

**OECS PROTECTED AREAS AND ASSOCIATED LIVELIHOODS PROJECT**

**COMPARATIVE ANALYSIS FOR DEVELOPMENT OF A  
HARMONISED PROTECTED AREAS MANAGEMENT  
FRAMEWORK WITHIN THE OECS REGION**

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## ACRONYMS

CBD	Convention on Biological Diversity
CBO	Community-based Organisation
ESDU	Environment and Sustainable Development Unit
FFEM	Fonds Français pour l'Environnement Mondial
GEF	Global Environment Facility
IUCN	The World Conservation Union
MEA	Multi-lateral Environmental Agreement
MPA	Marine Protected Area
MTES	Medium Term Economic Strategy
NICE	National Implementation Coordinating Entity
NPC	National Project Coordinator
NTAC	National Technical Advisory Committee
NGO	Non-governmental Organisation
OAS	Organisation of American States
OECS	Organisation of Eastern Caribbean States
OPAAL	OECS Protected Areas and Associated Livelihoods (Project)
PA	Protected Area
PMS	Participating Member State
PSC	Project Steering Committee
SIE	Site Implementing Entity
SPAW	Specially Protected Areas and Wildlife (Protocol)
TOR	Terms of Reference
UNEP	United Nations Environment Programme
USA	United States of America

## COMPARATIVE ANALYSIS FOR DEVELOPING A HARMONISED PROTECTED AREAS MANAGEMENT FRAMEWORK WITHIN THE OECS REGION

### 1. INTRODUCTION

The OECS Protected Areas and Associated Livelihoods (OPAAL) Project is being implemented by the Environment and Sustainable Development Unit (ESDU) of the Secretariat of the Organisation of Eastern Caribbean States (OECS), in partnership with the governments of Antigua & Barbuda, Dominica, Grenada, St. Kitts and Nevis, St. Lucia, and St. Vincent and the Grenadines (Figure 1). This five-year project is supported by financing provided by the International Bank for Reconstruction and Development (the World Bank) acting as an Implementing Agency of the Global Environment Facility (GEF); the Fonds Français pour l'Environnement Mondial (FFEM) of the Government of France; and the Organisation of American States (OAS).

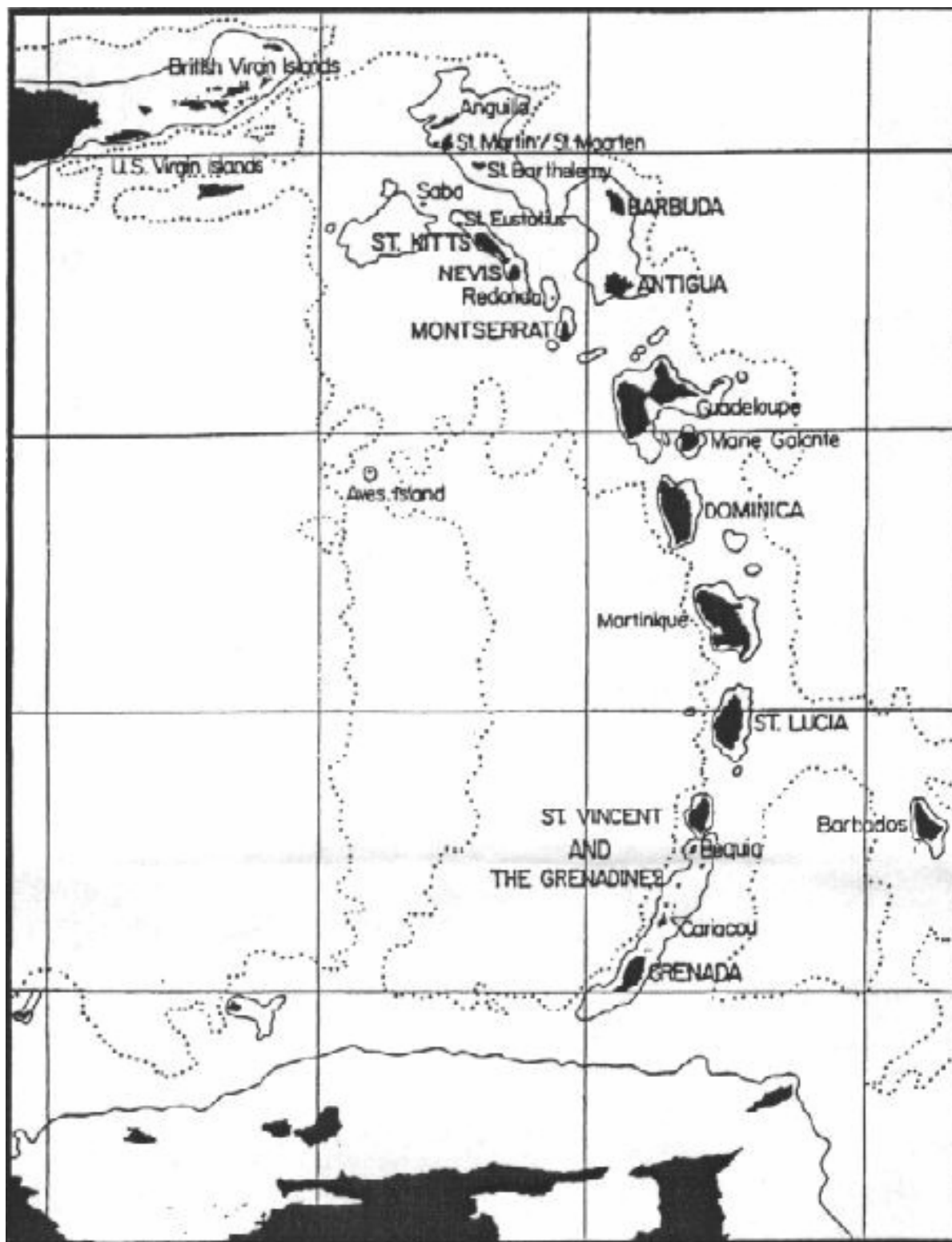
The OPAAL Project aims to improve the effective management of protected areas by strengthening the national capacities in the Participating Member States (PMS), including facilitating the increased involvement of the private and civil society sectors in protected areas planning and management (Appendix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

This Comparative Analysis Report is one of the outputs of Component 1 of the project, which *“seeks to facilitate more effective institutional framework for conservation management through providing a critical focus on the existing natural resources, legal and institutional frameworks to promote conservation and protected area establishment and management”* (Terms of Reference – Appendix 2).

#### 1.1 Methodology

The comparative analysis is based on the results of the review of the policy, legal, and institutional frameworks in the six OECS Participating Member States, which are presented as six country reports. The comparative analysis uses a simple matrix (Appendix 3) to identify and present the strengths and weaknesses of the existing policy, legal, and institutional arrangements for supporting a harmonized framework for protected areas management in the OECS sub-region.

A summary of the first draft of this report was presented to the Peer Review Workshop organised by the ESDU on November 1-2, 2006, and the feedback during that workshop are incorporated into this final report.



**Figure 1: Map of the OECS Sub-Region**



## **2. PROTECTED AREAS MANAGEMENT FRAMEWORK**

A management process is simply the application of selected resources in defined ways to achieve desired outcomes. In a rational management process, the first critical step is therefore the definition of the goals. General goals are often broken down into specific objectives to facilitate more precise definition of the associated desired outcomes. Once the goals and objectives have been set, the determination of the implementation process would involve an analysis of the appropriate institutional arrangements, the tools and methods to be used, and the appropriate strategies to be designed.

Policy formulation is often an overlooked step in the management process. While useful at the level of a single institution, it is even more important when dealing with an entire sector of country. Policy provides the guiding principles for decision making in moving from definition to achievement of the stated objectives. Policies usually contain two elements; (i) an ethical component – such as the quality of the interactions between individuals and/or institutions, and (ii) an operational component – guidelines and procedures.

A second element of the management process that is often overlooked is evaluation. In natural resources management, where forces external to the management institution (e.g. political changes, natural disasters, ecosystem changes, behaviour of the resource users) create a constantly-changing environment, the rational management process requires periodic review to determine whether the application of the tools and strategies will achieve the desired outcomes.

The management framework for protected areas therefore entails balancing all the elements of the management processes within various management institutions to achieve nationally-defined goals. Given the fact that the social, political, economic, ecological, and political context is constantly changing, an important feature of a protected areas management framework is the flexibility to accommodate change while maintaining its cohesiveness.

The existing protected areas management frameworks in the six OECS member states exhibit varying levels of functionality, all containing various strengths and weaknesses. The simple presence or absence of relevant policies or statutes does not guarantee that an adequate protected areas management system exists. As such, simply having a harmonized approach to protected areas management in the OECS sub-region does not ensure effective protected areas management. Once an agreed framework is established, support to the development of effective management systems must be undertaken at the national level.

The discussion of the management framework that follows from this point assumes that each country wishes to increase the number of protected areas, reduce conflicts between management institutions, and create more synergy between the functional elements of the network of protected areas.

## 2.1 Characterisation of the Protected Areas Policy Framework

As stated before, policy sets the framework and provides guidance for decision making by setting the processes, procedures, controlling access to the processes, or simply stating the goals to be achieved. Articulation of objectives is therefore the first feature of protected areas policy, and those goals should be responsive to the varied needs of the country as a whole.

However, there are different types of policy:

- Distributive Policy – general distribution of resources;
- Re-distributive Policy – shifting resources from one group to another;
- Constituent Policy – rearranging the public sector machinery; and
- Regulatory Policy – control of the actions of individuals and groups in regard to particular resources.

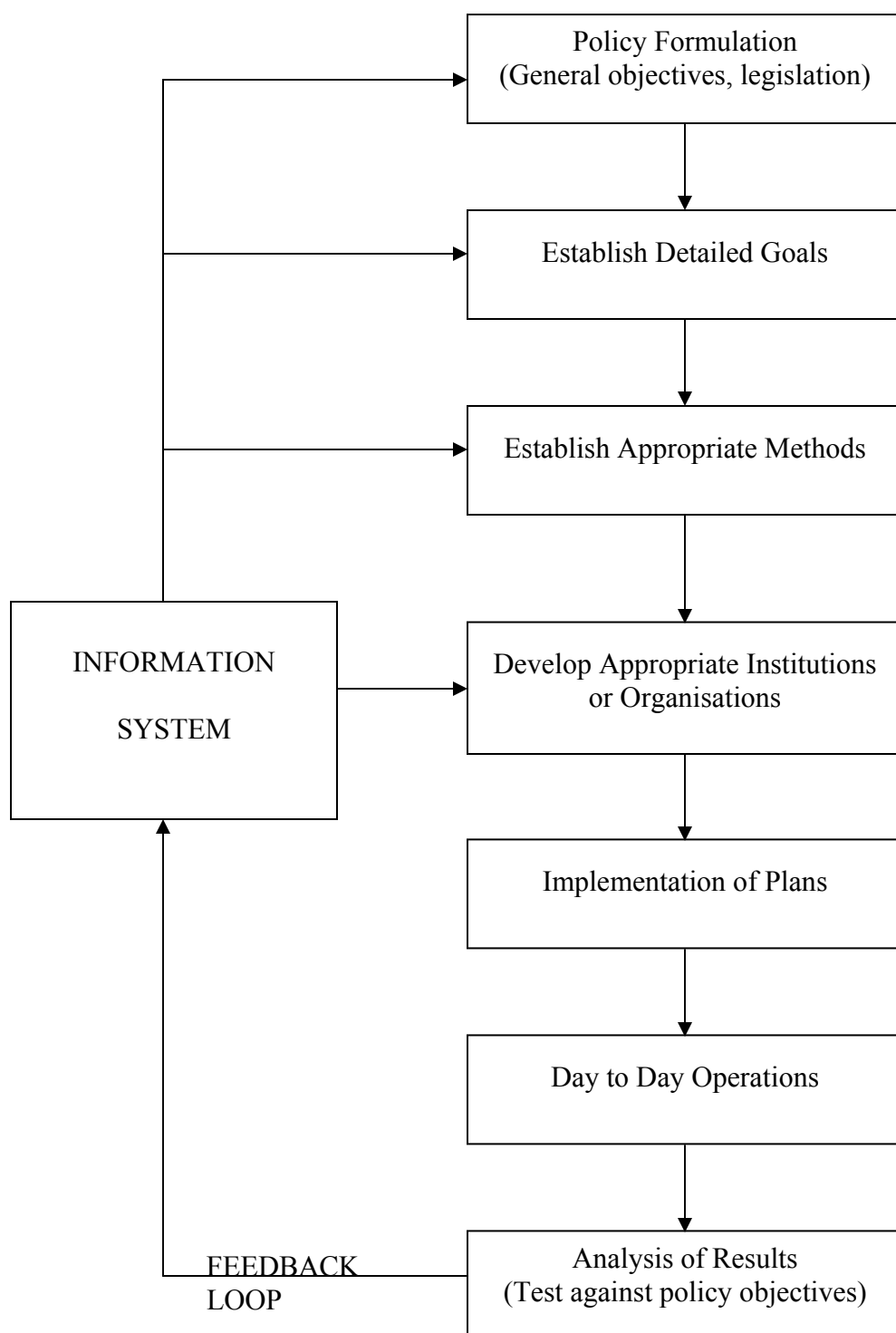
Policy Requirement # 1: Define goals of the system of protected areas.

Environmental policy is normally concerned primarily with Regulatory Policy, where resource protection is a key objective. However, in the case of protected areas policy, all forms are incorporated. For example, the conflicts between resource users in marine protected areas results mainly from the perception that there is redistribution of resources or access to resources from one group to another. This example underscores the second necessary feature of protected areas policy, in that it should provide clear guidelines for the use, if any, of protected areas resources.

In the ideal situation (Figure 2), policy formulation would be a sequential process. However, there are many factors that influence policy development, including crises, potential economic benefits, political pressure, external influences (bilateral and multilateral agreements), and the personal beliefs/agendas of influential policy makers. All those factors are at work in the case of protected areas policy development in the OECS Participating Member States. To develop a cohesive system of protected areas, initiatives must move from the ad hoc approach to a more rational and coordinated approach. The policy must therefore emphasize the need for clear planning processes, and articulate a rational systems approach to protected areas planning and development. Often, that approach is set out in more detail in other policy documents, such as a System Plan.

Policy Requirement # 2: Define management categories and guidelines

Policy Requirement # 3: Articulate a systems approach to protected areas planning and development.



Source: Rees 1990

**Figure 2: The Idealised Policy-Making and Implementation Process**

The ad hoc approach to protected areas planning and development results from social, political, and economic factors, usually linked to the development process. The protected areas policy should therefore identify the links with other national development needs, and provide guidance as to the process of integrating protected areas development with key sector strategies. When both sets of issues are considered together, then the policy guidance can address the issue of tradeoffs between development options. These tradeoffs are usually defined through the development of criteria for site selection.

The primary external drivers are project financing and regional or international environmental agreements. The multilateral environmental agreements that are of relevance to protected areas development in OECS Participating Member States are:

**Policy Requirement # 4:**  
Define criteria and process  
for site selection.

- Protocol Concerning Specially Protected Areas and Wildlife to the Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region (SPAW Protocol);
- Convention on Biological Diversity (CBD);
- Convention concerning the Protection of the World Cultural and Natural Heritage (World Heritage Convention); and
- Convention on Wetlands of International Importance especially as Waterfowl Habitat (Ramsar Convention).

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

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

The OECS Participating Member States have each signed at least two of the four multilateral agreements, and both Antigua & Barbuda and St. Lucia have signed all four (Table 1). An important feature of protected areas policy must therefore be guidance on meeting the obligations in these multilateral environmental agreements.

Policy Requirement # 5: Provide guidance on implementation of MEAs by providing for the preparation of detailed procedures for MEA planning and implementation.

**Table 1: Protected Areas Treaties Relevant to OECS Countries**

Country	SPAW	World Heritage	Ramsar	CBD
Antigua & Barbuda	Signed 18/1/1990	Date of deposit of Acceptance 01/11/1983	Entry into force 2/10/2005	Signed 5/6/1992, ratified 9/3/1993
Dominica		Ratified 4/4/1995		Ratified 6/4/1994
Grenada		Acceptance 13/8/1998		Signed 3/12/1992, ratified 11/8/1994
St. Kitts and Nevis		Acceptance 10/7/1986		Signed 12/6/1992, ratified 7/1/1993
St. Lucia	Signed 18/1/1990, ratified/acceded 25/4/2000	Ratified 14/10/1991	19/6/2002	Acceded 28/7/1993
St. Vincent & the Grenadines	Ratifies/acceded 26/7/1991	Ratified 3/2/2003		Acceded 3/6/1996

As previously stated, one component of policy focuses on the operational issues, and much of the policies dealing with implementation of multilateral environmental agreements will be presented as detailed procedural guidelines.

As shown by Figure 2, policy has to be implemented, and the following features of the policy framework are focused on the implementation process. A critical element of the policy implementation process is the consideration of the appropriate institutional arrangements. For protected areas management, where there are usually several management institutions and many supporting institutions, policy also provides guidance as to the desired institutional arrangements. Institutional issues that would be addressed by policy would include, (i) roles and

responsibilities of existing institutions, (ii) assignment of system development and management responsibilities to one institution, (iii) definition of a coordinating mechanism, (iv) entry by new supporting or management institutions, (v) whether site management is to be centralized or decentralized, (vi) possible delegation of management responsibilities to third parties, and (vii) the role of communities and community groups. The protected areas policy for Jamaica contains a provision wherein the attainment of a particular size by the system triggers additional institutional arrangements. While not a typical feature of protected areas policies, such triggers anticipate future growth and changes, and therefore assist in maintaining cohesiveness and relevance of the policy framework.

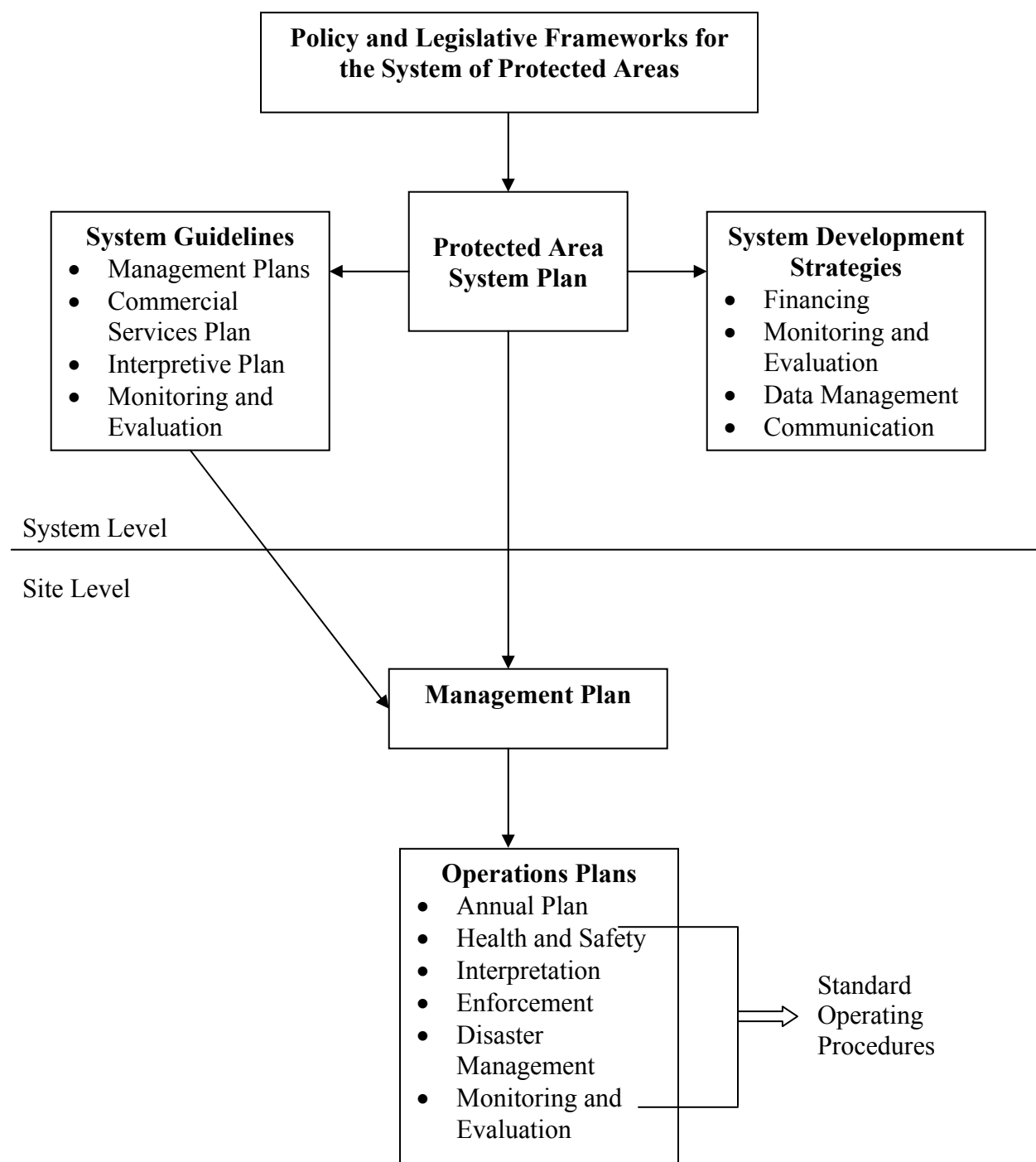
Some of the policy elements that deal with institutional issues will require further elaboration in more detailed guidelines. For example, if management responsibilities are to be delegated to a third party, detailed guidelines would be required to assist in the determination of competence of the institution, guide the delegation process, and probably address monitoring and evaluation by the appropriate State agency.

**Policy Requirement # 6:**  
Provide guidance on the institutional arrangements.

Since protected areas management is focused primarily at site management, the policy framework should address site development and management issues. Relevant questions would include, (i) Should sites be assessed and the boundaries demarcated before they can be declared? (ii) Is a management plan required prior to site designation, or within a specified time thereafter? (iii) What is the role of community groups in site planning, development, and management? (iv) What types of detailed guidelines should be developed as part of managing a site, and who, if anyone, should approve those guidelines? (v) What is the periodicity for reporting, and what forms should it take? (vi) What is the periodicity for site and system evaluation, and who should conduct the required evaluation exercises? Policy guidelines on site management is one of the areas where several levels of policy direction will be required (Figure 3). Such guidelines could include:

- ◆ Feasibility Assessment for Sites;
- ◆ Management Plans;
- ◆ Operations Plans;
- ◆ Commercial Services Plan;
- ◆ Monitoring and Evaluation;
- ◆ Research;
- ◆ Listing and De-listing of Sites;
- ◆ Species Management (protected species, invasive species);
- ◆ Signage;
- ◆ Disaster Management;
- ◆ Interpretation;
- ◆ Community Engagement;
- ◆ Dispute Resolution; and
- ◆ Financial Management.

**Policy Requirement # 7:**  
Develop guidance for site development and management.



**Figure 3: Supporting Guidelines for Protected Areas Development**

One of the critical components of the protected areas management framework is the legal framework. It is not unusual to hear attorneys state that one cannot manage natural resources without laws and regulations. While such a statement is not strictly true, it is true that in a democratic society one cannot enforce rules without law. Since law is part of the rules, and the rules are based on the objectives and associated strategies, then the development of laws should be guided by policy. As a starting point, the issue of the philosophy driving the compliance strategy can be debated. What level of voluntary compliance, if any, should be accommodated by the legal framework? In that sense, how much of the rules will be kept as general guidance versus codified into laws and regulations? Will park wardens be allowed to carry weapons? Are park wardens to become part of a larger network of enforcement officers (if there is one in the country)?

The answers to these and many other questions can be provided or shaped by the policy guidance provided. In fact, it is not unknown for authorized officers to apply laws based on their interpretation of the intent of the law rather than the letter of the law.

**Policy Requirement # 8:**  
Define the compliance strategy.

A major determinant of protected areas development is the availability of funds. However, to a large measure, the availability of funds is determined by the financing strategy and the fund management mechanisms developed at the site and system levels. It is well known that most sites will not be able to generate the revenues they need to support the management activities. In fact, significant levels of use are not desirable at some sites.

It is also well known that government cannot provide all the finance need to develop and operate protected areas. Policy guidelines for financial management addresses issues such as, (i) appropriate financing mechanisms and strategies, (ii) whether or not more than one trust fund will be established in a country, (iii) whether or not civil society groups will be able to handle revenues meant for the Consolidated Fund, (iv) mechanisms for allocating funds to site management institutions, (v) Will sites be allowed to retain user fees? (vi) If a trust is established, who will manage such a trust?

**Policy Requirement # 9:**  
Develop financial management guidelines.

Lastly, the strategies to be used in the development and management of a system of protected areas have to be identified (Figure 3). Many of these guidelines form part of the policy framework, though all are not required at the same time. As the wider public increasingly becomes more involved in protected areas development and management, they need better access to information. As such, communications strategies and data access mechanism should be addressed by the policy framework.

**Policy Requirement # 10:** Develop system strategies and guidelines.



### **2.1.1 Current State of the Policy Framework**

The review of the policy, legal, and institutional frameworks in the six Participating Member States of the OECS indicate that the policy framework for protected areas management is fragmented in all six, displaying sector driven policies and priorities. The countries display different levels of protected areas policy development, as well as different levels of ownership and use of existing policy. The differential use of existing policies underscores the fact that the policy process is not sequential and rational. Policy making is a dynamic process wherein persons act in their own self-interest, in the interest of vested groups, or simply to support the dominant economic paradigm of the day.

This analysis does not attempt to determine the level of success of any policy process in any of the countries. One of the more difficult impacts to assess is the inaction by technocrats in their desire to maintain the status quo or thwart some initiative. This is not to imply that all such actions are necessarily negative, but rather to indicate that in such inaction there may be divergence from written policy, and therefore the utility of a policy framework is not contained simply in what is written.

However, for the purposes of this report, the focus will be on policies that are contained in policy documents, sector strategies and plans, and as clearly demonstrated by the major protected areas initiatives taking place in the countries (see country reports).

#### **Policy Requirement # 1: Define Goals of the System of Protected Areas**

Protected areas development goals are identified in Grenada, Dominica, St. Lucia, and St. Vincent and the Grenadines, basically those countries that have drafted or approved protected areas system plans. Of the four, only St. Vincent and the Grenadines has an approved system plan, which the country is in the process of implementing with the assistance of financing from the European Commission and external technical assistance. Protected areas development in St. Lucia appears to be in keeping with the recommendations of the draft system plan, based on the most recent protected areas designations, and selection of Point Sable as the OPAAL demonstration site. In the case of Grenada, there appears to be no relationship between protected areas development and the draft system plan.

#### **Policy Requirement # 2: Define Management Categories and Guidelines**

As with the identification of the system goals, the protected areas policies for Grenada, Dominica, St. Lucia, and St. Vincent and the Grenadines define management categories. In the case of Dominica, St. Lucia and St. Vincent and the Grenadines, the policy documents also provide some guidance on the management objectives for each category of site. The management categories defined by the policy frameworks for Dominica and St. Vincent and the Grenadines do not contain all the categories named in the legislation. Antigua and Barbuda and St. Kitts and Nevis have not defined their management categories, but the legislation makes provisions for different types of protected areas.

### **Policy Requirement # 3: Articulate a Systems Approach to Protected Areas Planning and Development**

Protected areas development is not fully integrated into the national development planning process in any of the countries, though all the economic plans make some mention of protected areas development. The sectors with the greatest level of integration are the tourism sectors and the environmental management sectors, with the national environmental management strategies being the latest in the series of policy documents. The sector linkages between protected areas and agriculture are mainly through the forestry and fisheries programmes.

The land use planning laws and processes are similar in all the OECS countries, and appear to be based on harmonized legislation. As such, the physical planning and development control process supports protected areas development in all cases.

### **Policy Requirement # 4: Define Criteria and Process for Site Selection**

The system plans for Grenada, St. Lucia, and St. Vincent and the Grenadines define site selection criteria for the system of protected areas. The draft forestry and parks plan for Dominica hints at site section criteria through its justification of the forest reserves and national parks that it recommends for inclusion in its network of sites. In the remaining countries, the purpose of selected categories of protected areas can be deduced from the legislation, but no site selection criteria have been developed.

None of the countries has established guidance on site selection processes. Once a site has been selected, most, except St. Kitts and Nevis, follow a process for site declaration that is agency-specific. There are no site assessment protocols, and no process or criteria for choosing between two similar sites if a choice has to be made.

Most of the countries are moving towards the designation of dive sites as protected areas, and given the locations and sizes of many of the sites, as well as the lack of management presence, it appears at first glance that the driving force for this trend is revenue collection instead of resource management.

### **Policy Requirement # 5: Provide Guidance on Implementation of Multilateral Environmental Agreements by Providing for the Preparation of Detailed Procedures for MEA planning and Implementation**

All the countries have ratified more than one multilateral environmental agreement (MEA) that focuses on protected areas (Table 1). The countries routinely participate in meetings of the various MEAs, and most have produced at least one report to the Convention on Biological Diversity (CBD) and the Convention concerning the Protection of the World Cultural and Natural Heritage (World Heritage Convention). However, reporting has not been consistent. Grenada and St. Kitts have recognized the selected MEAs in the national legislation, but have

not promulgated any supporting national legislation. Most countries have national focal points for the MEAs, though the focal points do not act as national coordinating entities. In none of the countries is there any evidence that MEA obligations have been integrated into the sector development strategies, or even that the MEA obligations influence national protected areas programming. Though much work is not being done in the policy arena, there are initiatives to update environmental laws in many of the countries, and part of that review is to pay attention to the obligations of the MEAs.

#### **Policy Requirement # 6: Provide Guidance on the Institutional Arrangements**

The system plans for St. Lucia and St. Vincent and the Grenadines provide limited guidance on the institutional arrangements past the identification of the institution to be given the responsibility of managing the system of protected areas, and only in the case of St. Vincent and the Grenadines has a coordinating mechanism for protected areas management been identified in the plan.

In the case of Grenada and St. Lucia, one legislative instrument identifies possible coordinating functions for a protected areas management institution. In all cases, the different laws each identify a specific (and different) institution for implementation of that particular law.

Except where designated by law (St. Kitts and Nevis), there is no provision for civil society institutions to manage protected areas. The policy framework may be changing in that respect, as all countries are increasingly collaborating with non-governmental organization, and some, such as Antigua and Barbuda, St. Kitts and Nevis, and Dominica are engaged in policy discussions on the matter.

#### **Policy Requirement # 7: Develop Guidelines for Site Development and Management**

None of the countries has developed the range of guidelines necessary for site development and management. Management plans have been prepared for a very small percentage of the sites in each country. In most sites where there is management activity, there is usually some list of activities or programmes to be pursued, but those site activities are not usually a translation of management strategies contained in a management plan.

#### **Policy Requirement # 8: Define the Compliance Strategy**

There is no defined compliance strategy in any of the countries, and a constant complaint is that there is inadequate enforcement. However, there is an implied strategy. Based on the fact that most protected areas management institutions are engaged in public education as part of its wider resource management remit, and that such programmes have been in place for many years, it seems that there is a prevailing assumption that individuals make the choices they do because they are ignorant of the benefits of conservation.

### **Policy Requirement # 9: Develop Financial Management Guidelines**

None of the countries have developed financial management guidelines as part of its policy mix. Dominica has a user fee administrative system in place for the ecotourism sites, but that has not been articulated for all sites or the system as a whole. In most cases where there is collection of user fees, the funds are sent to the Consolidated Fund, and site-based management is restricted to fee collection.

In some of the countries, such as Grenada, where the protected areas law provides for the establishment of special funds for parks or conservation, no regulations have been passed to establish the fund.

St. Lucia, through a watershed project in the Fon D'Or area will be conducting a feasibility assessment to determine whether revenues can be collected from the main institutions and sectors that benefit from water production by the watershed.

### **Policy Requirement # 20: Develop System Strategies and Guidelines**

None of the countries currently utilize system strategies and operational guidelines, as those guidelines do not exist. With the exception of St. Kitts, the countries have established a process of having sites designated as protected areas. However, only St. Lucia and Dominica have systematically prepared management plans for a number of its sites. In other countries, individual sites with significant management teams in place, such as Brimstone Hill Fortress National Park (St. Kitts) and Nelson's Dockyard National Park (Antigua), also engage in management planning.

## **2.2 Characterisation of the Protected Areas Legal Framework**

The legal framework for protected areas management acts in a number of related ways. First, it acts to, traditionally, define and enforce rules for use of protected areas, including the designation of sites. Secondly, more recent protected areas laws have been broadened to codification of a number of practices that used to be present only as recommended guidelines. An example of this second function is the insertion in law of the provision for preparation of management plans, and public consultations on those plans. Similar to the requirements for fisheries management plans, the laws dealing with protected areas have been extended in a small number of cases to identify the content of management plans. A third way in which protected areas laws have evolved is to codify some of the philosophical aspects of policy, especially those that are indirectly linked to economics. For example, there is a growing trend towards focusing on protected areas for maintaining or improving community livelihoods.

In other ways, the evolution of protected areas laws is merely to ensure convergence with older laws, dealing with such issues as compulsory acquisition of lands for public purposes, and the appeals process for public regulatory decision making.

### **2.2.1 Current State of the Legal Framework**

The legal framework for protected areas management in the OECS Participating Member States display significant variability in the provisions to support protected areas development and management. The most significant areas of convergence are the laws dealing with fisheries management and physical planning and development control. Most of the laws, particularly those dealing with forestry, date from the 1940s and 1960s, and therefore simply do not contain provisions to deal with a range of protected areas management issues (Table 2).

#### **Feature # 1: Provision for Site Designation**

All the countries have several legislative instruments that permit the designation and management of different types of protected areas. Typically there is a national parks act (National Conservation and Environmental Protection Act in St. Kitts and Nevis) and fisheries and forestry legislation. None of the primary legislation provides coverage of all the elements needed for effective protected areas management, though the national parks legislation of Grenada seems to provide the widest coverage of the six countries.

Protected areas legislation in Grenada, St. Vincent and the Grenadines, and Dominica make provision for the establishment and management of a system of protected areas. However, there is no specific legal support for the establishment of a coordinating mechanism for protected areas, even in legislation that mandates network development.

Appropriate regulations to support the many provisions of the principal legislation are generally lacking. Where regulations exist, they have focused mainly on a permitting system (logging, user fees, closed season for conch, etc.). The development of standard operating procedures, treatment of endangered species within protected areas, issues of carrying capacity, heritage resources management, and a wide range of resource management issues need supporting regulations.

The main legislation designating protected areas are complemented by various bits of legislation, though in most cases there is no specific reference to protected areas. As such, laws and regulations dealing with public health, tourism standards, and a range of other issues affect protected areas development and management, but usually contain no special provision for protected areas. The exception is the land use/physical planning law, which specifically allocates land for conservation and protected areas usage. In most cases, the physical planning law also provides partial protection through the regulation of development and the designation of environmental protection areas.

**Table 2: Primary Legislation for Protected Areas Declaration in OECS Countries**

<b>Country</b>	<b>Protected Areas Laws</b>
Antigua and Barbuda	<ul style="list-style-type: none"> <li>• Fisheries Act, 1983</li> <li>• Marine Areas (Preservation and Enhancement) Act, 1972</li> <li>• Forestry Act, 1941</li> <li>• National Parks Act, 1984</li> <li>• Public Parks Act, 1965</li> <li>• Physical Planning Act, 2003</li> </ul>
Dominica	<ul style="list-style-type: none"> <li>• Forest Act, 1958</li> <li>• National Parks and Protected Areas Act, 1975</li> <li>• Forestry and Wildlife Act, 1976</li> <li>• Fisheries Act, 1987</li> <li>• Physical Planning Act, 2002</li> </ul>
Grenada	<ul style="list-style-type: none"> <li>• Fisheries Act, 1986</li> <li>• Forest, Soil and Water Conservation Act, 1958</li> <li>• Grand Etang Forest Reserve Act, 1906</li> <li>• Wild Animals and Birds Sanctuary Act, 1928</li> <li>• National Heritage Protection Act, 1990</li> <li>• National Parks and Protected Areas Act, 1990</li> <li>• National Water and Sewerage Authority Act, 1990</li> <li>• Physical Planning and Development Control Act, 2002</li> </ul>
St. Kitts and Nevis	<ul style="list-style-type: none"> <li>• Fisheries Act, 1984</li> <li>• South-East Peninsula Land Development and Conservation Act, 1986</li> <li>• National Conservation and Environmental Protection Act, 1987</li> <li>• Development Control and Planning Act, 2000</li> </ul>
St. Lucia	<ul style="list-style-type: none"> <li>• Forest, Soil and Water Conservation Act, 1945</li> <li>• Saint Lucia National Trust Act, 1975</li> <li>• Wildlife Protection Act, 1980</li> <li>• Fisheries Act, 1984</li> <li>• Land Conservation and Improvement Act, 1992</li> <li>• National Conservation Authority Act, 1999</li> <li>• Physical Planning and Development Act, 2001</li> </ul>
St. Vincent and the Grenadines	<ul style="list-style-type: none"> <li>• Saint Vincent and the Grenadines National Trust Act, 1969</li> <li>• Fisheries Act, 1986</li> <li>• Forest Resource Conservation Act, 1992</li> <li>• Marine Parks Act, 1997</li> <li>• National Parks Act, 2002</li> <li>• Central Water and Sewerage Authority Act, 1991</li> </ul>

## **Feature # 2: Management of Public Use**

The laws generally contain many provisions for the regulation of uses of the sites, particularly the old traditional practices of resource harvesting (timber, hunting, fishing). The regulation of recreational use tends not to focus on resource harvesting, though removal of items in both marine and terrestrial sites is a cause for concern. Regulations tend to follow the same pattern, where prohibited activities are permitted, while recreational users are charged a user fee, but the same restrictions on resource damage do not apply.

## **Feature # 3: Site Management Planning**

With the exception of St. Lucia, protected areas legislation in the countries contain requirements for preparation of management plans, and in many cases, public consultation for plan approval is also contained in the laws. However, coordinating mechanisms are not required, and with the exception of Antigua and Barbuda, public participation is restricted to consultation on the management plan. In the case of Antigua and Barbuda, The Minister can designate any entity to be the management entity for a protected declared under the Marine Areas (Preservation and Enhancement) Act (1972).

There is no requirement for linking management plans to the overall programme for the institution or protected areas programme for the country (if one exists). As such, site planning is currently divorced from the policy framework where it exist and from the national development process. St. Vincent and the Grenadines, as part of its protected areas system planning process in 2004, prepared management plans for 20 recreational sites.

Standard operating procedures and site development strategies (Figure 3) are not required in law, and have not been developed in any of the six countries.

## **Feature # 4: Treatment of Private Property**

Most of the laws contain provision for acquisition of private property for protected areas purposes, either through regular sale, compulsory acquisition, or lease. All laws that make provision for acquisition of private lands also contain provisions for compensation of land owners. Under the forest laws, private land owners can also voluntarily enter into agreements with the government for their private lands to be brought under a protected areas regime.

During the Peer Review Workshop on November 1-2, 2006, the Participants from St. Lucia informed the meeting that St. Lucia operates a scheme for land tax rebate for protected forest on private lands. Montserrat (an Associate Member of the OECS) is also said to operate a similar scheme.

### **Feature # 5: Treatment of Multilateral Environmental Agreements**

While most MEAs have designated national focal points, the same is not necessarily true for MEAs dealing with protected areas, with the exception of the Convention on Biological Diversity. St. Lucia and Grenada have also designated under law focal points for the Convention concerning the Protection of the World Cultural and Natural Heritage. However, none of the countries has developed specific national legislation to give effect to the provisions of the MEAs, though framework legislation to deal with biodiversity is under consideration for the OECS countries.

The potential for the establishment of transboundary protected areas is contained in the Fisheries Acts of St. Lucia and St. Vincent and the Grenadines, which authorizes the Minister in charge of fisheries to enter into agreements with other Caribbean governments or with relevant regional organizations to adopt common approaches to fisheries management.

### **Feature # 6: Financing Protected Areas**

With the exception of Dominica and St. Kitts and Nevis, all the countries possess legislation that contain provisions for establishment of trusts and other special funds to support forestry, conservation, or protected areas development and management. None has yet established any such special fund for protected areas management. Additionally, some sites have developed revenue generation schemes, but not substantive financing mechanisms.

Much of the financial management regulations are focused on collection of permit fees and user fees, and the management of such funds is based on old rules established to ensure that all public sector revenues are transferred to the Consolidated Fund.

External sources of financing provide the greatest flexibility for civil society organizations to manage protected areas funds.

Lastly, issues such as public access to information and community rights to certain resources contained within protected areas are being discussed, but have not progressed to the point of being written into legislation. Legislative support to a harmonized framework for protected areas management would require different levels of intervention in each country. The main protected areas law would need to be revised for all countries, and the preparation of new regulations would be similarly be necessary in each country.



## **2.3 Institutional Framework for Protected Areas Management**

Institutional arrangements for protected areas are developed primarily from the legal framework, though increasingly the policy framework provides enough guidance. In the latter scenario, governments have committed to engaging civil society, and are increasingly providing subventions to civil society institutions for site management. However, management of sites and systems of protected areas has increased significantly in complexity due to the obligations under the relevant multilateral environmental agreements. Not only is more reporting required, but there is increased development of matrices for measurement of achievement of goals, whether those are site specific, such as management effectiveness, or system-wide, as per the obligations under the CBD Programme of Work for Protected Areas.

The institutional framework must therefore be robust enough to deal with these different levels of demand.

### **2.3.1 Current State of the Institutional Framework**

Protected areas management fall within the purview of several institutions, usually supported by legal mandates or policy directives. In all cases, civil society institutions play significant supporting roles, though in the case of St. Kitts and Nevis and St. Vincent and the Grenadines they are also responsible for site management.

#### **Institutional Requirement # 1: Elaboration of Roles and Responsibilities**

There are strong management institutions in several countries, but no country has designated a lead institution for protected areas management. Similarly, no formal coordinating mechanism for protected areas development and management exists in any of the countries. Collaborative arrangements are constructed around specific projects or issues, rather than being permanent. In some instances, the collaborative arrangements are designed as part of specific initiatives, though in most cases the collaboration is based on personal friendships and initiative rather than institutional partnership arrangements.

Public participation in protected areas development takes place primarily through consultations for management plans. Some civil society institutions also assist with research and public education for specific sites. The arrangements that are not project-driven are usually informal. The exception to this informal arrangement is the Memorandum of Understanding signed between The Nature Conservancy and the Government of Grenada, and between The Nature Conservancy and the Government of St. Vincent and the Grenadines. The utility of those informal partnership arrangements could not be determined during this review, though it should be noted that a number of external research institutions have undertaken multi-year projects in a number of countries, working with national institutions. It was noted in a number of countries that public support can be increased through better reporting. Unfortunately, none of the

countries had mechanisms wherein they periodically reported to the public on the status of protected areas.

### **Institutional Requirement # 2: Site Development and Management Capability**

As previously stated, no country had established a standard site planning process, though a number of the institutions had an informal process for site designation and site management planning. Institutions with standard management planning processes include the Brimstone Hill Fortress National Park Society and the Nevis Historical and Conservation Society (St. Kitts and Nevis), the National Parks Authority (Antigua and Barbuda), the St. Lucia National Trust and Soufrierre Marine Management Area Authority (St. Lucia), and the Forestry and National Parks Division (Dominica). As such, while some institutions have developed strategic plans and programmes (National Parks Authority, St. Lucia National Trust, Brimstone Hill Fortress National Park Society), some have no structured protected areas programme in place. For those institutions and sites with protected areas programmes, standard operating procedures were not generally in use, and some areas of operation (such as monitoring and research) were often not undertaken.

The review of the institutional framework for protected areas management in the six countries found that institutional capacity was generally inadequate, with the most significant gaps being staffing levels, competences, and financial resources.

### **Institutional Requirement # 3: Institutional Coordinating Mechanism**

Though a number of the management institutions in the various countries had organized protected areas programmes, none of the countries has a national protected areas programme in place. No institution had been designated as the coordinating institution in any country and no institutional coordinating mechanism existed. As such, it will be difficult to provide system development and management services at the national level (such as establishment of a data management system).

Reporting to the international stakeholders may be easier to attain, as most countries have designated National Focal Points to the various MEA, and such focal points could coordinate reporting on protected areas.

### **3. DEVELOPMENT OF A HARMONISED APPROACH**

Protected areas management frameworks in the Participating Member States of the OECS are characterized by a patchwork of policy, legislative, and institutional arrangements, which continue to evolve. Grenada and St. Lucia attempted to consolidate the policies for protected areas development and management through the preparation of system plans in 1988 and 1992 respectively. Although neither plan was approved by the respective governments, they have different impacts on national programming. St. Vincent and the Grenadines prepared its protected areas system plan in 2004, and is in the process of designing its institutional framework for implementation of that plan. Antigua and Barbuda, Dominica, and St. Kitts and Nevis have not prepared national protected areas system plans, and the policy framework continues to be fragmented.

The legal framework in all six countries varies considerably. In all cases, protected areas can be designated under the traditional forestry and fisheries legislation. There is a move towards creating more focused legislation for protected areas, and with the promulgation of the National Parks Act (2002) in St. Vincent and the Grenadines, all the OECS states now possess parks and protected areas legislation. Unfortunately, the focused protected areas legislation in most cases is not as comprehensive as is required to address the range of issues common to protected areas management. Issues such as an expanded role for civil society in site management and the national implementation of multilateral environmental agreements are still major gaps in the protected areas legislation. Additionally, traditional issues, such as overlapping institutional mandates, absence of coordinating mechanisms, and consolidation of the language for protected areas management have not been addressed by the “newer”, “comprehensive” protected areas legislation. The actual use of these focused legislation also varies significantly between countries. In Grenada, the National Parks and Protected Areas Act (1990) has not been implemented. In Antigua and Barbuda (National Parks Act, 1984) and St. Kitts and Nevis (National Conservation and Environmental Protection Act, 1987), the laws have not been used to declare any site in addition to those named in the legislation when they went into effect. As such, most of the protected areas recently declared in the OECS countries were designated under the forestry or fisheries laws. In all cases, there is urgent need for the development of appropriate regulations to give effect to the range of provisions in the principal legislation.

Management responsibility for protected areas is also dispersed among several institutions. The institutional framework in most countries consists of a fisheries division, forestry division, and a statutory agency. In St. Kitts and Nevis, civil society organizations (most notably the Brimstone Hill Fortress National Park Society) are also given management responsibility for sites. The dispersal of responsibilities has resulted in overlapping mandates, and in the absence of any formal coordinating mechanism, has also created conflicts and other inefficiencies.

The objective of creating a harmonized management framework is to provide a model that can be adapted by member states to provide a comprehensive framework for protected areas management. Past successes with framework legislation for fisheries management and physical planning suggest that such comprehensive frameworks provide a better enabling environment for pursuing sustainable development objectives. However, previous work done on the development of environmental framework legislation (Toppin-Allahar, 2006) indicates that countries have

particular preferences for the configuration of a lead environmental institution, and the development of a model institutional framework may be considerably more difficult. Regardless of the options pursued, it is important to determine why institutional arrangements mandated in law are sometimes not established, particularly in cases where such arrangements include the creation of funding mechanisms.

### **3.1 Harmonised Protected Areas Policy Framework**

The policy framework to support a comprehensive system of protected areas is expected to provide guidance on the objectives of the system, the mix of types of site required to meet system objectives, clarification of institutional roles, implementation of international obligations, and a range of other “protected areas” issues. However, the policy framework must also provide guidance on the relationship between protected areas and the overall national conservation strategy, as well as the relationship between protected areas and the national development process (Appendix 3).

The Peer Review Workshop on November 1-2, 2006 noted that the Parties to the Convention on Biological Diversity had accepted the IUCN guidelines for implementation of the Programme of Work on Protected Areas, and given the fact all the OECS countries had ratified the CBD, it made sense to use the same guidelines as that would assist with the discharge of the national obligations under the MEAs. The Participants also noted that the development of a model system plan, based on the IUCN model, had already been developed under the OPAAL Project.

The meeting agreed that the IUCN protected areas guidelines would be adopted to be used as the policy framework for protected areas management in the OECS Region.

In making that decision, the meeting noted the following:

- (a) Two levels of guidelines were to be adopted. The Protected Areas Policy could be harmonized across the OECS region, but the system plan would include policy integration at the national level.
- (b) The national policy integration would allow countries to select elements of the harmonized policy for emphasis at the national level, as relevant to national priorities.

### **3.2 Harmonised Protected Areas Legislative Framework**

The point is made above that the legal framework for protected areas management is composed of a range of traditional resource management laws and more focused protected areas laws. Additionally, there are various other legal instruments that are meant to regulate a range of activities by the wider public, but which are applicable to protected areas development and management. These other legal instruments deal with issues of public health, waste management, handling of public finances, pollution control, pest and disease outbreaks, food handling, and a range of other issues.

As such, in much the same way that the policy framework must provide guidance on a wide range of issues, the legislative framework must permit a range of actions, many of which, while relevant to protected areas development and management, are not unique to site management.

The National Parks and Protected Areas Act (1990) of Grenada is a good example of focused protected areas legislation. However, it is deficient in a number of respects, including:

- ◆ It makes no reference to other legislation dealing with protected areas, even though they recognize the need for the establishment of a system of protected areas;
- ◆ It does not require system planning, though management plans are required;
- ◆ There is no provision for national protected areas reporting on a regular (annual, biennial, etc.) basis;
- ◆ MEAs are not addressed, including the matter of the designation of national focal points<sup>1</sup>;
- ◆ It makes no provision for site management by civil society organizations;
- ◆ It does not provide for national coordinating mechanisms; and
- ◆ There is no provision for an evaluation process.

A model legal framework should facilitate the amendment of existing, mostly outdated, legislation that deal with protected areas designation and management. Such amendments also need to include other general laws, such as those dealing with public finances, development control, and public health. Those existing legislation treat protected areas in much the same way as any other area of the country. The perception of protected areas as special and therefore deserving of special management interventions, should by extension mean that rules that apply to the general landscape should not be generally applied within and adjacent to protected areas, and that more rigorous rules and higher standards are necessary to protect these “special” resources. The environmental protection area provision in the physical planning laws is an expression of that concept of special land management needs. However, the various laws do not provide for the expression of those special needs in the case of protected areas.

Regulations to give effect to protected areas laws have focused on site designation, collection of user fees, and licensing of particular activities. The principal laws provide for a greater range of regulations to deal with a wider range of issues. In addition to those issues identified in current legislation, regulations should also support the development and use of system development strategies and guidelines (Figure 3).

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<sup>1</sup> In Grenada, the Development Control Authority is designated as the national focal point for the World Heritage Convention. That designation was provided for under the Physical Planning and Development Control Act (2002).

The Peer Review Workshop on November 1-2, 2006 noted that enough elements exist in the protected areas legislation in the OECS, and recommended that the development of model legislation be pursued. However, Participants recommended that the development of such model legislation take place within the context of the Caribbean Single Market and Economy and the revised OECS Economic Union Treaty

### 3.3 **Harmonised Institutional Framework for Protected Areas Management**

The current institutional framework for protected areas management has several configurations, composed of a mix of statutory agencies, central government agencies, and civil society organizations (Table 3).

**Table 3: Current Institutional Framework for Protected Areas Management**

<b>Institution</b>	<b>Responsibility</b>
<b>Antigua and Barbuda</b>	
National Parks Authority	Statutory authority responsible for national parks. Only manages one site, with no current plan to establish a second site.
Fisheries Division	Central government agency responsible for marine reserves and marine protected areas. Also the focal point for the Ramsar Convention. Does not currently manage sites, and may delegate management responsibility to community organization.
Forestry Unit	Central government agency. Currently has no site under management, though Forest Act provides such a mandate.
Barbuda Council	Municipal Government. Legal mandate for PA management uncertain. Has joint management responsibility for the Codrington Lagoon.
Environmental Awareness Group	NGO with no mandate, but shares site management responsibility for Codrington Lagoon.
<b>Dominica</b>	
Forestry & National Parks Division	Central government agency responsibility for a range of protected areas, including a World Heritage Site.
Fisheries Division	Central government agency responsible for marine protected areas.
SHAPE	NGO with no management responsibility. Coordinating the restoration of the Cabrits Fort Shirley complex.

<b>Institution</b>	<b>Responsibility</b>
<b>Grenada</b>	
Forestry & National Parks Department	Central government agency with responsibility for forest reserves and protected forests.
Fisheries Division	Central government agency with responsibility for marine reserves and other MPAs.
Ministry of Tourism	Has no mandate for protected areas management. Currently maintains “tourism” infrastructure in forest reserves.
National Water and Sewerage Authority	Statutory authority with responsibility for designation and management of water catchments. Currently does not have any site under management.
Carriacou Environmental Committee	NGO with joint management responsibility for the Sandy Cay/Oyster Bed proposed MPA.
<b>S. Lucia</b>	
St. Lucia National Trust	Statutory NGO responsible for national parks and heritage sites.
Fisheries Division	Central government agency responsible for marine reserves and other MPAs.
Soufrierre Marine Management Authority	Statutory NGO responsible for the management of the Soufrierre Marine Management Area.
Forestry Department	Central government agency responsible for forest reserves.
National Conservation Authority	Statutory authority with mandate for PA management. Currently has no site under management.
Pitons Management Area Advisory Committee	Advisory committee charged with responsibility for the Pitons World Heritage Site.
<b>St. Kitts and Nevis</b>	
Department of Physical Planning and Environment	Central government with legal mandate for PA management. Has no site under management, but coordinating two projects for site development.
Brimstone Hill Fortress National Park Society	NGO responsible in law for management of the Brimstone Hill Fortress National Park, which is also a World Heritage Site.
Nevis Historical & Conservation Society	NGO responsible for management of the Baths Hotel Heritage Site, a declared PA.
Fisheries Management Unit	A central government agency responsible for marine reserves. Currently has no site under management.
Nevis Island Administration	Local Government responsible for protected areas on Nevis.
St. Christopher Heritage	NGO registered as a private firm. Currently awaiting

Institution	Responsibility
Society	legislative approval to become a statutory NGO with responsibility for management of heritage properties.
<b>St. Vincent &amp; the Grenadines</b>	
National Parks, Rivers & Beaches Authority	Statutory authority responsible for the management of beaches and national parks. Board of Directors appointed, but awaiting EU funding to establish organization.
Fisheries Division	Central government agency responsible for MPAs.
Forestry Division	Central government agency responsible for forest reserves.
North Leeward Tourist Association	NGO responsible for management of the proposed North Leeward/Richmond/Lashum national park.
Tobago Cays Marine Park Board	Statutory NGO responsible for management of the Tobago Cays Marine Park.

The harmonized institutional framework for protected areas management must be flexible enough to accommodate this varied institutional landscape, provide for a coordinating mechanism, and address the issue of international reporting requirements.

For this review, four models were presented to the Workshop:

(a) **Model 1 – The Sustainable Development Council Model**

Protected areas would continue to be managed by existing institutions, with a formal structure, such as sustainable development council, facilitating information sharing, programme planning, and public participation.

(b) **Model 2 – USA National Parks Service Model**

This model is based on the assumption that the protected areas that create the most cause for concern are those that support public use, whether they are national parks, heritage sites, or other multiple use sites. The need for infrastructure development and maintenance creates special management needs that most reserves do not have. In this model, all sites supporting public use (including tourism) would be managed by a National Parks Authority, and all other types of protected areas would be managed by the usual line agencies.

(c) **Model 3 – Executive Agency Model**

A new institution would be created and given responsibility for managing all types of protected areas.



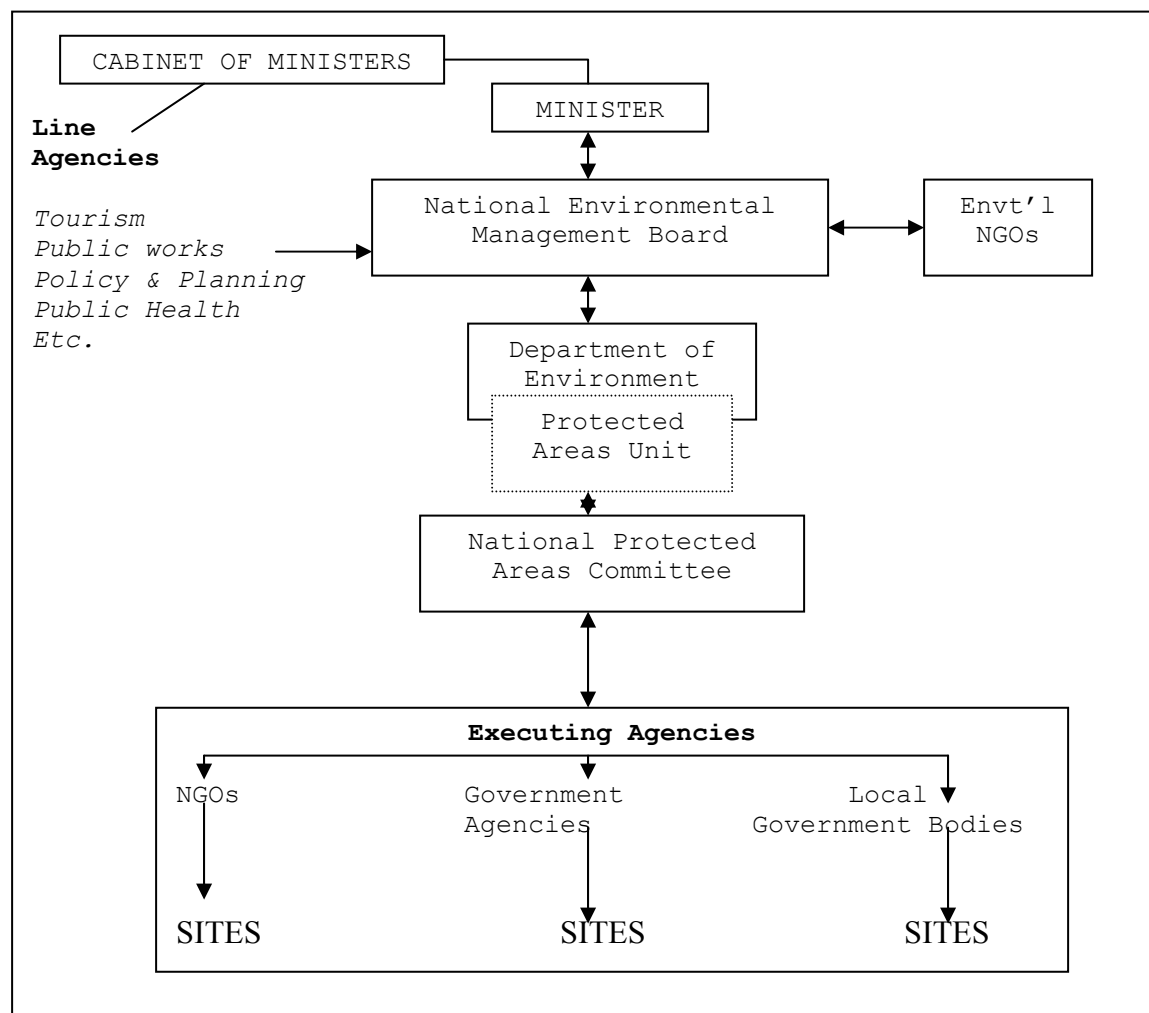
(d) **Model 4 – A Modified Sustainable Development Model**

In this model, the existing agencies would retain management responsibility for the sites declared under their respective laws. However, a new protected areas authority would be created and given responsibility for development and management of the system of protected areas. This institution would undertake system planning and monitoring, policy development for protected areas, deal with national and international reporting, function as the national focal point for MEAs dealing with protected areas, and establish and oversee the functioning of a protected areas trust fund. This new institution would not be given site management responsibilities, except in the rare instance when a management institution may be dissolved. In such cases, the new agency would oversee management of the site only as long as is necessary to make arrangements for another institution to assume management responsibilities. A version of this arrangement is proposed by the Environment Division in Antigua and Barbuda.

The meeting considered the following issues to be pertinent to the choice of an institutional model:

- In several OECS countries, national lead institutions exist but often do not function in a consistent fashion;
- Coordination mechanisms exist among national agencies, but these are not comprehensive and there are many gaps and overlaps. Additionally, these mechanisms are not specific to protected areas but rather deal with a range of biodiversity conservation or the broader issue of environmental management;
- Available manpower is limited and, although there are certain qualified persons within national administrative systems, turnover is often high, often resulting in loss of institutional memory;
- Generally, limited funds are being applied to protected areas establishment and management. Funding often comes from external sources. This sometimes leads to a mismatch between project objectives and country needs and priorities, in some cases allowing for inappropriate cultural and technological impacts;
- Negotiating skills are important in terms of better equipping national agencies in ensuring that externally-funded projects are designed to support national interests and needs;
- Insufficient cross-fertilization occurs in the areas of work planning and pooling of resources among agencies and among protected areas.

A revised version of Model 4 was adopted and termed the “OECS Hybrid Model”. The arrangement is based on existing national structures that allows for a central committee to focus on protected areas within the broader umbrella of environmental management.



**Figure 4: OECS Hybrid Institutional Model for Protected Areas management**

#### **4. SUPPORT STRUCTURES FOR A HARMONISED FRAMEWORK**

The process to adapt and implement the harmonized framework at the national level need to be supported by administrative arrangements at both the national level and in the OECS Environment and Sustainable Development Unit.

##### **4.1 National Support Mechanisms**

All countries will require external technical assistance in this process, whether due to unavailability of expertise within the country or to constraints resulting from current institutional conflicts.

##### **Policy Framework**

All countries, with the exception of St. Vincent and the Grenadines, should have a system plan prepared, or revised if one is in existence. In the case of St. Vincent and the Grenadines, the European Commission-supported project that is about to commence should design the additional studies that will allow the country to make future determinations on coverage, effectiveness, and other such questions. The project should also set a baseline for the ecological, economic, and social objectives of the system of protected areas.

##### **Legal Framework**

Legislative support to a harmonized framework for protected areas management would require different levels of intervention in each country. The main protected areas laws would need to be revised for each country to accommodate the institutional model recommended. The preparation of new regulations would also be necessary in every country.

##### **Institutional Framework**

The supporting administrative arrangement would necessarily be different for each country. As indicated above, St. Vincent and the Grenadines currently has a project underway.

For Antigua and Barbuda, the logical support mechanism for the project is the Environment Division.

Dominica decided earlier in 2006 to seek assistance from the Caribbean Development Bank to develop new management arrangements for the National Parks Service.

The work of the project team could therefore be supported by the Reform Management Unit, in its role as coordinating the Public Sector Reform Programme.

In Grenada, the work of the project team could be facilitated by the Sustainable Development Council.

In St. Lucia, the Sustainable Development and Environment Unit of the Ministry of Planning and Development has functioned in a coordinating capacity for similar projects, and could play the supporting role for this project.

In St. Kitts and Nevis, the Department of Physical Planning and Environment is coordinating a number of protected areas projects. However, the Department does not currently possess the capacity to coordinate this intervention. More importantly, it is one of the institutions that will be examined as part of this reorganization. With no clear location for the placement of the project responsibilities, it is recommended that the Ministry of Sustainable Development reconstitute the Conservation Commission for the purpose of guiding this project

A necessary support mechanism for this project is the establishment of a resource centre and digital library for protected areas management/environmental management in each country. A digital library should also be established in the OECS-ESDU to support its ongoing work with the countries.

#### **4.2 Synergies with National and Regional Initiatives**

The current initiatives that provide possible synergies or support for the development and implementation of a harmonized approach for protected areas management include:

- (a) The development of protected areas and establishment of the National Parks, Rivers, and Beaches Authority in St. Vincent and the Grenadines.
- (b) The Integrated Watersheds and Coastal Areas Management (regional) Project, coordinated by the Caribbean Environmental Health Unit.
- (c) The OECS-UNEP work on development of a harmonized biodiversity legislation.
- (d) The development of a Caribbean Action Plan in World Heritage by the World Heritage Centre.
- (e) Training of Trainers in MPA Management – periodically conducted by the UNEP Caribbean Action Plan, Regional Coordinating Unit.

## **5. SUMMARY AND RECOMMENDATIONS**

The policy, legal, and institutional frameworks for protected areas management within the OECS sub-region is currently inadequate to properly support the wide range of national and international obligations. The OPAAL project therefore plans to assist the countries to improve their respective capacities for protected areas management through the development of a harmonized framework for protected areas management.

The adaptation and implementation of such this harmonized framework will require administrative support arrangements in each country. However, there are elements of the current policy, legal, and institutional arrangements that can support the implementation process.

It is recommended that the intervention be designed with the following elements:

- (a) Updating or preparation of new protected areas system plans for all the countries, with the exception of St. Vincent and the Grenadines.
- (b) Complete overhaul of the legislative framework to support the new policy and institutional arrangements.
- (c) Development of an institutional model in which the existing agencies would retain management responsibility for the sites declared under their respective laws, and a new protected areas authority would be created and given responsibility for development and management of the system of protected areas. This institution would undertake system planning and monitoring, policy development for protected areas, deal with national and international reporting, function as the national focal point for MEAs dealing with protected areas, and establish and oversee the functioning of a protected areas trust fund.
- (d) A project team, composed of regional experts and internal professionals, is used to undertake the intervention in each country.
- (e) A resource centre/digital library is established to support current and future programming in protected areas.
- (f) A permanent funding mechanism is established in each country prior to the end of the OPAAL project.

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## APPENDIX 1: Summary of OPAAL Project

Source: Taken from the OPAAL Project Brief dated December 2004

### The Project

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

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

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

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

OPAAL is actually geared towards providing global benefits through the conservation of globally significant biodiversity. As a consequence pre-selected sites in each PMS consisting of



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

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

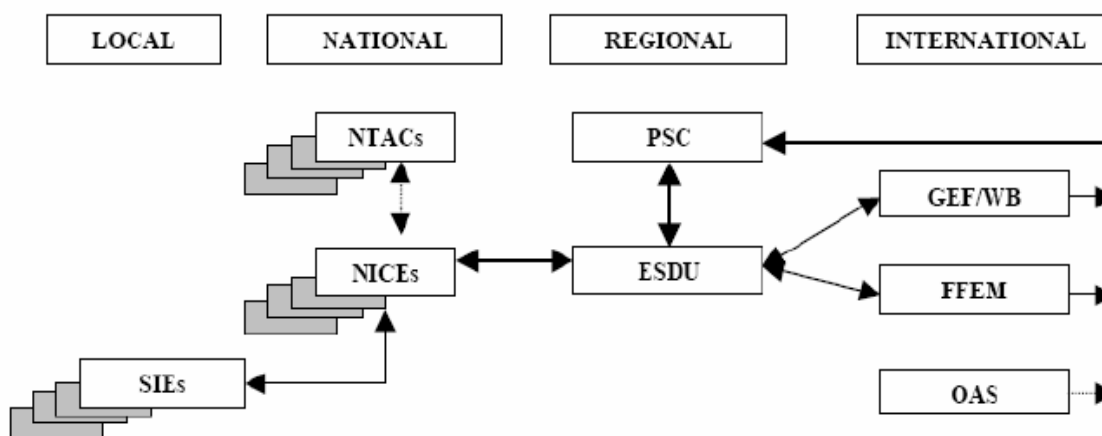
OPAAL will also support marketing research, consultations and interviews with key governmental and NGO agencies, and on-site visits with local entrepreneurs and businesses where needed. In all cases, the project would address livelihood issues of affected populations in a manner which is fair, just,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

## **Administration**

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

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

### Project Organisational Structure



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

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

Community groups living in and around the PAs, appropriate public and private agencies and relevant local stakeholders will also have representation in the SIE in an advisory capacity to assist the PA Manager. The SIE will participate actively in the implementation of component 2 and 3 of the project. SIEs will also participate in the National Technical Advisory Committees

(NTACs) and will advise and/or collaborate closely with the NICEs on the implementation of site activities.

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

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

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

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

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

#### **1. Background**

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

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

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

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

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

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

## **2. Objective**

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

## **3. Task Methodology**

The Contractor will be required to:

- a. Conduct reviews of existing policy, legal and institutional frameworks in support of PA establishment and management in PMSs;
- b. Undertake a comparative analysis of national frameworks to identify existing weaknesses and strengths in terms of existing policy, legislation and institutional arrangements for PA establishment and management in the region;

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

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

The Assignment will be divided into the following three phases.

- a. National PA Framework Reviews

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

- b. Consultation with PA establishment and Management Stakeholders

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

- c. Comparative Analysis for Developing a Harmonised PA Framework

Pursuant to the outputs generated within the first and second phases, the Contractor will, identify existing weaknesses and strengths in terms of existing policy, legislation and institutional arrangements for PA establishment and management at both country and OECS levels, making determinations as to the adequacy of the legal instruments and arrangements in meeting the various obligations re: protected areas under the various MEAs. This phase is also to consider existing policy, legal and institutional aspects in terms of the degree to which they may promote or impede the development of a harmonised approach. It should also suggest relevant synergies and operational aspects which may be required for such an approach, including the creation of synergies with other relevant initiatives being presently undertaken within PMSs and the region. For this phase of the work the Contractor will collaborate with relevant Staff of OPAAL Project

in finalising potential approaches for the way forward and related administrative concepts for the harmonised approach towards PA establishment and management within the OECS.

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

### **5. Outputs**

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

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

### **APPENDIX 3: Elements of a Protected Areas System Plan**

Davey (1998) identifies the reasons for adopting a system approach to protected areas development and management as:

- ◆ To relate protected areas to national priorities, and to prioritise different aspects of protected area development;
- ◆ To facilitate access to international and national funding, by defining priorities for investment in protected areas and increasing the level of confidence in the efficient use of funds and resources.
- ◆ To get away from a case by case, ad hoc, approach to resource management decision making;
- ◆ To target proposed additions to the protected area estate in a more rational and persuasive manner than ad hoc planning;
- ◆ To facilitate integration with other relevant planning strategies, such as those for national tourism, national biodiversity conservation, or sustainable development;
- ◆ To help resolve conflicts, assist in making decisions relating to trade-offs, clarify roles and responsibilities of different stakeholders, and facilitate diverse stakeholder involvement;
- ◆ To provide a broader perspective for addressing site-specific issues, such as tourism management;
- ◆ To enhance the effectiveness and efficiency of the way in which budgets are developed and spent;
- ◆ To assist in meeting obligations under international treaties;
- ◆ To assist countries to be more proactive in conservation management, and in developing effective protected area systems;
- ◆ To encourage consideration of a "system" which incorporates formal protected areas and areas outside of protected areas;
- ◆ To provide a structured framework for a system of protected areas, ranging from areas managed for strict conservation to areas managed for a range of conservation and appropriate ecologically-sound activities;
- ◆ To assist protected area agencies to build political support for protected areas as a worthwhile concern;



- ◆ To define a better process of decentralisation and regionalisation of protected area activities, resources and responsibilities, including the involvement of NGOs and the private sector; and
- ◆ To foster transboundary collaboration.

Additionally, the policy framework should provide both strategic and operational guidance. Strategic guidance is usually provided in the form of a national system plan for protected areas. Davey (1998) identifies the essential elements of a system plan as:

- ◆ Clear statements of objectives, rationale, categories, definitions and future directions for protected areas in the country;
- ◆ Assessment of conservation status, condition and management viability of the various units;
- ◆ Review of how well the system samples the biodiversity and other natural and associated cultural heritage of the country;
- ◆ Procedures for selecting and designing additional protected areas so that the system as a whole has better characteristics;
- ◆ Identification of the ways in which activities undertaken at national, regional and local levels interact to fulfill national and regional objectives for a system of protected areas;
- ◆ A clear basis for integration and coordination of protected areas with other aspects of national planning (e.g. with national biodiversity strategies and so forth, but also with land use, economic and social planning);
- ◆ Assessment of the existing institutional framework for protected areas (relationships, linkages and responsibilities) and identification of priorities for capacity building;
- ◆ Priorities for further evolution of the protected area system;
- ◆ Procedures for deciding the management category most appropriate to each existing and proposed unit, to make best use of the full range of available protected area categories, and to promote identification of the ways in which the different system categories support each other;
- ◆ Identification of investment needs and priorities for protected areas;
- ◆ Identification of training and human resource development needs for protected area management; and
- ◆ Guidelines for preparation and implementation of management policies and site-level management plans.