a comprehensive environmental strategy, and fragmented legislative systems in which the coastal zone is managed on an *ad hoc* basis in response to specific problems. In every instance, recognition of the vulnerability of the coastal zone to sea level rise and the requirement for regulation of pollutants that cause climate change tends to be implied and not expressed.

The consultants were of the view that sustainable management of coastal resources raises continuing challenges even for those countries with sophisticated management strategies. Here questions of explicating management objectives, integrating international controls, and testing, improving and maintaining efficient management strategies predominate. The existence of improved coastal management practices in some Caribbean countries provides important lessons for the regional management of coastal resources. This is especially valuable in relation to small island states with similar coastal zone problems but without the human, material or technical resources to fashion an indigenous management strategy. Adoption of new legislation in these countries brings questions of ensuring suitability to the specific local context. There are further issues of ensuring the legislation's integration into the pre-existing legal infrastructure.

Significant legislative and institutional improvements, associated with the ICZMP and similar project-activity have occurred in Barbados (See: *Coastal Zone Management Act 1998*) and Belize (*Coastal Zone Management Act 1998* (No. 5 of 1998)); and there is heightened activity in relation to ICZM in such countries as St. Lucia, Jamaica, and The Bahamas.

E. Regional Project Activity in Relation to Biological Diversity

The Convention on Biological Diversity (Biodiversity Convention), adopted at the Rio Earth Summit in 1992, has three main objectives: to encourage countries to conserve diversity of living organisms in their ecosystems; the sustainable use of components of biological diversity; and the fair and equitable sharing of benefits of utilizing genetic resources. The obligations under the Convention include the following:

- Parties are to identify components of biodiversity, monitor these components, and identify processes and activities that adversely affect biodiversity, and report to the Conference of the Parties regarding the measures taken to implement the obligations and the measures' effectiveness
- Parties are responsible for developing policies, for the conserving biological diversity in their national jurisdiction (such measures to embrace in-situ and ex-situ conservation) and are obligated to cooperate with other Parties for the conservation of such resources outside their jurisdiction

- Parties are obliged to encourage and ensure sustainable use of biological diversity and should respect traditional and local community practices that promote sustainable uses
- Parties are obliged to establish programs for scientific and technical education and research while considering the special needs of developing countries, and to promote the importance of biodiversity to the public through educational and awareness programs
- Parties are required to introduce environmental impact assessment procedures for proposed projects and arrangements where adverse impacts on biodiversity are anticipated
- Parties should endeavour to facilitate access to genetic resources where they are to be used in an environmentally sound manner, subject to the overriding principle that authority over access to genetic resources rests with the national government of each Party.

A 1997 Review of the Implementation of the SIDS-POA for The United Nations Economic Commission for Latin America and the Caribbean (UNECLAC) suggested that conservation of biological diversity had been promoted by researchers and environmental and conservation organizations. However, the subject "has not found widespread support among the general population" (UNECLAC Review (1997) at p. 24). Selected aspects of bio-diversity was being practiced by forestry and fishery officials in the region during their sector management programmes" but national bio-diversity strategies have generally remained a low priority in many States." (Ibid., at pp. 24-25). Key issues identified in the Review included the following:

- Lack of inventory of biological resources
- Lack of integrated strategies for the management of terrestrial and marine bio-diversity
- Inadequate socio-economic and biological research on key species
- Increasing habitat degradation and destruction
- Unsustainable exploitation of commercially important indigenous species
- Insufficient or non-existent safeguards against loss of rights to genetic resources.

An important contribution to the unsatisfactory state of implementation of the Convention on Biological Diversity (and related MEAs) is the absence of an organized and coherent regional strategy for implementation. Unlike climate change, GEF has been generally conservative in its willingness to fund bio-diversity activity (The Biodiversity Coalition, Newsletter No. 13, May (1996), at p. 1)

A major regional project activity has been the relatively low budget (US\$0.6 million) "A Conservation Assessment of the Terrestrial Eco-regions of Latin America and the Caribbean" funded by the World Bank, GEF and World Wildlife Fund (WWF). The executing agencies were the WWF and IBRD.

The Project was conceptualized on the basis of limited resources and the need to balance conservation interests and the imperatives of economic development. These considerations suggested that an objective regional framework can be a useful input to help guide the investment decisions of regional organizations such as the IBRD, GEF, or major international conservation NGOs, such as WWF. To this end, the IBRD contracted the WWF to carry out an in-depth study to assess the conservation status of terrestrial biodiversity in Latin America and the Caribbean. LAC was divided into 178 natural terrestrial units, called ecoregions, as well as 13 mangrove complexes.

Using an approach based on the science of landscape ecology and conservation biology, the conservation status and biological distinctiveness of each ecoregion was determined. As regards Small Island developing states in the Caribbean the Project focussed upon identification of biological resources, land resources and capacity building. The Project resulted in a published Report highlighting the most biologically valuable and threatened ecoregions of LAC.

Important regional activity to protect biological diversity is carried on under the Caribbean Environmental Programme (CEP) which forms the core of the UNEP's Regional Seas Programme in the Caribbean. Conservation of biological resources falls within the objective of the SPAW Protocol and thus overlaps considerably with the UNCBD.

Notwithstanding, UNEP has engaged in a number of activities designed to stimulate action towards the bio-diversity conservation. Most directly a Memorandum of Cooperation between CBD and the Cartagena Convention and its Protocols was agreed in 1997. The Memorandum covers Institutional Cooperation (Article 1); Exchange of Information and Experience (Article 2); Coordination of Programmes of Work (Article 3); Joint Conservation Action (Article 4); Consultation, Reporting and Further Guidance (Article 5); and Review of the Agreement (Article 6). Whilst significant flaws have been identified the Agreement is generally saluted as being an innovative step in the rationalization of overlapping treaty requirements (Anderson, Environmental Policy and Law (1998) at p.240-241). CEP has the responsibility of identifying appropriate mechanisms to initiate cooperation with CBD and UNEP/RCU has welcomed inputs and comments from Government, NGOs and relevant organizations.

CEP encouragement for implementation of SPAW is based upon the SPAW sub-programme focussing on protection of ecologically sensitive areas and wildlife that constitute a key resource for important economic activities such as tourism and fisheries. CEP activities have included a regional workshop designed to facilitate legislative implementation of the SPAW Protocol in the Commonwealth Caribbean countries of CEP.

The direct impact of these regional activities upon national implementing efforts may be characterized as average. Traditional regulatory activities in such sectors as fisheries and forestry involving the taking of measures for the conservation of biological resources have evolved along separate lines. Admittedly, the widespread adoption of CBD and the increasing acceptance of the SPAW Protocol have encouraged a spate of recent activities. With GEF support virtually all Caribbean countries have prepared or are preparing individual biodiversity strategy and action plans and a related first report to Conference of Parties to the Biological Diversity Convention.

Funding from other external agencies sometimes demonstrate a preference for private sector-led initiatives. For example, the Montego Bay Marine Park Trust benefited from a US\$25,000 grant from USAID. The Trust was the first local community group to be delegated authority for the management of park resources. The grant was used to establish basic administrative systems and equipment needed to strengthen the Trust's administrative capabilities as it prepared to assume the official responsibility for the Marine Park's sustainable management.

Similarly, the private sector oriented BEST Commission in The Bahamas secured IADB funding for institutional review and strengthening. Also the National Wetlands Committee of Trinidad and Tobago, a Cabinet appointed inter-sectoral committee, responsible for formulating a wetlands policy through which the wise use the

country's wetlands can be achieved, has attracted external funding. Much of the policy formulated by the Committee was in compliance with the guidelines listed in the RAMSAR Convention but obviously also facilitate the conservation of biological resources.

VI. Guidelines for MEA implementation

Summary

The MEA Implementation Guidelines summarizes and proposes options for more effective MEA implementation in CARICOM countries. The Guidelines draws upon selective elements in the implementation strategies adopted with success in individual countries of the region. Specifically, it is derived from an analysis and synthesis of the information presented in this Report.

These Guidelines are a work in progress and are intended for discussion and comment at a UNEP/ROLAC workshop with representatives of different sectors and stakeholders involved in Caribbean MEA implementation.

A. Introduction

The most effective MEA implementing strategies are those supported by legal, administrative, institutional, technical and funding arrangements that address directly the carrying out of the obligations under the conventions. Such arrangements provide a catalyst for ongoing environmental management objectives and allow for capacity building and thus respond to the requirement of facilitating the long-term sustainability of environmental management activity.

There are no prescribed formal national guidelines governing the operationalisation of MEAs in any Commonwealth Caribbean country. However, over time various practices have evolved which would, probably, be regarded as more effective in some countries of the region than in others.

The following Guidelines for MEA Implementation are drawn mainly from the experience of those Caribbean countries that have expended most energy and resources in trying to come to terms with the carrying out of MEA obligations. The Guidelines are a work in progress and are suggested as useful points for information discussion and analysis rather than as models for uncritical national action.

B. Environmental Treaty Making

MEA implementation has evolved on the basis of processes that require development of two types of national focal points:

- The political focal point
- The technical focal point

The political focal point is generally the Ministry of Foreign Affairs, which is responsible for environmental treaty making on behalf of the state, whereas the technical focal point is generally responsible for formulating and executing a national work programme in accordance with the obligations under the convention. In practice the technical focal point may be a Ministry, Government Department, statutory corporation, or a semi-private sector agency.

Under the present arrangements the obligations of the political focal point end with the act of formal acceptance, unless, perchance, performance of the treaty falls

within the substantive purview of the Ministry. This could be unsatisfactory since instances have arisen where other agencies of state have been unaware of the acceptance of a MEA and therefore of their responsibilities for carrying out its obligations. At minimum there should be clear administrative procedures by which the political focal point conveys the nature and extent of state acceptance of MEAs to all relevant public and private sector stakeholders.

An alternative to administrative notification is provision for overlapping jurisdiction between the technical and political focal points. This is the case in St. Kitts and Nevis where the Department of the Environment is given statutory powers to participate in the negotiation and conclusion of environmental treaties. This procedure has obvious advantages in terms of awareness and preparedness for implementation of relevant treaty obligations.

Checklist:

Caribbean countries should:

- Identify/ensure clear delineation of the principal political and technical focal points for MEAs and ensure adequate levels of staffing and funding.
- Ensure that the political focal point is aware of and in regular contact with the technical focal point or technical focal points responsible for implementation of each MEA.
- Ensure proper and adequate procedures by which the political focal point notifies relevant agencies and actors of the MEAs accepted by the State.
- Provide, as appropriate, for the involvement by the technical focal point in the negotiation, conclusion, and acceptance of MEAs.
- Ensure that the political focal point does not communicate final acceptance or ratification of the MEA to the Secretariat of the Convention until any required implementing legislation has been enacted, and any required institutional or administrative arrangements established.

C. The Ratification Process

The traditional procedure for environmental treaty making involves final acceptance or ratification by Cabinet acting through the Minister of Foreign Affairs. The Executive had and exercised a complete monopoly over treaty negotiation, conclusion, acceptance or ratification on the ground that external affairs fell within the monopoly of the Executive. Parliament played no role in treaty making.

Consistent with the constitutional principle that Executive could not make law for the citizenry, MEAs concluded on behalf of the state had no direct effect within the national legal system unless and until Parliament intervened to pass an enabling or implementing Act. In order to be effective domestically, the treaty had to "incorporated" or "transformed" into national law by legislation. There are several instances in which the Executive has entered into treaties that cannot properly be implemented because there was an absence of implementing legislation (see e.g., *National Resources Conservation Authority v. Seafood and Ting (1999)* (Jamaica Court of Appeal)). Parliament, in its deliberative discretion could also decide against the legislative implementation of the treaty on strictly policy grounds.

The dualistic approach to treaty making and treaty implementation followed in the Caribbean is, generally speaking, inefficient and outdated.

Antigua and Barbuda, uniquely, adopts a more modern approach. In that country, Parliament is legislatively given a role in treaty ratification. Before MEAs and other treaties can be considered binding on the state they must be approved by Parliament. This procedure does more than facilitate the involvement of the Parliament in treaty making. Televised parliamentary debates on treaty ratification also encourage public awareness, education and involvement. The process is intended and has the practical effect of empowering public participation at every stage of the implementation cycle as is required by the Rio Declaration and basic tenets of participatory democracy.

Following parliamentary final approval of the MEA, official communication of the final acceptance or ratification is communicated to the Convention Secretariat the Executive (normally the Minister of Foreign Affairs).

Checklist

Caribbean countries should:

- Identify or establish, as appropriate, clear procedures for MEA ratification.
- Legislate a role for Parliament in treaty acceptance and ratification.
- Ensure that the description of treaties requiring parliamentary approval or ratification is broad enough to include all significant MEAs.
- Ensure development of procedures mandating that approval by Parliament be followed by communication of the State's acceptance by the political focal point to the Convention Secretariat.
- Ensure public broadcast and/or dissemination of parliamentary debates and discussions on treaty ratification.
- Ensure that parliamentary approval or ratification reflects, simultaneously, legislative incorporation of the MEA into domestic law.
- Subject MEA denunciation to a process of parliamentary involvement similar to that of MEA acceptance.
- Work toward constitutional entrenchment of the parliamentary approval or ratification, and denunciation processes
- Ensure, between the time of signing and ratification of the MEA, that the State and all its organs refrain from activity that would defeat the object and purpose of the treaty.
- Ensure that the courts are empowered to take judicial notice of MEAs that have been signed by the State.

D. Passage of Enabling or Implementing Legislation

In the Caribbean constitutional system, the decision to accept a MEA must be conjoined with Parliamentary passage of enabling legislation; i.e., legislation that incorporates relevant provisions of the convention thus allowing for its application domestically.

Pragmatism argues that the legislation should be adopted *prior* to final ratification of the Convention. This avoids the unfortunate situation illustrated in *Natural Resources Conservation Authority v. Seafood & Ting (1999)* in which national environmental

agencies have no legal authority to adopt measures to implement conventions to which the state is party because Parliament has been slow to enact the enabling legislation.

Incorporation "in advance" of ratification is generally preferable but could result in the delay of treaty acceptance during the research, drafting and passage of the law. Drafting, technical, and financial assistance may be available from the Secretariats of some of the Conventions.

Enabling legislation, whether enacted before or after ratification, may be of at least two types. Legislation may incorporate by (a) re-enactment or (b) reference.

Incorporation by re-enactment is generally preferable because institutional, administrative, regulatory and penal measures required by the MEA may be translated into domestic law at the time when the legislation is passed. This method also allows the state to translate any "soft law" type obligations into appropriate "hard law" legislative standard and to omit provisions in respect of which the state entered a reservation. MEAs' "final clauses" may also be omitted from the legislative incorporation.

However, this approach places a premium on the possession of drafting skills and technical competence. There is also the risk that conventional obligations could also get lost in the translation resulting in inconsistency between the legislation and the MEA. Where the wording of the legislation is clear and unambiguous the local courts are constitutionally obliged to apply it even if in contravention of provisions in a convention to which the state is a party (see e.g., *Mortesen v. Peters* (1906), 8 F. (J.C.) 93

Incorporation by reference has the advantage of speed and simplicity. Ratification need not be delayed for legislative considerations and the giving of "the force of law" to the MEA must mean some inter-penetration of the Agreements into the national legal system.

However, the obligations of the referenced agreements are not necessarily (and are not usually) thereby fulfilled. In particular incorporation by reference does not necessarily create any required institutions or administrative arrangements in domestic law.

The combination of both methods could possibly provide the best technique in this regard. Where incorporation by re-enactment is impractical within the required time frame, incorporation by reference may be employed as a temporary expedient. As soon as possible after the incorporation by reference, the referring legislation should be supplemented by substantive provisions contained in ancillary legislation.

Checklist

Caribbean countries should:

- Ensure the passage of implementing or enabling legislation prior to final acceptance or ratification of the MEA.
- Provide for the acquisition and retention of suitable drafting skills and expertise.
- Where necessary, accept/solicit, as appropriate, assistance with the drafting of implementing legislation from the Secretariat of the Convention and/or from competent international global and regional organizations.

- ❑ Consider the relative merits of legislation that implement by re-enactment as compared with legislation that implement by reference.
- ❑ Where because of limited resources, exigencies of time, or other reasons, passage of full implementing legislation is impractical, consider utilization of the abbreviated form of incorporation by reference illustrated by the National Conservation and Environmental Protection Act (Amendment) 1996 of St. Kitts and Nevis.
- ❑ Combine, as appropriate, the legislative methods of implementation by re-enactment and reference.
- ❑ Ensure that the implementing legislation is consistent with and fulfills the MEA obligations.
- ❑ Ensure that implementing legislation creates any required institutional, administrative and policy-making arrangements.
- ❑ Ensure that implementing legislation provides for all appropriate administrative tools and mechanisms.
- ❑ Ensure that the implementing legislation provides adequate penalties and incentives to foster compliance with the MEA.
- ❑ Provide that in the event of conflict between the domestic legislation and the MEA, the MEA should prevail unless the relevant Minister, by formal procedure, provides expressly to the contrary.
- ❑ Ensure that the courts are expressly empowered to take judicial notice of MEAs that have been incorporated into domestic law.
- ❑ Ensure that implementing legislation is revised and updated to keep pace with amendments to the treaty regimes that have been accepted by the state.

E. The Technical Focal Point: the National Implementing Agency

In the best practice, the technical focal point is also the national implementing agency for MEA operationalisation.

A national implementing agency (NEA) constitutes an important element in the programme of MEA implementation. Such an agency is the catalyst for environmental management and for continuing public information and awareness. The agency may also possess powers in relation to the negotiating international environmental agreements and given the typically broad environmental mandate is necessarily central to MEA implementation. Regulatory techniques include "command and control" as well as market-oriented strategies. The latter is increasingly recommended in MEAs, particularly the UNFCCC and its Kyoto Protocol.

The nature of the implementing function necessarily means that the NEA must be a cross-sectoral and coordinating body rather than the sectoral institution that traditionally characterizes Caribbean regulatory arrangements.

It may be that organization within the government (e.g., as a Department of the Environment within a Ministry of the Environment) may provide greater functional independence than organization as a parastatal organization (e.g., a statutory corporation). The bureaucratic tradition and trade union involvement in the civil service could give such a Department significant autonomy as compared with a statutory corporation where members of the Board are appointed and dismissed in

the sole discretion of a Minister. Contrawise, legislation establishing Environmental Departments tends not to bind the Crown (or State) and therefore does not control governmental activity. This contrasts with the legislative arrangements in respect of "parastatal" bodies such as the NRCA in Jamaica or the EMA in Trinidad and Tobago.

The technical focal point is generally responsible for formulating and executing a national work programme in accordance with country's obligations under the convention. All day-to-day responsibilities fall under the management of the technical focal point. In practice the technical focal point may be a Ministry, Government Department, statutory corporation, or a semi-private sector agency.

The *modus operandi* varies but there are common elements to some of the more effective technical focal points.

Checklist:

Caribbean countries should develop a broad legislative framework that:

- Provides the policy context within which MEA implementation takes place.
- Establishes a technical focal point for MEA implementation.
- Ensures that the technical focal point is the national lead environmental agency.
- Decides, on the basis of the comparative advantages, between establishment of the lead agency within the government as opposed to its establishment outside the government.
- Allows for at least minimum functional and financial independence of the agency.
- Provides that the mandate of the agency includes the co-ordination and supervision of other bodies having environmental functions.
- Ensures availability of both "command and control" measures as well as market-oriented strategies.
- Ensures that the agency dedicates specific resources to MEA implementation.

The National Environmental Agency, as Technical Focal Point, should:

- Adopt specific MEA implementation strategies.
- Determine the rights and obligations accruing under the Agreement.
- Identify relevant local skills, expertise and allied resources.
- Ensure the ascertainment of the likely impact of the treaty on economic growth and development.
- Ensure the ascertainment of the likely impact of the treaty on the country's international trade.
- Ascertain the treaty's likely impact on sound regulation of relevant environmental problems.
- Ascertain the treaty's probable catalytic role in furthering local environmental management objectives.
- Ascertain whether and in what specific ways the treaty recognizes the special needs of developing countries.
- Ascertain whether the treaty provides assistance for participation in meetings and working groups to assure full participation.

- Ascertain whether the treaty establishes funding mechanisms and procedures for transfer of technology for treaty implementation.
- Ascertain whether the treaty allows for adjustment of obligations and timetables to recognize the social, economic, and development needs of developing countries.
- Ensure that the state derives all financial and technical resources for implementation available under the treaty.
- Ensure attendance at meetings, workshops and seminars concerned with implementation.
- Ensure the submission of timely reports, inventories etc, to the Secretariat of the convention.
- Liaise closely with the Secretariat of the Convention
- Notify the Secretariat in a prompt manner, subject to any required clearance from the political focal point, of problems that may impede compliance with the treaty.
- Ensure proper organization and execution of project-based treaty implementing activity.
- Ensure compliance with relevant domestic laws, particularly laws that implement the treaty.
- Initiate or facilitate prosecution of offenders and recognition of environmentally friendly conduct.
- Ensure establishment and observation of proper domestic MEA monitoring and compliance procedures.
- Ensure proper coordination with regional and sub-regional bodies responsible for MEA implementation projects.
- Oversee the formation, development and execution of MEA implementing project-oriented activities.
- Oversee the employment of private consultants/NGOs to provide necessary skills and expertise not available "in-house".
- Delegate, as appropriate, management functions to NGOs.
- Engage in imaginative and sustained public awareness and education programmes.

Where no national environmental agency exists, Government should:

- Convene a steering committee to oversee the MEA's operationalisation.
- Ensure that the steering committee is a 'high powered' body appointed by Cabinet or the Minister with competence for implementation of the MEA (e.g., the Minister of the Environment).
- Ensure that membership of the committee comprises competent persons from government agencies, civil society and NGO who possess appropriate skills and expertise.
- Ensure that the steering committee acts under the general advice and subject to the general supervision of the relevant Minister.
- Ensure, in appropriate cases, that the committee is constituted as the technical focal point.

F. Resources and Project-Based Activity

In the context of limited public sector resources and expertise, national, regional and sub-regional project activities provide critical impetus to the implementation of MEAs "on the ground". Project-oriented activities provide essential linkages between the MEAs and the national implementing agency. National institutions and administrative arrangements benefit significantly from the presence and operation of such projects, and harmonization of national implementing strategies is fostered across a region with common historical, juridical and cultural characteristics. Existing regional integration agreements (e.g., CARICOM) reinforce the desirability for harmonization. Project activity also lends to transfer of technical and financial resources and local capacity building that in turn promotes sustainability.

The critical importance of project activity argues for the development of specialist skill in the negotiation and drafting of project proposals for consideration by international donor/financing agencies. Increasingly, too, international agencies are demonstrating a readiness to fund private sector oriented management schemes and proposals should reflect this consideration in appropriate circumstances.

Checklist:

Caribbean countries should:

- Acquire and retain specialist skill and expertise in project proposal preparation.
- Identify environmental problems suitable for MEA implementing project-oriented activity and pursue all avenues for the external funding of such projects.
- Ensure the development of local expertise and competence in the execution of projects.
- Cooperate in MEA implementation by working through existing regional organizations such as CARICOM, CEP/UNEP, OECS, ACS.
- Stimulate and negotiate the conclusion of regional arrangements that are specifically designed for MEA implementation.
- Ensure that regional implementation projects reflect and respond to the local prioritization of needs.
- Ensure that regional projects contain initiatives that facilitate local capacity building and institutional strengthening.
- Ensure that attention is given to the project's long term sustainability.
- Keep complete records of project activity within their individual territory.
- Ensure closest possible coordination between the focal point of regional activity and the national technical focal point.
- Ascertain and evaluate the precise contribution of the regional project to MEA implementation objectives and obligations.
- Report to the MEA Secretariat on the contribution of all externally funded projects towards MEA implementation.

Annex I

Persons Interviewed

A. THE BAHAMAS

- Mr. Michael Braymen
Ministry of Agriculture and Fisheries
- Ms. Rhonda Bain
Director of Legal Affairs
Attorney-General Department
- Mr. Carl Smith
Ministry of Agriculture and Fisheries
- Mr. Michael Turner
Department of Environmental Health Services, Ministry of Health
- HE Ambassador Lynn Holowesko & Mr. Colin Higgs
BEST Commission, Office of the Prime Minister
- Mr. Carey
Ramsar Implementation Sub-Committee
BEST Commission
- Mr. Peracles Maeles
Past President of BEST Commission

B. JAMAICA

- Mr. Peter Espuet
Caribbean Coastal Area Management Foundation
- Mr. Learie Miller
Natural Resources Conservation Authority
- Ms. Blossom Samuels
Town Planning Department
- Ms. Leonie Barnaby
Ministry of Environment and Housing
- Ms. Norma Taylor Roberts
Ministry of Foreign Affairs
- Mrs. Loleta Davis-Mattis and Ms. Carole Stephens
Natural Resources Conservation Authority

C. TRINIDAD AND TOBAGO

- Ms. Hazel McShine and Dr. Allan Goodridge
Institute of Marine Affairs
- Ms. Vivian Ramberath
Institute of Marine Affairs

- Mr. Stephen Poon
Forestry Division, Ministry of Agriculture
- Ms. Nadra Gyan (by telephone)
International Parks & Wetlands Project
Ministry of Agriculture
- Ms. Cheryl Haynes
Town and Country Planning Department
West Coast Planning Committee
- Mr. Garry Beddoe
Fishermen & Friends of the Sea

D. ST. LUCIA

- Mr. Bishnu Tulsie, Mr. Christopher Corbin, Mr. Crispin d’Auvergne, of the
Sustainable Development, Science and Technology Unit
Ministry of Finance, Planning and Development
- Ms. Anita James and Mr. Bennet Charles, Coastal Zone Management
Project
Department of the Environment
Ministry of Agriculture, Fisheries, Forestry & Environment
- Ms. Jules and Ms. Geraldine Lendor
Solid Waste Management Authority
- Ms. Chairmaine Nathaniel
St. Lucia National Trust
- Mr. Keith Nichols and Dr. Peter Murray
Natural Resources Management Unit
Organization of Eastern Caribbean States
- Mr. Michael Andrew and Mr. Christopher Cox,
Forestry Department, Ministry of Agriculture, Fisheries, Forestry &
Environment

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