

**LEGAL AND INSTITUTIONAL REVIEW OF
ENVIRONMENTAL MANAGEMENT IN
ST. LUCIA**

March 2002



DISCLAIMER

This document has been prepared in cooperation with the Government of St. Lucia by the Organisation of Eastern Caribbean States Natural Resources Management Unit (OECS NRMU) and with the assistance of consultants. The document has been accepted by the OECS-NRMU and the Government of St. Lucia as a working document to assist in defining needs and actions to achieve enhanced environmental management in the context of sustainable development in St. Lucia.

LEGAL AND INSTITUTIONAL REVIEW OF ENVIRONMENTAL MANAGEMENT IN ST. LUCIA

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LIST OF ABBREVIATIONS

CAST	Caribbean Alliance For Sustainable Development
CDB	Caribbean Development Bank
CDB	Convention on Biodiversity
CEHI	Caribbean Environmental Health Institute
CIDA	Canadian International Development Agency
CITES	International Convention On Trade In Endangered Species of Wild Flora And Fauna
CPACC	Caribbean Planning for Adaptation to Climate Change
CZMU	Coastal Zone Management Unit
DCA	Development Control Authority
DOF	Department of Fisheries
EHD	Environmental Health Department
GOSL	Government of St. Lucia
EIA	Environmental Impact Assessment
FRC	Folk Research Centre
GOSL	Government of St. Lucia
GEF	Global Environmental Facility
GIS	Geographic Information Systems
HRD	Human Resource Development
HUDC	Housing and Urban Development Corporation
IMDG	International Maritime Dangerous Goods
IMO	International Maritime Organisation
LUCELEC	St. Lucia Electricity Services Limited
MACC	Mainstreaming Adaptation To Climate Change
MAFF	Ministry of Agriculture, Forestry and Fisheries
MCWT&PU	Ministry of Communications, Works, Transport and Public Utilities
MOH	Ministry of Health
MOP	Ministry of Planning, Development, Environment and Housing
NBSAP	National Biodiversity Strategy and Action Plan
NDC	National Development Corporation
NEMO	National Emergency Management Office
NEMS	National Environmental Management Strategy
NGO	Non-Governmental Organisation
NLPC	National Land Policy Committee
NRMU	Natural Resources Management Unit of the OECS
OAS	Organisation of American States
ODS	Ozone Depleting Substance
OECS	Organisation of Eastern Caribbean States
OPRC	International Convention On Oil Spill Prevention, Response and Cooperation
PHB	Public Health Board
POPS	Persistent Organic Pollutants
PPS	Physical Planning Section of the Ministry of Planning
PROUD	Programme for the Regularisation of Unplanned Developments
SALCC	Sir Arthur Lewis Community College
SIDS	Small Island Developing States

SD&EU	Sustainable Development and Environment Unit of the Ministry of
Planning	
SMMA	Soufriere Marine Management Association
SLASPA	St. Lucia Air and Sea Ports Authority
SLHTA	St. Lucia Hotel and Tourism Association
SLNT	St. Lucia National Trust
SLTB	St. Lucia Tourist Board
SSWMA	St. Lucia Solid Waste Management Authority
UNDP	United Nations Development Programme
UWI	University of the West Indies
WASCO	Water and Sewerage Company
WRMU	Water Resources Management Unit of the Ministry of Agriculture, Fisheries and Forestry

EXECUTIVE SUMMARY

1.0 BACKGROUND TO REPORT

- 1.1 In 2001 the Government of St. Lucia (GOSL), together with all other OECS Member States, signed the *St. George's Declaration of Principles for Environmental Sustainability in the OECS*. This Declaration sets out the agenda for environmental management in the OECS region. A companion document, the *OECS Environmental Management Strategy*, establishes the actions that will be taken to implement the Declaration¹. Among other things, OECS States that are signatory to the Declaration commit themselves to develop a National Environmental Management Strategy (NEMS) within two years of signing the Declaration. This legal and institutional review is an integral part of the process in St. Lucia to developing a NEMS.
- 1.1. GOSL has since 1998, been involved in the formulation of a process aimed at a more integrated approach to national development planning as a major element of achieving sustainable development.
- 1.2. The Sustainable Development and Environment Unit (SD&EU) of the Ministry of Planning, Development, Environment and Housing, identified the need to undertake a review of agencies and institutions involved in environmental management, with a view towards enhancing environmental management and sustainable development frameworks in St. Lucia.
- 1.3. The SD&EU in 2000 requested the assistance of the Organisation of Eastern Caribbean States Natural Resources Management Unit (OECS-NRMU) to conduct a *Legal and Institutional Review of Environmental Management in St. Lucia*.
- 1.4. The consulting team selected to undertake the institutional review was retained in December 2000. The consulting team was directed to utilise as a basis for evaluation, the provisional *Declaration of Principles for Environmental Sustainability in the OECS* and the *Programme of Action* formulated at the United Nations Global Conference on the Sustainable Development of Small Island Developing States (SIDS-POA).
- 1.5. The Legal and Institutional Review was undertaken during 2001/2, and comprised the following activities:
- A Document Review;
 - Stakeholder Consultations;
 - Preparation of a *Current Legal Policy and Institutional Status and Needs Analysis Report*;
 - Preparation of a report on the *Legal Framework for Environmental Management in St. Lucia*;
 - Consultative Workshops;

¹ Both documents have been developed in the context of the need to give policy specificity and implementation impetus to, in particular, the Programme of Action agreed in 1994 at the United Nations Global Conference on Sustainable Development of Small Island States and other sustainable development policy declarations to which St. Lucia is a party.

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- Preparation of a final report.
- 1.6. As part of the review process, a consultative workshop with a wide range of stakeholders was convened in May 2001. The purpose of this two-day workshop was to:
- Obtain input into the report's findings and recommendations from a wide variety of stakeholders from the public and private sector;
 - Initiate discussion on priority areas for action; and
 - Define activities that would be required to address priority areas for action.

The outcomes from the consultative workshops were incorporated into the final report.

- 1.7. In order to obtain further input, select stakeholders reviewed individual chapters of the (draft) final report as they were drafted. This process of consultation on individual chapters took place between July and December 2001.
- 1.8. This report outlines and summarises existing institutional, policy, legislative and regulatory structures for environmental management and sustainable development in St. Lucia and identifies gaps, inconsistencies, areas of conflict/duplication, and areas requiring improvement. The report also outlines recommendations for improvement in the existing policy, legal and institutional frameworks for environmental management in St. Lucia.
- 1.9. A list of relevant international environmental conventions to which St. Lucia is a signatory is provided in *Annex 1*. A summary of legislation identified in this Report is contained in *Annex 2*. A matrix of the legislation outlining key elements is provided in *Annex 3*. A list of persons consulted during the extensive consultations that were undertaken to prepare the report is provided in *Annex 4*.

2.0. CLIMATE CHANGE AND OZONE DEPLETION

- 2.1. Chapter 2 of the Report reviews the legal, policy and institutional framework relating to *Climate Change and Ozone Depletion*.
- 2.2. **Key findings** of the review are that there is no direct legislation in force in St. Lucia to deal specifically with climate change, the management of green-house gases. However, in December 2001 the Montreal Protocol (Substances that Deplete the Ozone Layer) Bill (No. 27 of 2001) was passed by Parliament and will come into force in July 2002. This Act and its regulations create the legal framework for ensuring that St. Lucia meets its commitments under the Montreal Protocol.
- 2.3. **Key recommendations** are that:
- The implementation of the *United Nations Framework Convention on Climate Change* requires that appropriate legal, policy and institutional structures be established at the national level to address both the "mitigation" and "adaptation" elements of the Convention;
 - Legislation be established that will provide for regular inspection of motor vehicles to ensure compliance with air emission standards and minimum standards for vehicle fuel performance;
 - An appropriate regulatory framework be established to empower the St. Lucia Bureau of Standards (in association with the Department of Environment and other
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appropriate agencies) to develop, implement, monitor and enforce energy efficiency, air quality, vehicle fuel performance standards;

- A number of regulatory structures be established that will create appropriate economic incentives to promote the protection of the atmosphere and energy conservation, and to address issues relating to climate change;

Detailed recommendations concerning proposed improvements to legislation and institutional structures are provided in the report.

3.0. NATURAL AND ENVIRONMENTAL DISASTERS

3.1. Chapter 3 of the Report reviews the legal, policy and institutional framework relating to *Natural and Environmental Disasters*.

3.2. **Key findings** of the review are that there are no clear institutional structures to address environmental disasters or to facilitate the integration of environmental management issues into national emergency management programmes, policies and plans.

3.3. **Key recommendations** are that:

- The existing legal and institutional regime for disaster planning and management be strengthened;
- St. Lucia consider becoming party to the *International Convention on Oil Spill Prevention, Response, and Co-operation (OPRC)*, and that marine pollution legislation be developed and enacted to address oil spills from ships;
- Consideration be given to the integration of environmental management issues in disaster management;
- The Sustainable Development and Environment Unit serve as an environmental adviser to NEMO to provide direction and guidance on environmental management matters for disaster management activities and programs.

Detailed recommendations concerning proposed improvements to legislation and institutional structures are provided in the report.

4.0. MANAGEMENT OF POLLUTION, WASTE AND HAZARDOUS SUBSTANCES

4.1. Chapter 4 of the Report reviews the legal, policy and institutional framework relating to the *Management of Pollution, Waste and Hazardous Substances*.

4.2. **Key findings** of the review are that:

- There is no legislation that establishes a comprehensive regime for the management and control of pollution from various sources;
- Wastewater management has to date received much less attention than solid waste management, and as a result, several rivers and streams, as well as coastal waters in certain areas have become polluted because of the inadequate handling and treatment of sanitary sewage and industrial effluents;
- There is overlap in operational functions amongst a number of agencies dealing with pollution control;
- There is no proper regime in place in St. Lucia to provide for the management of all hazardous substances, and there is also no control of radioactive waste or substances.

4.3. **Key recommendations** are that:

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- Legislation is urgently needed to provide for the regulation and management of all hazardous or dangerous substances;
 - Strict legal mechanisms are required to regulate the collection, storage and disposal of hazardous wastes, including standards for the transportation of hazardous wastes, and the siting and management of hazardous waste disposal facilities;
 - An appropriate legal and institutional regime is required to give effect to the requirements of the *Basel Convention on the Trans-Boundary Movement of Hazardous Wastes and their Disposal*;
 - A comprehensive *Environmental Management Act* be developed and enacted to establish an appropriate legal and institutional framework for the management of pollution to the air, water and soil, from all sources (industrial and commercial facilities, quarrying, utilities, etc.);
 - A number of regulatory instruments be established which will create appropriate economic incentives to promote the sound management and disposal of hazardous substances;
 - St. Lucia should consider signing and implementing the *Protocol on Land-Based Sources of Marine Pollution* established under the *Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region* (Cartagena Convention); the *Stockholm Convention on Persistent Organic Pollutants* (POPs); and the *Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade*;
 - As a matter of priority, changes should be made to the organisational structure of the EHD to allow it to fulfil its new responsibilities as a monitoring and regulatory agency;
 - The Ministry of Health or the Water and Sewerage Commission be charged as a matter of priority, with the responsibility to co-ordinate the development of short, medium and long-term plans for the sewerage sector;
 - The Ministry of Health, as a matter of priority, be provided with equipment, manpower and training to undertake a sustained program of water quality monitoring.

Detailed recommendations concerning proposed improvements to legislation and institutional structures are provided in the report.

5.0. COASTAL AND MARINE RESOURCES

5.1. Chapter 5 of the Report reviews the legal, policy and institutional framework relating to *Coastal and Marine Resources*.

5.2. **Key findings** of the review are that:

- Responsibilities for the management of coastal and marine resources are dispersed among several agencies, and there exists no comprehensive legislation or a coordinated institutional framework to provide for the management of coastal or marine resources or to regulate development in coastal and marine areas;
- Many of the laws that exist are outdated and do not reflect current approaches towards integrated resource management;
- Existing laws are sectoral in nature, and do not establish the co-ordination and collaboration necessary to ensure that coastal and marine resources are managed in a sustainable manner.

5.3. **Key Recommendations** are that:

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- St. Lucia should follow the lead of countries such as Barbados and Guyana in the establishment of an autonomous Coastal Zone Management Unit (CZMU);
 - St. Lucia consider the development of integrated and consolidated legislation to provide for the management of coastal and marine areas - the *Coastal Zone Management Act* of Barbados should be looked at as a possible model;
 - Any development activities in coastal or marine areas of St. Lucia should include the need for Environmental Impact Assessments (EIA's) and the establishment of environmental management programs during any development and construction activity;
 - St. Lucia should consider becoming party to and implementing the *International Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas* and the *International Convention for the Safety of Fishing Vessels*;
 - The *Fisheries Act* should be revised to promote sound and sustainable management of fishery resources in St. Lucia;
 - Legislation should be established to provide for the creation, management and operation of fisherman's co-operatives, which would be given powers to encourage sustainable management of fishery resources, and ensure compliance with safety regulations;
 - Consideration be given to the licensing of foreign fishing vessels operating within St. Lucia's Exclusive Economic Zone;
 - Greater control be exercised over aquaculture activities in St. Lucia;
 - Consideration be given to the establishment of a regulatory framework that will impose user fees to provide support to community based initiatives aimed at the designation and management of marine parks and fishery sanctuaries.

Detailed recommendations concerning proposed improvements to legislation and institutional structures are provided in the report.

6.0. FRESHWATER RESOURCES

6.1. Chapter 6 of the Report reviews the legal, policy and institutional framework relating to *Freshwater Resources*.

6.2. **Key findings** of the review are that:

- As a result of poor land use practices and global climatic changes, the quality and quantity of St. Lucia's freshwater resources are on the decline;
- The EHD is unable to fully implement a monitoring program for freshwater resources, because of financial and manpower resource limitations.

6.3. **Key Recommendations** are that:

- The Water and Sewerage Commission undertake a comprehensive assessment of St. Lucia's freshwater resources (surface and underground), with a view towards the formulation of plans, policies, programmes and projects to ensure that freshwater resources are available to facilitate the sustainable development of the country;
 - An appropriate legal and institutional structure be established to provide for the harmonisation and co-ordination of management and administrative functions in respect of water resource management activities by the large number of agencies that play some role in water resource planning, conservation, management or use. This should be provided under the provisions of a comprehensive *Water Resources*
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Management Act that is needed to promote sound and sustainable management of water resources and watersheds in St. Lucia;

- Standards be established for the disposal of sewage to prevent the contamination of ground water and surface water;
- Standards be established for construction to prevent impacts on surface water, and set backs from water sources established for sewage treatment plants, pit latrines, and septic tanks;
- The *Pesticides Control Act* should be revised to control the amount of pesticides that can be used by farmers so as to reduce incidents of “run off” into fresh water supplies.

Detailed recommendations concerning proposed improvements to legislation and institutional structures are provided in the report.

7.0. LAND RESOURCES

7.1. Chapter 7 of the Report reviews the legal, policy and institutional framework relating to *Land Resources*.

7.2. **Key findings** of the review are that:

- Ongoing issues related to land development and land management are addressed by a large number of governmental and quasi-governmental agencies and projects, and there is no established institutional mechanism to facilitate on-going dialogue and communication on matters relating to the conservation and use of the nation’s land resources;
- There is considerable overlap of jurisdiction and a lack of clarity in the management of natural resources and in the control of physical development;
- There is no mechanism established to rationalise conflicting demands by resource users;
- Environmental impact assessments are not routinely undertaken as part of resource management/development applications;
- There is considerable overlap and conflict in the various laws dealing with land use and resource management, and many of the laws that exist are outdated and do not reflect current approaches towards integrated resource management.

7.3. **Key recommendations** are that:

- Legislation be established to prescribe certain conditions for the sustainable use or development of Crown Land;
 - A comprehensive evaluation be undertaken with a view to co-ordinating and integrating all legislation relating to land use and physical planning;
 - There is an urgent need for the development of integrated and consolidated legislation and institutional framework to provide for the sustainable use of limited natural resources and which also focuses on managing human activities in such areas so as to ensure that development does not cause harm to human health or the environment, and that all activities are within the “carrying capacity” of terrestrial resources. Such legislation and integrated institutional framework could provide an effective structure to facilitate and support the development and implementation of the National Land Policy. New Zealand’s *Resource Management Act* (1991) should be looked at as a possible model for this kind of legislation and integrated institutional framework.
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Detailed recommendations concerning proposed improvements to legislation and institutional structures are provided in the report.

8.0. ENERGY RESOURCES

8.1. Chapter 8 of the Report reviews the legal, policy and institutional framework relating to *Energy Resources*.

8.2. **Key findings** of the review are that:

- There is no legislation in force in St. Lucia to deal specifically with the conservation of energy;
- Institutional responsibilities for the energy sector are broadly dispersed between a large number of public and private sector organisations, and there are no mechanisms to provide for the co-ordination of energy related policies, programs and initiatives.

8.3. **Key recommendations** are that:

- The legal and institutional framework be established to co-ordinate the sustainable use of St. Lucia's energy resources and give effect to the *National Sustainable Energy Plan* which provides for increased energy conservation and the increased use of renewable sources of energy;
- Legislation be enacted to establish incentives to investors or developers to encourage the use of energy conservation techniques, processes and technologies.

Detailed recommendations concerning proposed improvements to legislation and institutional structures are provided in the report.

9.0. TOURISM

9.1. Chapter 9 of the Report reviews the legal, policy and institutional framework relating to *Tourism*.

9.2. **Key findings** of the review are that:

- The tourist industry has a significant impact on human health and the environment in St. Lucia;
- There is no legislation in force in St. Lucia to deal specifically with the sustainable management of tourism activities or facilities;
- A large number of agencies are involved in the management and development of the tourism industry and there is significant overlap in the roles and responsibilities of these agencies.

9.3. **Key Recommendations** are that:

- The *Beach Protection Act* be revised and updated to adequately address current environmental concerns and issues;
 - The draft *Physical Planning Act* and the *Town and Country Planning Act* be reviewed with a view to incorporating provisions that provide for environmentally friendly methods of construction for all tourism facilities;
 - Appropriate planning guidelines (e.g. "set-backs", "green-belts", zoning) be developed and implemented through appropriate legislation to facilitate sound and sustainable tourism development, particularly in sensitive coastal areas;
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- The impact of cruise shipping on the water supply in St. Lucia be addressed and a policy put in place to deal with the issue of the provision of large quantities of freshwater to cruise ships;
 - A comprehensive legal and institutional framework be established to address the more serious impacts from the tourist industry. Such a framework should include the development and enforcement of a comprehensive *Environmental Management Act*, *Resource Management Act* (and *Coastal Zone Management Act*) and the strengthening of appropriate resource management agencies;
 - Environmental impact assessments be undertaken for all proposed tourism facilities and development;
 - The *Policy for the Management of Solid Waste*, and the *Policy for the Management of Ship-Generated Wastes* be adopted and implemented, and provision be made for adequate waste management facilities in marinas, hotels and at cruise ship terminals;
 - Tourism activities that affect fragile coastal resources be regulated – principally yacht anchoring and dive activities;
 - The environmental committee of the SLHTA be reactivated and provided with the responsibility to:
 - immediately develop a Plan of Action to address the decline in the quality of coastal waters; and
 - serve as the agency for facilitating inter-agency co-ordination of environmental management initiatives in the tourism industry.

Detailed recommendations concerning proposed improvements to legislation and institutional structures are provided in the report.

10.0. WILDLIFE CONSERVATION/PROTECTION AND BIOLOGICAL DIVERSITY

10.1. Chapter 10 of the Report reviews the legal, policy and institutional framework relating to *Wildlife Conservation/Protection and Biological Diversity*.

10.2. *Key findings* of the review are that:

- Responsibility for wildlife conservation is vested in a number of agencies, with the result that there is an inadequate and ineffective policy framework for effective biodiversity conservation and management;
- There is considerable overlap and conflict in existing laws dealing with wildlife conservation and protection;
- The allocation of human and financial resources to biodiversity issues and the co-ordination of activities between agencies is inadequate;
- The absence of a legislative basis for the establishment of the *system of protected areas for St. Lucia* has resulted in several key elements of the plan not being executed.

10.3. *Key recommendations* are that:

- An appropriate legal structure be established that will promote and encourage the establishment of private conservancy initiatives;
 - A comprehensive assessment be undertaken of the status of wildlife in St. Lucia and an inventory of threatened, vulnerable or endangered species be undertaken;
 - An inventory be undertaken of sites of ecological significance, and criteria established for the designation of sites, and the establishment of management plans;
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- Management criteria and regimes be established for threatened, vulnerable or endangered species, and the establishment of appropriate management regimes;
 - A *National Parks Unit* be established within the Department of Forestry to provide co-ordination and direction in the establishment, conservation and management of the *system of Protected Areas* (Parks Systems Plan), and assist in the establishment of conservation areas on private lands. Such an agency would need to be established through a comprehensive *National Parks Management Act*;
 - A comprehensive legal and institutional regime for the management of genetic and cultural resources should be established as a matter of priority;
 - Comprehensive legislation should be enacted to control and regulate the importation, experimentation or use of genetically engineered organisms;
 - St. Lucia consider becoming a signatory to the *Protocol on Safety in Biotechnology*, and the *International Code of Conduct for Plant Germplasm Collecting and Transfer*;
 - The *Animals (Disease and Importation) Act* be reviewed and updated to address issues relating to bio-safety;
 - An appropriate legal and institutional framework be established to provide for the implementation of the *International Convention on Trade in Endangered Species of Wild Fauna and Flora* (CITES).

Detailed recommendations concerning proposed improvements to legislation and institutional structures are provided in the report.

11.0. ENVIRONMENTAL HEALTH AND SAFETY

11.1. Chapter 11 of the Report reviews the legal, policy and institutional framework relating to *Environmental Health and Safety*.

11.2. *Key findings* of the review are that:

- There is no direct legislation dealing with the issue of Environmental Health and Safety;
- Occupational Health and Safety receives relatively little attention, and policies and programmes to address this important area remain relatively underdeveloped.

11.3. *Key recommendations* are that:

- St. Lucia give consideration to the establishment of an effective legal and institutional regime to address environmental health and safety risks in public buildings and at the workplace;
 - Measures should be strengthened to regulate food safety and to implement the *Cartagena Protocol on Biosafety*;
 - Urgent consideration be given to the promulgation of Regulations under the *Shipping Act* relating to: (i) occupational health and safety for securing safe working conditions and safe means of access for masters and seamen employed in St. Lucia ships, and (ii) the carriage of dangerous goods with reference to the *International Maritime Dangerous Goods Codes (IMDG)* of the International Maritime Organisation (IMO);
 - The EHD be strengthened in a manner that will allow it to fulfil its occupational health and safety mandate.
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Detailed recommendations concerning proposed improvements to legislation and institutional structures are provided in the report.

12.0. Physical Planning and Human Settlements

12.1. Chapter 12 of the Report reviews the legal, policy and institutional framework relating to *Physical Planning and Human Settlements*.

12.2. **Key findings** of the review are that:

- The laws relating to physical planning and natural resource planning and management are fragmented, and responsibility is shared amongst a number of agencies;
- A lack of harmonization in regulating physical planning activities has resulted in largely unregulated physical development that has a detrimental impact on the country's natural resource base;
- The legal and institutional framework for integrated physical planning and resource management is in need of urgent reform.

12.3. **Key recommendations** are that:

- St. Lucia should consider establishing a legal and institutional structure that will harmonize and co-ordinate all physical planning and natural resource management functions. New Zealand's *Resource Management Act* could be an appropriate model;
- There be established a comprehensive set of guidelines and standards for the siting, planning and management of residential, industrial, commercial, and agricultural zones;
- Appropriate "set-backs" should be established, and provision made for "buffers", green-belts and conservation areas;
- Appropriate legal and institutional structures be established to address existing impediments to the registration of land titles and interests in land;
- Compulsory building inspection and approval process be established which includes regulations, standards, codes of practice and requirements to which new buildings, or alterations to existing buildings, should be constructed;
- Legal and institutional structures that are necessary to address urban migration be established;
- A housing and human settlements committee be established to facilitate co-ordination between the various agencies and projects involved in housing and human settlements;
- Consideration be given to the future role of local government agencies (i.e. the city council and town and village councils) in physical planning.

Detailed recommendations concerning proposed improvements to legislation and institutional structures are provided in the report.

13.0. CULTURAL AND HISTORICAL HERITAGE

13.1. Chapter 13 of the Report reviews the legal, policy and institutional framework relating to *Cultural and Historical Heritage*.

13.2. **Key findings** of the review are that:

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- There is no coherent approach to the preservation and conservation of St. Lucia's cultural and historical heritage, and overlaps clearly exist between the mandates of the organisations concerned with cultural and historical heritage;
 - The greatest threats to cultural and historical sites in St. Lucia is presented by neglect and uncontrolled development activities;
 - In many instances, designated sites are situated on private land or are occupied by private owners, who often find it difficult or costly to maintain the sites.

13.3. **Key Recommendations** are that:

- The draft *St. Lucia Heritage Property Act* should be strengthened by the requirement that the National Trust develops, maintain and regularly update an inventory of sites of historical and cultural significance, and establish and implement management plans for all designated historical and cultural sites;
- A legal structure be established that will facilitate the provision of financial resources on an ongoing basis for the conservation, management and maintenance of all cultural and historic sites;
- A formal mechanism be established to facilitate the co-ordination of activities in relation to cultural and historical heritage and to promote the contribution of cultural and historical resources to sustainable development.

Detailed recommendations concerning proposed improvements to legislation and institutional structures are provided in the report.

14.0. **TRADE AND PRIVATE SECTOR INVOLVEMENT IN ENVIRONMENTAL MANAGEMENT**

14.1. Chapter 14 of the Report reviews the legal, policy and institutional framework relating to *Trade and Private Sector Involvement Environmental Management*.

14.2. **Key findings** of the review are that:

- There is no legislation which specifically provides for the private sector to be involved in any of the environmental protection issues or matters concerning sustainable development;
- There is general appreciation within the private sector of the importance of sound environmental management;
- There is a general acceptance of the need for responsible action on the part of the private sector, in ensuring that high environmental quality standards are maintained;
- Many individual private sector organisations do not exercise "due diligence" in their operations with regard to environmental management;
- There are recurring incidences of illegal dumping of industrial and commercial solid waste and the widespread dumping of liquid waste, particularly waste oils, in rivers and streams.

14.3. **Key recommendations** are that:

- A policy be developed on the role and responsibilities of the private sector in environmental management, and that the policy be implemented through an effective legal (i.e. *Environmental Management Act*) and institutional framework;
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- An assessment be undertaken of the impacts of the proposed *Free Trade Agreement of the Americas* on St. Lucia's social and economic development, and the country's natural environment;
 - Any *Environmental Management Act* should contain suitable provisions to "empower" consumers and members of the public to take an active interest in environmental management;
 - Any *Environmental Management Act* that is developed should provide for the establishment of codes of environmental practice for commercial and industrial facilities, that should be based on the ISO 14000 series of standards for environmental management systems. Such codes of practice could be voluntary or have legal force and effect (e.g. See Fiji's *Sustainable Development Bill (1998)*, and Nova Scotia's *Petroleum Pipeline Regulations (1997)*);
 - A cost/benefit analysis be undertaken of the environmental levy to assess its effectiveness and impact, and to provide guidance as to the manner in which the implementation of the levy can be improved.

Detailed recommendations concerning proposed improvements to legislation and institutional structures are provided in the report.

15.0. REGIONAL INSTITUTIONS AND TECHNICAL CO-OPERATION

15.1. Chapter 15 of the Report reviews the legal, policy and institutional framework relating to *Regional Institutions and Technical Co-operation*.

15.2. **Key findings** of the review are that:

- The proliferation of regional agencies, projects and programmes involved with environmental management in the Caribbean has resulted in a severe drain on limited local resources (technical, human, and financial);
- Considerable local resources have been utilised in satisfying the program requirements of regional agencies, and this has resulted in the absence of strategic plans at the national level;
- Many important environmental management issues and requirements at the national and sub-regional levels are not addressed unless it becomes a program area of one of the regional or international agencies.

15.3. **Key recommendations** are that:

- St. Lucia develop a comprehensive *Environmental Management Plan* that will serve to identify national environmental priorities, and formulate appropriate response programs;
- The development of St. Lucia's National Environmental Management Plan forms part of a broader integrated development planning program - the *Environmental Management Plan (1990-2000)* of the Seychelles provides a useful model.

Detailed recommendations concerning proposed improvements to legislation and institutional structures are provided in the report.

16.0. TRANSPORT AND COMMUNICATIONS

16.1. Chapter 16 of the Report reviews the legal, policy and institutional framework relating to *Transport and Communications*.

16.2. **Key findings** of the review are that:

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- Issues relating to the management of waste from airlines have not been extensively addressed;
 - Policies have not been established by the Government of St. Lucia for Environmental Impact Assessments (EIAs) to be routinely conducted for major construction projects involving roads, bridges, culverts and drainage channel projects;
 - The disposal of electricity generating/transmission equipment and ballast in light fixtures is an area that warrants immediate attention largely due to concerns relating to contamination to the environment and potential harm to human health.

16.3. **Key recommendations** are that:

- Policy and legal frameworks be established for the conduct of EIAs for public sector projects, and that mechanisms be put in place to verify that EIA recommendations are implemented;
- Vehicle emission standards should be established as a matter of urgency, and appropriate mechanisms should be developed to ensure compliance;
- The *St. Lucia Air and Sea Ports Authority Act* and regulations be revised to deal with the management of waste from airlines, port state control and marine pollution;
- An effective legal and institutional regime be established to address risks of marine pollution from ship and land-based sources, and adequately deal with maritime casualties that result in marine pollution;
- St. Lucia establish an appropriate legal and institutional structure to regulate the storage and disposal of electricity generating/transmission equipment and ballast in light fixtures;
- Set-back requirements and other guidelines be developed to protect the public from low-level emissions from over-head electrical power lines;
- The Sustainable Development and Environment Unit collaborate with agencies involved in transport and communications to establish codes of environmental practice (based on ISO 14000 series standards) for all operational activities undertaken by such agencies;
- Any *Environmental Management Act* that is developed provide for the establishment of codes of environmental practice for all utilities, that should be based on the ISO 14000 series of standards for environmental management systems.

Detailed recommendations concerning proposed improvements to legislation and institutional structures are provided in the report.

17.0. SCIENCE AND TECHNOLOGY

17.1. Chapter 17 of the Report reviews the legal, policy and institutional framework relating to *Science and Technology*.

17.2. **Key findings** of the review are that there are no national laws that specifically relate to the regulation of science and technology in St. Lucia.

17.3. **Key recommendations** are that:

- A comprehensive legal and institutional framework be established to regulate scientific research and development in matters related to the protection of human health or the natural environment;
 - The Science and Technology Council serve as an agent for the promotion of a more scientific approach to environmental management and sustainable development, and
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specific programs be developed to promote and publicise scientific research into local environmental issues.

Detailed recommendations concerning proposed improvements to legislation and institutional structures are provided in the report.

18.0. HUMAN RESOURCE DEVELOPMENT

18.1. Chapter 18 of the Report reviews the legal, policy and institutional framework relating to *Human Resource Development*.

18.2. **Key findings** of the review are that:

- There are no national laws that specifically relate to human resource development in the area of environmental management;
- Environmental management issues have not been formally integrated into the curricula of primary and secondary schools.

18.3. **Key recommendations** are that:

- A national population policy be developed;
- Government's population policy be kept under constant review, its implementation monitored and revised as necessary to ensure compatibility with national sustainable development policies, goals and programmes;
- Social and human development indicators be developed by appropriate agencies for use in development planning;
- Increased involvement of major groups (including non-governmental organisations, and women) in various aspects of environmental management be promoted;
- A national programme be established aimed at providing technical and financial assistance to groups and organisations wishing to undertake approved environmental management projects and programmes at the community and national levels.

Detailed recommendations concerning proposed improvements to legislation and institutional structures are provided in the report.

19.0. ENVIRONMENTAL EDUCATION, INFORMATION AND AWARENESS

19.1. Chapter 19 of the Report reviews the legal, policy and institutional framework relating to *Environmental Education, Information and Awareness*.

19.2. **Key findings** of the review are that:

- There are no national laws that specifically relate to environmental education, information and awareness in St. Lucia;
 - Environmental education initiatives in St. Lucia have to a large extent been project driven, and as such, there are very few examples of long-standing environmental education programmes;
 - Several agencies attempt to integrate public education initiatives into their activities, with varying degrees of success;
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- The success of national environmental management and sustainable development programmes is contingent upon changes in public behaviour brought about by successful public education programmes.

19.3. **Key recommendations** are that:

- The proposed *Environmental Management Act* contain provisions to facilitate public education and information sharing;
- Urgent consideration be given to the preparation and publishing, on a periodic basis, of a *State of the Environment Report* that should be made available to the public (at cost);
- The Sustainable Development and Environment Unit should establish and operate a public “Environmental Registry” for the purpose of administering the environmental information requirements;
- An Environmental Database be established and maintained to provide the public with relevant environmental management information;
- Access to information should be legally established whereby the public has access to information on environmental matters;
- Environmental accounting/auditing and “sustainable development audits” should be established and published as part of Government’s program budgeting process to provide the public with information as to the manner in which government’s resources are spent in implementing various environmental management/sustainable development initiatives;
- Consideration should also be given to widening the coverage of the biodiversity and climate change websites to include all sustainable development and environmental management issues.

Detailed recommendations concerning proposed improvements to legislation and institutional structures are provided in the report.

20.0. ENVIRONMENTAL MANAGEMENT - GENERAL

20.1. Chapter 20 of the Report reviews the legal, policy and institutional framework relating to *Environmental Management – General*.

20.2. **Key findings** of the review are that:

- There is no legislation in force in St. Lucia that specifically deals with environmental management or sustainable development;
 - There exists duplication, confusion and wasted effort in the administration of environmental management functions and responsibilities which are currently shared by a large number of agencies;
 - There exists no framework or structure that sets out the manner in which environmental management initiatives are to be undertaken as part of the integrated development planning (IDP) process;
 - There is no harmonization of approval, licensing, permitting, monitoring and enforcement activities where they impact upon the environment or natural resources;
 - The public has no access to essential environmental information;
 - The rapid proliferation of environmental treaties in recent years has created a particular problem in the implementation of ever more complex legal obligations in the face of severe resource (human, technical financial) constraints.
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20.3. **Key recommendations** are that:

- The development and enactment of comprehensive environmental legislation (*Environmental Management Act*) should be regarded as a high priority;
- Comprehensive legal and institutional structures be established to ensure that sustainable development policy formulation, planning and environmental management becomes an integral part of government and the integrated development planning (IDP) process;
- A National Environmental Commission be established as an urgent priority to co-ordinate environmental management initiatives and policies;
- The roles, duties, functions and responsibilities of the Sustainable Development and Environment Unit and other agencies involved in environmental management be rationalised;
- A *National Environmental Education Policy* and Implementation Plan be developed through broad-based consultation;
- An Environmental Database and access to information be legally established;
- Legal and institutional structures be established to provide for the integration of environmental, social and economic considerations in all decision-making activities;
- A Sustainable Development and Environment Department:
 - co-ordinate all reporting on the implementation of all multi-lateral environmental agreements;
 - maintain a registry of multi-lateral environmental agreements;
 - maintain a “clearing-house mechanism” at the national level to provide government and the public information on multi-lateral environmental agreements;
 - serve as the focal point to develop negotiating positions for various multi-lateral environmental agreements at the national level.
- Legal and institutional structures be established that will make the implementation of environmental management systems (EMS) a fundamental component of public and private sector operations.

Detailed recommendations concerning proposed improvements to legislation and institutional structures are provided in the report. A plan for establishing the improvements outlined in the report is also provided.
