

**DRAFT**

**Caribbean Community  
Environmental and Natural Resources  
Policy Framework**

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Updated June 2017

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**PREPARED BY**  
CaribInvest Ltd.

**EDITED BY**  
Amrikha Singh, The Secretariat of the Caribbean Community  
Winston Moore, University of the West Indies, Cave Hill Campus

**MEMBER STATE TECHNICAL FOCAL POINTS**

<b>Country</b>	<b>Focal Point</b>	<b>Ministry/Department</b>
Antigua and Barbuda	Ruleta Camacho Andrea Jacobs	Department of Environment Ministry of Health and the Environment
Barbados	Travis Sinckler Sean Sealy	Ministry of Environment and Drainage
Belize	Martin Alegria Maxine Mosanto	Ministry of Agriculture, Forestry, Fisheries, the Environment and Sustainable Development
Dominica	Lloyd Pascal	Environmental Coordinating Unit, Ministry of Environment, Natural Resources, Physical planning and Fisheries
Grenada	Trevor Thompson	Ministry of Agriculture
Guyana	Nalibe Schwiers	Office of the Presidency
Jamaica	Gillian Guthrie	Ministry of Economic Growth and Job Creation
Montserrat	Dara Modeste	Attorney General's Chambers
St Kitts and Nevis	Cheryl Jeffers	Ministry of Agriculture, Marine Resources, Cooperatives, Human Settlements and Environment
St. Lucia	Neranda Maurice-George	Department of Sustainable Development
St. Vincent and the Grenadines	Nyasha Hamilton	Ministry of Economic Planning, Sustainable Development, Industry, Information and Labour
Trinidad and Tobago	Dr. David Persaud	Ministry of Planning and Development

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## ACRONYMS

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ACP	African, Caribbean and Pacific Group
ACS	Association of Caribbean States
ACTO	Amazon Cooperation Treaty Organisation
AF	Adaptation Fund
ALBA	Alliance for the Americas
AOSIS	Alliance of Small Island States
BPOA	Barbados Programme of Action
CAHFSA	Caribbean Agricultural Health and Food Safety Agency
CAP	Community Agricultural Policy
CARICOM	Caribbean Community
CARIWIN	Caribbean Water Initiative
CBF	Caribbean Biodiversity Fund
CCAP	Caribbean Community Agricultural Policy
CCCCC	Caribbean Community Climate Change Centre
CCI	Caribbean Challenge Initiative
CCJ	Caribbean Court of Justice
CCP	Caribbean Cruising Passport
CCRIF	Caribbean Catastrophe Risk Insurance Facility
CC/TAP	Caribbean Community Technical Assistance Programme
CCTF	Caribbean Community Trust Fund
CDEMA	Caribbean Disaster Emergency Management Agency
CDPMN	Caribbean Drought and Precipitation Monitoring Network
CEbA	Coastal Ecosystem-Based Adaptation
CELAC	Community of Latin American and Caribbean States
CELAC	Comunidad de Estados Latinoamericanos y Caribeños
CIMH	Caribbean Institute for Meteorology and Hydrology
CIP	Community Industrial Policy
CNIRD	Caribbean Network for Rural Development
CO <sub>2</sub>	Carbon Dioxide
COFCOR	Council for Foreign and Community Relations
CoP	Conference of the Parties
COTED	Committee on Trade and Economic Development
CPA	Caribbean Planners Association
CPR	Committee of Permanent Representatives
CRFM	Caribbean Regional Fisheries Mechanism
CROSQ	CARICOM Regional Organisation for Standards and Quality
CSA	Climate Smart Agriculture
CSME	Caribbean Community Single Market and Economy
CTP	Community Transport Policy
CTrP	Community Trade Policy
DRR	Disaster Risk Reduction
EbA	Ecosystem-based Adaptation
EBDM	Evidence Based Decision Making
EC	European Commission
EEZ	Exclusive Economic Zone
EIA	Environmental Impact Assessment
EMS	Environmental Management Systems
EMTs	Environmental Management Tools
EPA	Economic Partnership Agreement
ESDIF	Environment and Sustainable Development Investment Facility
FAO	United Nations Food and Agricultural Organisation
GATS	General Agreement in Trade and Services
GCF	Green Climate Fund
GEF	Global Environment Facility
GHG	Greenhouse Gas Emission
HACCP	Hazard Analysis and Critical Control Points
HLPF	High Level Political Forum
ICG	Intergovernmental Coordination Group
IICA	Inter-American Institute for Cooperation on Agriculture

IFAD	International Fund for Agricultural Development
IUU	Illegal, Unreported and Unregulated
LBS	Land Based Sources
LCDS	Low Carbon Development Strategy
MCS	Monitoring, Control and Surveillance
MDCs	More Developed Countries
MEAs	Multilateral Environmental Agreements
MMA	Marine Managed Areas
MS/BPOA	Mauritius Strategy for the Further Implementation of the BPOA
NBSAP	National Biodiversity Strategies and Action Plans
NCDs	Non-communicable diseases
NTB	Non-Tariff Barriers
NTFP	Non-Timber Forest Products
OAS	Organization of the American States
OCTs	Overseas Countries and Territories
OCTA	Association of the Overseas Countries and Territories
OECS	Organisation of Eastern Caribbean States
PCA	Permanent Court of Arbitration
PISLM	Partnership Initiative for Sustainable Land Management
RCC	Regional Coordinating Committee
REDD	Reduced Emissions from Deforestation and Degradation
RFNSP	Regional Food and Nutrition Security Plan
RT	Revised Treaty of Chaguaramas Establishing the Caribbean Community Including the CARICOM Single Market and Economy
SAMOA Pathway	SIDS Accelerated Modalities of Action
SCP	Sustainable Consumption and Production
SDGs	Sustainable Development Goals
SEAs	Strategic Environmental Assessments
SICA	Central American Cooperation System
SIDS	Small Island Developing States
SIDSS	Small Island Developing States Sustainability
SPAW	Specially Protected Areas and Wildlife
SPS	Sanitary and Phytosanitary
STAR	System for Transparent Allocation of Resources
TBT	Technical Barriers to Trade
TCL	Trinidad Cement Limited
TEU	Treaty of the European Union
TFEU	Treaty on the Functioning of the European Union
TISA	Trade in Services Agreement
ToCC/CM	Treaty of Chaguaramas Established the Caribbean Community and Common Market
TRIPS	Trade-Related Aspects of Intellectual Property Rights
UKOT	UK Overseas Territories
UCPP	Unsustainable Consumption and Production Patterns
UNCCD	United Nations Convention to Combat Desertification and Drought
UNEA	United Nations Environment Assembly
UNEP	United Nations Environment Programme
USA	United States of America
WCR	Wider Caribbean Region
WICSCBS	West Indies Central Sugar Breeding Station
WTO	World Trade Organisation

## TERMS

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In this Community Environmental and Natural Resources Policy Framework, unless the context otherwise requires, the following expressions shall have the following meanings:

**"Blue Growth"** is used to refer to a long term strategy to support sustainable growth and development in the marine and maritime sectors as a whole which have significant potential for growth and innovation;

**"Collective Rights"** means the rights of groups to protect their interests and identities;

**"Community"** means the Caribbean Community established by Article 2 and includes the CSME established by the provisions of this Treaty;

**"Community Bodies"** means the Bodies of the Community established pursuant to Article 18 and include the Legal Affairs Committee and the Budget Committee;

**"Community Organs"** means the Organs of the Community including, **"Community Council of Ministers" or "the Community Council"** so named in paragraph 1(b) of Article 10; **"Conference of Heads of Government" or "the Conference,"** the Organ so named in paragraph 1(a) of Article 10; **"Council for Human and Social Development" or "COHSOD,"** the Organ of the Community so named in paragraph 2 of Article 10; **"Council for Finance and Planning" or "COFAP,"** the Organ of the Community so named in paragraph 2(a) of Article 10; **Council for Foreign and Community Relations" or "COFCOR,"** the Organ so named in paragraph 2(c) of Article 10; **"Council for Trade and Economic Development" or "COTED,"** the Organ of the Community so named in paragraph 2(b) of Article 10;

**"Forest Resources"** means all those natural assets of forest lands, including timber and other forest products, biological diversity, recreation, fish and wildlife habitat, wilderness, flora and fauna, air, water and soil as defined in Article 61.3;

**"Organic Island"** is used to refer to a strategic development programme established by the Government of Dominica; the objectives of include, inter alia, establish a sound and sustainable basis for economic development; reverse declining agricultural sector employment; reverse the trend in decreasing agricultural revenue by establishing Dominica as a world leader in the production of organic agricultural products; address pressing environmental and natural resources management issue through the establishment of agricultural practices that will reduce the introduction of harmful substances into rivers and soils; promotion of sustainable land management and improve rural development through the establishment of improved land management practices that support organic production and the implement key elements of Dominica's Biodiversity Strategy and Action Plan;

**"Special Areas"** means certain sea areas MARPOL in Annex I Prevention of pollution by oil, Annex II Control of pollution by noxious liquid substances, Annex IV Prevention of pollution by sewage from ships and Annex V Prevention of pollution by garbage from ships, which, for technical reasons relating to their oceanographical and ecological condition and to their sea traffic, the adoption of special mandatory methods for the prevention of sea pollution is required. Under the Convention, these special areas are provided with a higher level of protection than other areas of the sea;

**"Trade in Environmental Goods and Services"** is used to refer to trade in environmental goods and services which produce goods and services to measure, prevent, limit, minimise or correct environmental damage to water, air and soil, as well as problems related to waste, noise and eco-systems, including, inter alia, cleaner technologies, products and services that reduce environmental risk and minimise pollution and resource use.



## MESSAGE

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Secretary General

The Secretariat of the Caricom Community

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## FOREWORD

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Assistant Secretary General for Social and Human Development

The Secretariat of the Caricom Community

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# 1 INTRODUCTION

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The Community Environmental and Natural Resources Policy Framework<sup>i</sup> has been developed as an integral part of the Caribbean Community Single Market and Economy (CSME) which officially commenced in 2006. The region's environmental and natural resources base is fundamental to the region's development. These resources provide the basis for a significant portion of the economic activity in Community. The destruction and unsustainable use of these resources could undermine the regional sustainable development options. The CSME exists in an environmental space which needs to be planned for regulated and sustainably managed if the objectives of the Caribbean Community, including *inter alia*, accelerated, coordinated and sustained economic development and convergence; enhanced levels of international competitiveness; improved standards of living and work and full employment of labour and other factors of production,<sup>ii</sup> are to be achieved.

The purpose of this Policy Framework is to provide an enabling framework for environmental and natural resources management in the Caribbean Community, acknowledging the vital role that land, air, water and oceans play in maintaining the economic, social and environmental development of the Community. It, therefore, serves as the Umbrella Policy Framework for the sustainable management and use of the Community's environmental and natural resources. It provides the guiding principles and the long term goals which will form the basis for the making of rules and guidelines to give overall direction to planning for the protection, conservation and sustainable use of the environmental and natural resources of the Community and its Member States. It, therefore, creates a basis for effective environmental and natural resources governance in support of the CSME through the

- Building and facilitation of regional consensus in the Caribbean Community on environmental and natural resources issues;
- Harmonization of national environmental regulatory regimes;
- Mobilization of financial and technical resources in support of the Policy Framework implementation; and
- Enhancement of trade competitiveness, efficiency and long-term sustainability in the productive sectors.

The Community Environmental and Natural Resources Management Policy Framework, therefore, provides an overarching framework for the rationalisation of the Community's approach to the sustainable management of the environmental and natural resources of the Community and its Member States. It is designed in such a manner to facilitate an interface between the Community and its Member States and the international community and third states.

## BOX 1: HOW THE POLICY FRAMEWORK WAS DEVELOPED

The Council for Trade and Economic Development (COTED) [Environment] of the Caribbean Community at its Twenty-Fifth Special Meeting,<sup>iii</sup> (COTED) held in April 2008 mandated the Caribbean Community Secretariat to (i) mobilize the necessary resources and (ii) proceed with the development of the Community Environment and Natural Resources Policy Framework. The lead for the preparation of the Policy Framework was undertaken by the Sustainable Development Directorate of the Caribbean Community Secretariat. Once the resources to commence the process were mobilized, the preparation of the Policy Framework was developed in a number of Phases.

Phase 1 assessed the environmental governance systems of the Member States of the Caribbean Community as to whether these frameworks are adequate to support the full and effective functioning of the Caribbean Community Single Market and Economy (CSME).

Drawing upon these national assessments, Phase 2 which can best be described as the Regional Consultation Phase was implemented in three Sub-phases.

First, the lessons learnt from the national assessments along with an examination of the environmental dimensions of *the Revised Treaty of Chaguaramas Establishing the Caribbean Community Including the CARICOM Single Market and Economy (CSME) (RT)* were used to form the basis of the preparation of a Consultation Paper and Guide to direct the Regional Consultation process. The Consultation Paper was submitted to the Member States ahead of the commencement of the Regional Consultation process.

Second, to ensure adequate coverage, three Regional Consultations were held for separate groupings across the Community: More Developed Countries (MDCs): Barbados, Bahamas, Jamaica and Trinidad and Tobago; Low lying Coastal States: Belize, Guyana and Suriname; The OECS countries: Antigua and Barbuda, Dominica, Grenada, St. Kitts and Nevis; St Lucia, St. Vincent and the Grenadines and Haiti. In addition, given the implications of the Policy Framework for the work of the Community Institutions, a separate consultation was convened for the Community Institutions.

Third, based on the outputs of the Regional Consultations, a draft Policy Framework was prepared for further consideration by the Community. The Regional Consultations placed the conversation on the Policy Framework in the wider context of the Community environment and sustainable development agenda and provided the foundation for the design of the Community Environment and Natural Resources Policy Framework.

Fourth, utilising the inputs gathered during the previous phases, a draft Policy Framework and the Action Plan for its Implementation was prepared and reviewed by a Meeting of Environmental and Legal Experts of the Caribbean Community. The suggestions and recommendations resulting therefrom duly incorporated in the Policy Framework and the First Action Plan. The Policy Framework addresses specific Sustainable Development Goals (SDGs) as well as elements of the SIDS Accelerated Modalities of Action.

[INCOMPLETE – SHOULD INCLUDE FULL CONSULTATION PROCESS ONCE COMPLETED.]

## 2 VISION AND GUIDING PRINCIPLES

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### VISION

The following vision is intended to help guide the actions undertaken within this Policy Framework up to and beyond 2020:

To effectively and sustainably manage the Community's environmental, natural and cultural resources, including creating and improving conditions, necessary for the conservation of nature and maintaining the ecological balance to capitalize on the benefits that will accrue from their optimal utilization, thereby, contributing to the balance economic, environmental and social development of the Community as a whole and its Member States.

In the implementation of this vision the platform provided by the CSME will be used to enable the Caribbean Community and its Member States to promote the prudent, and rational management and conservation of the region's environmental, cultural and natural resources; the maintenance of a balance between healthy environment and economic development and to develop a more cohesive and strategic approach to its engagement with the international community on environment and sustainable development issues and to work collectively to face the world and to protect and advance their strategic interests.

In addition, the Policy Framework is developmental in perspective and fosters entrepreneurship, innovation and promotes the development of micro- small and medium sized enterprises. It, therefore, contributes to job creation as well as sustained, inclusive and sustainable economic growth in the Community and its Member States.

### GUIDING PRINCIPLES

The Policy Framework is underpinned by a number of general principles as well as general principles of international environmental law,<sup>iv</sup> including acceptable principles of international environmental law. The general principles which underpin this Policy Framework are:

1. The Prevention principle,<sup>v</sup> which requires action to be taken in order to prevent damage (before the damage has occurred).
2. The precautionary principle where the absence of full scientific evidence should not preclude action from being taken where there is an imminent danger to human, animal or plant health, or to protect the environment.
3. The polluter should bear the cost of preventing and repairing environmental damage [the polluter pays principle] and the

rectification of environmental damage should take place at the source.<sup>vi</sup>

4. In undertaking environmental measures, the economic and social development of the Community as a whole and the balanced development of the Member States shall be taken into consideration.<sup>vii</sup>
5. Promotion of development orientated policies that support productive activities which are underpinned by environmental and sustainability principles including by ensuring that environmental impacts are considered at the earliest possible stage in decision-making
6. Environmental issues are best handled with the participation of all major groups, by facilitating at the national and regional levels action to encourage public awareness and participation by making information widely available..<sup>viii</sup>
7. Promote Corporate Social Responsibility by ensuring that Governments and private sector work together to ensure that business and commercial activities do not negatively affect human health and the environment. The private sector should be allowed input into the design of sustainable development activities.<sup>ix</sup>
8. The public of the region shall be provided with information, training and education on environmental management in forms which they can easily understand and obtain at minimal cost.

## 3 THEMATIC AREAS AND POLICY ACTIONS

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To facilitate Policy Framework's implementation, indicative thematic areas are identified which will form the basis for the development of Action Plans and general interventions at the regional and/or national level. These thematic areas have their origin in the Revised Treaty as well as the Member States respective Diagnostic and Analytical Review of Environmental Governance System and the regional consultations convened by the Community Secretariat in support of the Policy Framework development. The broad thematic areas which will be used as guidance for defining specific action via the Policy Framework Action Plans are summarised below.

### 3.1 LAND AND SOILS

Land is one of the Community's most important natural assets as it provides the basis for agriculture, infrastructural development, human settlement as well as extractive industries. However, given the relatively small land space in most Member States, there are competing demands for limited land resources, particularly in the smaller countries;

There are numerous land management related issues being experienced such as unregulated quarrying (i.e. small scale gold mining, sand mining), deforestation resulting from a number of factors including illegal cultivation, inappropriate farming practices; quarrying etc., resulting in watershed destruction, contributing to increasing soil erosion, land slippage and biodiversity loss and sedimentation in the coastal areas.

An area of extreme concern in many of the Member States is the increasing trend of declining amounts of land being allocated to agriculture. This trend if allowed to continue unabated will have implication for the Community's food security and the ability of the region to feed itself..

With respect to the extractive industries (i.e. gold, petroleum etc.) a number of issues exist. In the area of small-scale gold mining or artisanal mining which is prevalent particularly in Guyana and Suriname, there are significant concerns regarding its environmental, health and social impacts, including the impacts of mercury. This form of mining usually employs rudimentary methods to extract and process minerals resulting in a number of environmental problems, including, *inter alia*, pollution of rivers, the widening of the river channels and the weakening of soil at river banks resulting in toppling of trees into the river course, blockages and changes in river channels making them un-navigable, particularly in the dry seasons.

Taking into consideration the relevant targets of Sustainable Development Goals 1, 9 and 15,<sup>x</sup> respectively, the Community shall:

1. adopt effective measures to assist the Member States in the effective management and allocation of their land resources to various uses in a manner which is based on sound environmental and sustainable development principles and to employ the best available methods, tools and technologies.
2. make efforts to combat land degradation, particularly in the rural economy of the Community and its Member States, restore degraded land and soil, including land affected by land degradation, drought and floods and develop quality, reliable, sustainable and resilient infrastructure.

### 3.2 FOREST RESOURCES

Forests are an important natural asset for many Member States. Forest ecosystems provide many benefits, including, *inter alia*, timber, food, fuel and bio-products such as Non-Timber Forest Products (NTFP); social and cultural benefits such as recreation and traditional resource use as well as ecological services including water and air purification, maintenance of wildlife habitat and carbon storage. With respect to the role forests ecosystems play in carbon storage, there is a growing recognition in the Community of the value of conservation, the avoidance of deforestation and the sustainable management of forests as important mitigation tools against climate change.

Despite the importance of the region forest ecosystems they are subject to many stresses including, *inter alia*, continuous extraction of precious wood such as Ziricote (*Cordia dodecandra*) and Rosewood (*Dalbergia stevensonii*) illegal logging, looting, hunting, and unsustainable extraction of mineral resources, in particular gold. For those Member States which share borders incursions from neighbouring countries to exploit natural resources is an area of major concern.

Taking into consideration the relevant targets of Sustainable Development Goal 15, the Community shall:

1. promote the development, management and conservation of the forest resources in the Member States on a sustainable basis, including, *inter alia*, formulating policies and programmes for the management of its forest resources; the integration of forest development in rural communities; forest research, and harmonising standards for quality assurance, compatible with international specifications.
2. Promote projects and programmes to facilitate to support the sustainable management of all types of forests, halt deforestation, restore degraded forests and substantially increase afforestation and reforestation.
3. Encourage public and private sector participation in the development and application of technology; the implementation of incentives for



forestry development to stimulate domestic, regional and foreign investment in the forestry sub-sector and promoting commercialisation of natural forest products in a sustainable manner.,

4. Invest in human resource development at the professional, technical and vocational levels as well as enhancing the institutional capabilities of Member States to design and implement forest management systems .

### 3.3 WATER RESOURCES

The region has a number of water-scarce countries as well as water-abundant countries. Water scarcity, however, is an issue in a number of countries and is expected to intensify going forward. Unaccounted water in the distribution system is an issue in some countries, notwithstanding the threat of increasing water scarcity. There is, therefore, an urgent need in the Community and its Member States to substantially increase water-use efficiency across all sectors and ensure sustainable withdrawals and supply of freshwater to address water scarcity. There is also an urgent need to implement integrated water resources management at all levels including, *inter alia*, the protection and where necessary, the restoration of water-related ecosystems such as mountains, forests, wetlands, rivers, aquifers and lake as well as the building of capacity to implement water harvesting, desalination, water efficiency, wastewater treatment, recycling and reuse technologies.

Though much of the interventions in this area will be taken at the national level, there are, however, a number of issues can be addressed at a regional level such as drought forecasting. Drought is an increasing phenomenon affecting the region and an area of major concern as during the period of drought, the low rainfall which experience results in decreased crop yields, domestic water shortages, lower level of stored water in reservoirs, reduced river and stream flows, and reduced water for swamp and mangrove ecosystems. There is a need to strengthen drought forecasting in the region. Initiatives such as the Caribbean Drought and Precipitation Monitoring Network (CDPMN) currently being undertaken by the Caribbean Institute for Meteorology and Hydrology (CIMH) should be supported.

Water resources management is closely correlated with watershed management, forest management and water supply, particularly for those countries which depend on surface water for their drinking water. Similar stresses are evident throughout the region on water resources from underground aquifers and/or surface water. Stresses include both internal and external factors. Internal factors include, *inter alia*, deforestation, inadequate disposal of waste, inappropriate agricultural practices etc. External factors include the impacts of climate variability and climate change.

To facilitate action under this thematic area and taking cognizance of the targets for Sustainable Development Goal 6,<sup>xi</sup> the Community shall:

1. Place specific focus on the upscaling of the Caribbean Drought and Precipitation Monitoring Network (CDPMN)
2. Promote measures to strengthen capacities of the Member States to harvest water more efficiently using different tools and methodologies.
3. Prepare and implement a Community Water Policy and Governance Framework to guide the Community by providing more specific guidance on integrated water resources and watershed management.

## 3.4 OCEAN AND MARINE RESOURCES

The ocean space of most Member States is several orders of magnitude greater than their terrestrial space. Collectively the resources contained therein and under the sea are considerable and used for multiple activities, including, *inter alia*, shipping, marine leisure activities, fishing and cruise tourism. A wide cross section of issues has been identified which are of critical concern to the Member States. These include, *inter alia*,

### 3.4.1 Coastal and Marine Management

The integrated management of the coastal zones remains an area of serious concern throughout the region. The near shore coastal and marine habitats are under considerable stress from a number of sources in particular Land Based Sources (LBS) of marine pollution. Land based sources of marine pollution results from a number of sources including, *inter alia*, bacterial contamination resulting primarily from: unsewered sanitary disposal; nutrient loading derived from chemicals used in the agricultural sector and unsewaged sanitary disposal; sedimentation, effluent from industrial enterprises and coolant water discharges is a concern throughout the region.

### 3.4.2 Fisheries Resources and their Management

Fisheries, and in particular small scale fisheries is an important economic activity in the Community and its Member States. It is not only a source of protein for many people but also a major employer of persons and, therefore, an important source of livelihoods. Fisheries also provide direct employment for more than 120,000 fishers and indirect employment opportunities for thousands of others (particularly women) in the processing, marketing, boat building, net making and other support services.<sup>xii</sup> Available statistics have shown that the annual nominal production of fish in the Caribbean states has been growing steadily since the 1950s reaching about 195,000 tonnes valued at approximately US\$ 600 million in 2000; however, between 2004-2008 has shown a decline, with the average production over that period being 128,857.5 tonnes.<sup>xiii</sup> Sustainable fisheries management as defined in the Common Fisheries Policy underpins the Community's approach to better utilizing the fisheries resources across the value chain.

A wide range of environmental issues have impact on the sustainable management of fisheries resources in the Community and its Member States. These include, *inter alia*, land based pollution including liquid domestic waste, coral reef destruction resulting from a number of causes such as sedimentation from on-land activities, construction and/or dredging and pollution; destruction of mangroves etc. There is a need, therefore, to address the environmental issues which impact on the sustainable management of the region's fisheries resources, including the potential impact of climate change.

From a resource management standpoint resource issues highlighted include, *inter alia*, the management of straddling and highly migratory fish stocks, overfishing, and habitat destruction and the inadequate monitoring, control and surveillance (MCS) systems in the region which has made the region to Illegal, Unreported and Unregulated (IUU) fishing. In the context of the latter, the *Castries Declaration on Illegal, Unreported and Unregulated (IUU)* will be used as the context for addressing this issue.

### 3.4.3 Marine Recreation

Given the large ocean spaces which falls under the national jurisdiction of the Member States the development of the marine recreational industry (i.e. whale watching, yachting, etc.) as a separate industry in its own right, which contributes to the tourism product while providing a range of other skilled jobs is worth consideration. The associated environmental risks have to be addressed including waste disposal, movement of invasive species and interactions with sensitive marine ecosystems

### 3.4.4 Marine Managed Areas

Though an important tool used for the protection and/or management of marine resources within the marine environment no regional agreed guidelines exist for their use in the community, in particular, with respect to the preservation of cultural or historical resources. What have been used more often, throughout the region as a means of protecting, enhancing and conserving coastal and marine habitats and ecosystems are Marine Protected Areas (MPAs)—a subset of Marine Managed Areas (MMAs)

### 3.4.5 Coral Reef Management

The region's coral reef ecosystems though important and reflected in the services that they provide, (i.e. supporting services, provisioning services (food), regulating services and recreational services (i.e. tourism etc.) dissipating wave energy before they reach the coast, are under considerable stress from a number of sources, including, *inter alia*, microalgae overgrowth on corals, bleaching events, land based pollution, overfishing of herbivorous fish, coastal development and marine pollution and damage.

The strengthening of scientific knowledge and developing research capacity and human resource development at the professional, technical and vocational levels is

critical. So is the access to and transfer of marine technology as well as the enhancement of the institutional capabilities of the Member States to address the myriad of issues related to effective management, conservation and utilisation of the living resources of the exclusive economic zones of the Member States.

Taking in consideration of Sustainable Development Goal 14 and the obligations of the Member States under various relevant international environmental agreements, the Community shall

1. Collaborate with the Member States to reduce pollution of their marine environment from all sources, in particular from land-based activities, including marine debris and nutrient pollution.
2. Promote the sustainable management and protect marine and coastal ecosystems (especially coral reefs, seagrass beds and mangroves )to avoid significant adverse impacts, including by strengthening their resilience, and take action for their restoration in order to achieve healthy and productive ecosystems. In this regard, the Community will promote the use of Ecosystem Based Adaptation (EbA) approaches and methodologies, and in particular, Coastal Ecosystem Based Adaptation (CEbA).
3. Promote the strengthening of marine scientific research and development of the associated technological capacity.
4. Engage the CARICOM institutions to advance research in the following critical areas
  - a. Ocean Acidification: There is a growing concern in the region of the trend of increase ocean acidification—the continuing decrease in the pH of the Earth's oceans, caused by the uptake of carbon dioxide (CO<sub>2</sub>) from the atmosphere. One of the harmful manifestations of this phenomenon is coral bleaching which is caused by the depressed metabolic rates and immune responses in some organisms. There is the need for enhanced national, regional and global cooperation to address its causes and to further study and minimise impacts.
  - b. Resources beyond National Jurisdiction: This refers to the regime for the seabed and ocean floor and subsoil thereof beyond the limits of national jurisdiction established in Part XI of the United Nations Law of the Sea Convention (UNCLOS) as well as the ongoing deliberations in the UN for the "Development of an international legally binding instrument under UNCLOS on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction (BBNJ)" Whereas this offers some potential for the Community and its Member States, it requires additional

resources and coordination at both the national and regional levels. The importance of this area and the potential it offers to the Community must be studied and promoted.

- c. The inclusion of Sustainable Development Goal 14 “*Conserve and Sustainably Use the Oceans, Seas and Marine Resources*” in the 2030 Sustainable Development Agenda as well as specific attention to Sustainable Ocean based economies in the SAMOA Pathway has seen the emergence of several initiatives and academic work on the “Blue Economy” and “Blue Growth” Strategies. It is critical that the region engage in CARICOM specific research and consultations to advance concepts to sustainably . utilise the marine environment while increasing the economic benefits to the Member States, including through sustainable management of fisheries, aquaculture and tourism.

## 4 CROSS-CUTTING POLICY AREAS

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All the Community's existing Policy Frameworks are intimately linked in some manner to the environmental and natural resources base of the Community. For example, Natural Resource Conservation is identified as an important pillar of the Caribbean Community Agricultural Policy<sup>xiv</sup> (CCAP) as well as an acknowledgement that in its execution, linkages will need to be made to the "region's work on sustainable development, environmentally friendly agricultural practices and with the Community Energy and Renewable Energy. In the case of the Regional Food and Nutrition Security Plan<sup>xv</sup> (RFNSP) the links between the provision of food and better husbandry of the region's environment and natural resources is both implicitly and explicitly recognised with respect to the availability of water resources for agriculture, the need for drought monitoring and the ability of the region to adapt to the adverse impact of climate change.

In the case of the Community Energy Policy<sup>xvi</sup> some of the core aims are in fact environmental and natural resources objectives. These include, inter alia, the accelerated deployment of renewable and clean sources of energy supplies towards increased energy supply diversification and affordability; increased energy efficiency and conservation in all sectors and the establishment and enforcement of labelling and standards for the importation of electrical appliances as well as standards for vehicles importation; greater use of renewable energy for electricity generation as well as in the transportation, industrial and agricultural sectors; the establishment of regional and national targets for emissions reduction with corresponding mitigation actions and strategies for maintenance of adequate energy reserves in the event of disasters. It also recognizes the linkages between energy and climate change.

The Agreement Establishing the Caribbean Community Common Fisheries Policy provides a framework for the sustainable use of the Community's fisheries and related ecosystems and recognises the environmental and conservation measures which are essential for the management of these resources. Finally, there is the Caribbean Regional Framework for Achieving Development Resilient to Climate Change and its Implementation Plan which looks comprehensively at mainstreaming climate change impacts into regional development.

It is envisaged that other Community Policy which might be formulated in the future that have environmental or natural resources management implications, will be formulated in a manner to be consistent with the guiding principles of this Policy Framework.

That being said the following will be done in support of existing regional policies and mechanism.

## 4.1 BUILDING RESILIENCE TO CLIMATE CHANGE

Taking into consideration the targets of Sustainable Development Goal 13 and acknowledging the actions which the Member States that are party to the United Nations Framework Convention on Climate Change (UNFCCC) and more recently the Paris Agreement, have to take to honour their obligations under this agreement, as well as the ongoing work of the Caribbean Community Climate Change Centre and other CARCIOM Regional institutions, the Community shall:

1. Take measures to streamline and strengthen the Community's information gathering, monitoring and analysis infrastructure to enhance the region's capability to better be prepared for and respond to climate-related hazards and natural disasters.

## 4.2 DISASTER RISK REDUCTION AND MANAGEMENT

A range of hazards, including, *inter alia*, geological hazards such as earthquakes, volcanic eruptions, pyroclastic flows, mudflows, ash falls, landslides and/or slope failure, forest fires; meteorological hazards including hurricanes floods and drought; tsunamis hazards and tidal wave hazard; storm surges and anthropogenic hazards such as oil spills and the potential adverse impacts of climate change—increase sea temperatures, sea level rise, increasing strength of hurricanes, more frequently, affecting the region. As a consequence natural hazard risk assessment and management is a major concern of the Caribbean Community and its Member States.

Taking into consideration the *Sendai Framework for Disaster Risk Reduction 2015–2030*<sup>xvii</sup> the Community shall

1. continue to work closely with its Member States to increase their capacity and capability to monitor, assess and better understand disaster risk and to take the necessary measures to reduce their impacts and to build resilience.

## 4.3 SUSTAINABLE ENERGY

The development of renewable sources of energy is a priority area of intervention in the most Member States of the Caribbean Community. Affordable Reliable and Sustainable Energy is, therefore, a key objective for every Member State and a process towards this end is evident in almost every Member State, even though at different stages of implementation. In this regard, the Community Energy Plan was approved and a Community Renewable Energy Centre established in 2014.

The region has considerable renewable energy assets, including, *inter alia*, hydro, solar, geothermal, wind, bio-fuels, waste to energy etc. Some Member States

already have considerable experience in the development of energy from these energy sources. However, there are a number of constraints affecting the more rapid uptake of renewable energy technologies. These include, *inter alia*, monopolistic tendencies in the electricity generation sector; the enabling policy environment aimed at stimulating uptake and investment and appropriate investment modalities.

Taking into account Sustainable Development Goal 7, the Community shall:

1. Enhance international cooperation to facilitate access to clean energy research and technology, including renewable energy, energy efficiency and advanced and cleaner fossil-fuel technology, and promote investment in energy infrastructure and clean energy technology.

#### **4.4 MULTILATERAL ENVIRONMENTAL AGREEMENTS (MEAS)**

Multilateral Environmental Agreements (MEAs) are important instruments of international environmental law, a relatively large number of which have been ratified by the Member States of the Caribbean Community. Though the Caribbean Community is not a party to any of these MEAs, *per se*, the Secretariat, however, still has an important role in coordination during the implementation and negotiating phases of these instruments given its convening powers. The implementation of these MEAs by the Member States will have implications for the Policy Framework and hence their relationship with it will be clearly defined. An important aspect of this will be to work with the Member States in determining whether there is a need for new legislation to be enacted and/or the modernisation or amendments to the existing legislation to facilitate the integration of the principles contained in the MEAs to which the Member States is a party into national legislation. This issue is underscored by a number of Caribbean environmental cases *Natural Resources Conservation Authority v Seafood and Ting International Limited* and *DYC Fishing Limited*,<sup>xviii</sup> and the Trinidad and Tobago case, *Talisman (Trinidad) Petroleum Ltd. v The Environmental Management Authority*.<sup>xix</sup>

In addition, the recognition that MEAs can be used as a means of restricting trade and market access (i.e. reference is made in many of the Country Reports to Caribbean queen conch (*Strombus gigas*), listed under CITIES Annex II) as well as a regulator of investment behaviour as exemplified by Article 72 of the EPA<sup>xx</sup> warrants closer policy focus.

With respect to MEAs, the Community shall

1. Enhance coordination of the Member States at the regional level, with the view of enhancing the region's preparation for participation in the Conference of Parties (COP) in the various Conventions.



2. Pursue the necessary administrative or other measures necessary to increase their participation in the CoP of Conventions of which it's Member States are party.

## 4.5 MANAGEMENT OF POLLUTION

The Caribbean Community and its Member States are affected by various forms of pollution which must be managed and controlled consistent with Article 65.2.RT which underscores emphasizes the preservation, protection and improvement of environmental quality and the protection of the life and health of humans, plants and animals. The forms of pollution control include, *inter alia*, solid waste, both municipal and ship generated solid waste; liquid waste; sea based pollution including the dumping of oil and other wastes from ships, from accidental spills and offshore oil drilling and air pollution including transboundary sources such as Saharan dust. Areas on which focus will be placed, include, *inter alia*,

### 4.5.1 Municipal Solid Waste Management

Emphasis will be placed supporting integrated management of solid waste and infrastructure for sanitation, hygiene and waste management systems as well as for action to facilitate waste reduction and the promotion of waste as a resource its utilization in many ways including waste-to-energy. Closely related is the issue of disease prevention which includes a consideration of the reduction of deaths caused by water borne diseases as well as from hazardous chemicals and air, water and soil pollution. The increase occurrence of viruses (i.e. chikungunya, Zika, etc.) is also an area of concern which requires more focused attention and research.

### 4.5.2 Special Area

Under MARPOL 73/78 areas requiring a higher level of protection than other areas of the sea for technical reasons relating to their oceanographical and ecological condition and to their sea traffic and for which the adoption of special mandatory methods for the prevention of sea pollution is required are designated Special Areas. One such area so designated under Annex V of MARPOL 73/78 is the Wider Caribbean, including the Gulf of Mexico and the Caribbean. Notwithstanding that the discharge requirements which took effect under the Wider Caribbean Special Area, commenced on May 2011, some Member States of the Caribbean Community have not invested in the requisite facilities. This area remains a concern given the increasing level of shipping activity in the region, including cruise tourism, in the region. Concerns also exist with respect to the safety of shipping and the prevention of vessel source pollution as expressed in Article 140.5 (d).RT.

### 4.5.3 Waste Water Treatment and Re-use

Waste water management and disposal remain a major challenge for most Member States. A major area of concern is the lack of investment in waste water infrastructure and the implications of this for discharges into the coastal and marine environment and the further implications for human health. Issues highlighted include, *inter alia*, discharge of untreated effluent in the marine environment and

lack of central sewerage systems. A major area of intervention and opportunity which has been highlighted is the expansion of waste water treatment, recycling and reuse.

#### 4.5.4 Sea Based Pollution

Sea based pollution is an area of great concern across the region, including, *inter alia*, ship generated waste and its disposal; the threat posed by oil spills from tanker traffic which traverse the Caribbean Sea and the ability of the region to respond in a timely, effective and efficient manner; pollution resulting from off shore petroleum mining.

## 4.6 MANAGEMENT OF CHEMICALS INCLUDING HAZARDOUS MATERIALS

The storage use and management of chemicals and their impact on the environment and human health remains a serious concern in the Community, notwithstanding that the Member States are party to a number of international legal instruments on chemicals. Improvement in the management of chemical through the access to and use of environmentally sound technologies and capacity development is identified as a critical area for intervention within the context of the Policy Framework. There is also concern about the harmful effects of hazardous materials transported, generated disposed of or shipped through the Community as expressed in Article 65.2 (e). RT.

Another area of major concern is oil spill contingency, given that the Caribbean is one of the most traversed regions of the world for the movement of petroleum products. A considerable concern, therefore, exists about the probability of a potential major oil spill taking place in the region and the region's ability to respond adequately and in a timely, efficient and effective manner. Additionally, as some Member States embrace offshore oil drilling, there is an urgent need for the region to strengthen its ability to combat emergencies stemming from deep-water wells.

Taking into consideration the relevant target of Sustainably Development Goal 12 "*Ensure Sustainable Consumption and Development Patterns*" the Community shall:

1. Develop programmes to support the Member States in taking measures to achieve the environmentally sound management of chemicals and all wastes throughout their life cycle as well as to reduce their release to air, water and soil.

## 4.7 MANAGEMENT, CONSERVATION AND SUSTAINABLE USE OF BIODIVERSITY

The Community and its Member States is rich in both terrestrial and marine biodiversity which needs to be sustainably used and managed so that the necessary economic and other benefits can be derived from these resources. Within the framework of this theme, a number of issues will be addressed, including, *inter alia*,

1. The fair and equitable sharing of the benefits arising from the utilization of genetic resources from both terrestrial and marine ecosystem, including by appropriate access to genetic resources and by appropriate transfer of relevant technologies, taking into account all rights over those resources and to technologies.
2. The conservation and sustainable use of plant genetic resources for food and agriculture and the fair and equitable sharing of the benefits arising out of their use, for sustainable agriculture and food security.

Measures to ensure an adequate level of protection of the safe transfer, handling and use of living modified organisms resulting from modern biotechnology that may have adverse effects on the conservation and sustainable use of biological diversity, taking also into account risks to human health, and specifically focusing on transboundary movements.

The promotion of research is needed on the impact of the adverse effects of climate change on the region's biodiversity.

The first three areas are the objectives of internationally legally binding instruments, namely the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization (ABS) to the Convention on Biological Diversity is a supplementary agreement to the Convention on Biological Diversity which provides a transparent legal framework for the effective implementation of the fair and equitable sharing of benefits arising out of the utilization of genetic resources; the International Treaty on Plant Genetic Resources for Food and Agriculture which is to be implemented in harmony with the Convention on Biological Diversity (CBD) and the Cartagena Protocol on Biosafety to the Convention on Biological Diversity which governs the movements of living modified organisms (LMOs) resulting from modern biotechnology from one country to another.

Despite the importance of these areas, many gaps exist which require the consideration of the Community and its Member States and for their programming. These include, *inter alia*, inadequate legal protection of the region's genetic resources rights over those resources as well as mechanisms for access and the sharing of benefits in a fair and equitable manner and the lack of sufficient emphasis in the region on plant genetic resources for food and agriculture. The latter is

important for the regions food security as well as its potential as an adaptation strategy to the impacts of climate change.

Other important areas which have been highlighted and which will be addressed under this theme include, *inter alia*, wildlife management including illegal trade in wildlife which are important dimensions of biodiversity for some countries; invasive alien species which are introduced by different means, including, by marine and air transport and/or by atmospheric transport and protected area management of both terrestrial and marine ecosystems.

Finally the involvement of indigenous peoples and local communities is critical to the regional environmental and sustainable development processes in the Community. This is, international consensus as highlighted in Principle 22 of the *Rio Declaration on Environment and Development* that Indigenous people and their communities and other local communities have a vital role in environmental management and development because of their knowledge and traditional practices. States should recognize and duly support their identity, culture and interests and enable their effective participation in the achievement of sustainable development.

Taking into consideration the relevant targets of Sustainable Development Goal 15 and the *Aichi Biodiversity Targets*, the Community shall

1. Adopt measures for the conservation of biological diversity and the sustainable use of biological resources of the Member States, especially those of important medicinal and traditional value.
2. Take action to reduce the degradation of natural habitats; halt the loss of biodiversity;
3. Introduce measures to prevent the introduction and significantly reduce the impact of invasive alien species on land and water ecosystems and control or eradicate the priority species to end poaching and trafficking of protected species of flora and fauna.
4. Support Member States in integrating biodiversity values into national and regional development and poverty reduction strategies and planning processes and these are incorporated into national reporting systems.

In promoting the establishment of Managed Marine Areas, encourage the establishment of protected aquatic habitats and associated terrestrial areas and fish populations for the sustainable development of fisheries resources of the Member States.

Further, the Community shall:

1. promote the protection of intellectual property rights as it relates to both terrestrial and marine biodiversity. In the cases of terrestrial biodiversity, this will be achieved in part, by ensuring, *inter alia*, the

preservation of indigenous Caribbean culture and the legal protection of the expressions of folklore, other traditional knowledge and national heritage, particularly of indigenous populations in the Community.

2. devise means of protecting, developing and commercialising local knowledge about the value and use of the Region's biodiversity for the benefit of their populations, especially their indigenous peoples.
3. promote fair and equitable sharing of the benefits arising from the utilization of genetic resources as well as appropriate access to such resources, as internationally agreed. Emphasis shall be placed on issues relating to bio safety and protection from adverse impacts of biotechnology.
4. take appropriate measures to ensure that the traditional knowledge, innovations and practices of indigenous and local communities relevant customary use of biological resources, are respected,
5. ensure the full and effective participation of indigenous and local communities, the regional environmental and sustainable development processes in the Community.

## 4.8 SUSTAINABLE CONSUMPTION AND PRODUCTION

The international community has identified changes in unsustainable consumption and production patterns as an essential pre-requisite to achieving sustainable development. Sustainable consumption and production includes a wide cross section of issues which overlap some of the areas already identified. Areas which could fall under this thematic area, include, *inter alia*, sustainable natural resource use; resource efficiency and resource decoupling; sustainable infrastructure, construction and sustainable cities; sustainable energy use; sustainable transport; application of cleaner production technologies and processes; eco-labelling and sustainable marketing; sustainable life styles and public procurement. Closely linked to sustainable consumption and production are the processes of Green Economy transition; Low Carbon Development Strategies and transformation to an Organic Island which a number of the Member States of the Community have embraced are in the process of implementation. Sustainable consumption and production will, therefore, be promoted across the value chain in the relevant sectors.

Taking into consideration Sustaining Development Goal 12, "*Ensure Sustainable Consumption and Development Patterns*" the Community shall:

1. work closely with the Member States and other stakeholders in developing programmes on various aspects of sustainable consumption and production.
2. promoted a programme on Sustainable Livelihoods as a means of creating an enabling environment for addressing poverty reduction with a focus on vulnerable populations and communities at risks.
3. encourage the private sector to adopt sustainable practices and to integrate sustainability information into their reporting cycle

4. work with the Universities to establish programmes to strengthen the region's scientific and technological capacity to move towards more sustainable patterns of consumption and production.

## 4.9 TRADE AND COMPETITIVENESS

### 4.9.1 Trade and environment

A growing area of importance is the interrelationship between environmental policy and trade policy. This is exemplified by the fact that the objectives of sustainable development is to be applied and integrated at every level of *Economic Partnership Agreement Between the CARIFORUM Member States on the one hand , and the European Union and its Member States on the other hand*<sup>xxi</sup> (EPA). The environmental dimensions contained in the EPA are, therefore, substantive and have implications for many of the thematic areas which the Policy Framework addresses. In addition, a growing area of importance to the Community and its Member States; given the region's dependence of the direct foreign investment is the relationship between environmental policy and investment policy as exemplified in the case *Allard v the Government of Barbados*.<sup>xxii</sup>

The use of the region's natural assets in a sustainable manner combined with targeted investments could result in the development of an industry focusing on trade in environmental goods and services (e.g. the development of Non-Timber Forest Products (NTFP) and natural products such as crab wood oil which is traded in Brazil, Europe and North America as Andirobi oil etc.). The promotion of such products and services could form the basis for the development of alternatives livelihood options in trade and environmental goods and services. The promotion of trade in environmental goods and services is also consistent with relevant elements of Community Industrial Policy, sustainable tourism diversification, including, *inter alia*, community and gastronomic tourism; agro-tourism and cultural tourism, and, in particular the protection and "development" of sites of historic, cultural and heritage significance have been highlighted as areas with possibilities. The region's rich endowment of natural and cultural heritage which has the potential for further protection and enhancement could provide the basis for the development of heritage tourism as well as livelihood options.

Taking into consideration the increasing importance of the interconnection between trade policy and environmental policy the Community shall:

1. initiate a Regional Programme on Trade and Environment to create greater awareness of the interconnectedness of these two policy frameworks.
2. initiate a Programme on Trade in Environmental Goods and Services aimed at supporting activities of Community origin. This initiative is consistent with the agreement in the Economic Partnership Agreement (EPA) relating to cooperation for the promotion and facilitation of public

awareness and education programmes in respect of environmental goods and services in order to foster trade in such products between the Parties.<sup>xxiii</sup>

#### 4.9.2 Competitiveness

This involves enhancing the region's capacity to comply with international environmental, health and safety standards, including sanitary and phytosanitary measures. Compliance with the international standard is a necessary dimension of international competitiveness but one of the biggest challenges facing businesses today. In this regard, Member States face a number of constraints, including, *inter alia*, the lack of adequate testing facilities and relevant human resources capacity. A core dimension of the Policy Framework will be to enable the region's productive sectors to address this issue.

With respect to standards and certification; many processing facilities in the Community are below the level of certification required under the Hazard Analysis and Critical Control Points<sup>xxiv</sup> (HACCP). In the case of Sanitary and Phytosanitary measures, many Member States have limited capability and hence experience difficulty in complying with various international regulations (e.g. EurepGAP<sup>xxv</sup>). The ability to meet the legislative, administrative and reporting requirements of international and regional agreements and comply with international standards (i.e. HACCP etc.) is an important issue for many Member States, as it affects exports.

For example, an issue which continues to plague the export of fish and fishery products is adherence to international environmental, health and safety standard including sanitary and phytosanitary measures. Fish and fishery products are important export items for many Member States of the Caribbean Community which accounts for approximately US\$150 million per year and for as much as 8 percent of GDP in some Member States (i.e. Guyana). The Member States of the Caribbean Community wishing to export fishery products to the European Union have experienced difficulty in meeting the requirements of the European Legislation in respect to health control for fishery products. When this occurs, these countries are unable to gain market access which has devastating consequences, particularly to those who depend on the industry for their survival. Issues highlighted which contributes to such a situation includes, *inter alia*, duplication of inspection activities; powers and duties of the Competent Authority not clearly defined; legislation does not meet EU requirements for hygiene, HACCP or water safety; poorly developed laboratory support for controls for fisheries products in establishments; no monitoring programme for bio toxins and heavy metals and certificate security insufficient.<sup>xxvi</sup> The issue of adherence to international standards, not only as it relates to fishery products, but also to other export products.

The Community shall:

1. continue to work closely with the Member States in strengthening their institutional and technical capacity to comply with international environmental, health and safety standards.

2. facilitate the undertaking of an assessment of the various standards and certification schemes to which the Member States must comply in order to gain market access through the development of a Regional Programme targeting Caribbean Community enterprises, in particular, small and medium sized enterprise to comply with international environmental, health, quality and safety measures, standards and regulations.



## 5 MEANS OF IMPLEMENTATION

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A number of Means of Implementation will be vital to the successful implementation of the Policy Framework and actions there under, including *inter alia*, Public Education and Awareness; Data Collection, Analysis and Reporting; Science, Technology and Research; Capacity building; and Financing and Resource Mobilisation.

### 5.1 PUBLIC EDUCATION AND AWARENESS

A pre-requisite for the roll out of the Policy Framework, will be the launching of a Public Education and Awareness programme to inform the general public on the need for the Policy Framework and its content and implications.

There is also a critical need for sharing of information on experiences between the Member States has been identified as a major constraint by both policy, legal and technical experts. Added to this, information on environmental decision making and its access is not only important to public authorities, many of whom are custodians of such data and information but is also important to the general public to enable them to contribute intelligently to debates on environmental issues as well as support measures to enhance the environment.

In order to address these concerns the Community shall:

1. Develop a Community Public Education and Awareness Programme for promoting and explaining the Policy Framework to the various Stakeholders.
2. Establish a purpose driven network to facilitate the sharing of experiences and information across the Caribbean Community and its Member State taking into consideration the various Networks that exist or are being established.
3. Develop mechanisms to enable Caribbean Community nationals to have appropriate access to information concerning the environment and natural resources, to this information widely available as a means of facilitating and encouraging public awareness and participation.

### 5.2 DATA COLLECTION, ANALYSIS AND REPORTING

An issue which has plagued the Caribbean Community and its Member States is the systematic collection of environmental and natural resources data on which to pursue evidence-based decision making (EBDM). The need for the collection of such data cannot be over emphasized as pursuant to Article 65.2. (e).RT. the Community is obligated to take account in its decision making of the environmental conditions

in the Member States. The systematic collection of environmental and natural resources data will also contribute significantly to the data collection requirements under the Sustainable Development Goals (SDGs). The collection and analysis of environmental data and information for decision making, thereby, enhancing evidence, data credibility, capacity and availability.

Evidence Based Decision Making (EBDM) will be an integral part of the implementation of the Policy Framework, thereby, improving the efficiency and effectiveness of decision making process. To achieve this it will be necessary to instil a culture of the systematic collection of environmental and natural resources data, its integration in the National Statistical Infrastructure of the Member States and its use for Evidence Based Decision Making (EBDM) in the Community and its Member States. The systematic collection of information and data on environmental and natural resources would enable the Community to have an informed position on the Status of the Environment and Natural Resources in the Community and would facilitate the Member States in honouring their obligation to carry out periodic State of the Environment and Natural Resources Reports.

The improved collection of environmental statistics will enable the Community and its Member States to report more effectively on the environmental conditions in the Member States as well as to better assess the potential costs and benefits of action or inaction with respect to taking environmental action

In light of the preceeding the Community shall:

1. Develop a programme to support the Member States in the systematic collection of environmental statistics and their integration into the national statistical systems in the respective Member States

### **5.3 SCIENCE, TECHNOLOGY AND RESEARCH**

Implementation of this policy framework will necessitate the involvement of tertiary and technical and vocational institutions in the CSME Zone. Furthermore, since most of the economies of the Member States are characterised by micro-, small- and medium-sized enterprises, this group should be specially targeted in increasing their access to and use of environmentally sound technologies. Focus should also be placed on the further development and promotion of indigenous technologies.

### **5.4 CAPACITY BUILDING**

One of the Common Support Measures highlighted in the RT is Human Resources Development with the objective, pursuant to Article 63.1.RT, of supporting the Community's thrust towards international competitiveness in the development, production and delivery of goods and services. The enhancement of the

Community's human resources in environmental and natural resources planning, management and sustainable utilisation of those assets is an essential part of the Community efforts at increasing international competitiveness.

The Community shall:

1. Via the Community Human Resources Development Strategy, promote Science, Technology and Research as a means of enhancing the capacity of Member States in environmental and natural resources management.
2. Work within the framework of the CARICOM Young Development Action Plan (CYDAP) develop a programme aimed at providing opportunities for Young Caribbean Community Nationals to gain experience in working in international organisations as part of their professional training and development.
3. Develop a plan for strengthening of the Sustainable Development Unit of the Secretariat, which has overall responsibility for overseeing the implementation of the Policy Framework on a day to day basis.

## 5.5 FINANCING AND RESOURCE MOBILISATION

A key factor, which to a large extent, determine the successful implementation of the Policy Framework and its Action Plan(s) is the availability of financial resources to implement the various actions identified. This realization is recognised by the COTED<sup>xxvii</sup> which at its Fifty-Third Special Meeting (Environment and Sustainable Development) held in February 2015.

Emphasised the need for an adequately resourced implementation strategy [for the Community Environmental and Natural Resources Policy Framework] and

Requested that the Secretariat make representation to the Resource Mobilisation and Technical Assistance Unit of the Caribbean Community Secretariat (RMTA), regional institutions and donors to secure funding for the priorities of the Framework.

Since the Caribbean Community does not have an independent source (i.e. Community Own Resources)<sup>xxviii</sup> of revenue other than the contribution received from its Member States, innovative means of financing will be employed in order to mobilise adequate resources for the implementation of the Policy Framework and activities resulting therefrom.

The Community shall therefore:

1. Invite Member States to investigate negotiating with the Global Environment Facility (GEF) in investing in implementation of the Policy Framework and Action Plan.

2. Encourage the Caribbean Community Secretariat to consider formal accreditation to the Green Climate Fund (GCF).
3. Promote the rationalisation of bi-lateral and multilateral resources streams in order to increase effectiveness, efficiency in the use of those resources and impact, including resources, which are sourced through the Global Environment Facility (GEF).
4. Advance the establishment of a Project Development Preparation to assist the Member States in sourcing resources.

## 6 INTERNATIONAL ENVIRONMENT AND SUSTAINABLE DEVELOPMENT RELATIONS

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An important dimension of environmental and natural resources management in the Caribbean Community and its Member States is external and international relations—how the Community and its Member States relate to the rest of the world on environmental and sustainable development issues. Pursuant to Article 16.3.(b), (c) and (e).RT the Council for Foreign and Community Relations (COFCOR) is mandated to:

- Establish measures to co-ordinate the foreign policies of the Member States of the Community, including proposals for joint representation, and seek to ensure, as far as practicable, the adoption of Community positions on major hemispheric and international issues;
- Co-ordinate the positions of the Member States in inter-governmental organisations in whose activities such States participate;
- (e) Co-ordinate, in close consultation with the Member States, Community policy on international issues with the policies of States in the wider Caribbean Region in order to arrive at common positions in relation to Third States, groups of States and relevant inter-governmental organisations.

In addition, COFCOR, pursuant to Article 60.4.RT is mandated to promote the establishment of a regime for the effective management, conservation and utilisation of the living resources of the exclusive economic zones of the Member States. The Member States are also obligated, pursuant to Article 141.RT to co-operate in achieving international recognition for the Caribbean Sea as a Special Area requiring protection from the potentially harmful effects of the transit of nuclear and other hazardous wastes, dumping, pollution by oil or by any other substance carried by sea or wastes generated through the conduct of ship operations. In addition, pursuant to Article 65.2. RT the Community and the Member States shall, within their respective spheres of competence, co-operate with third States and competent environmental organisations.

To ensure coherence with major international environmental and sustainable development processes and to minimize duplication of effort on similar issues, the thematic areas identified, are correlated with the relevant provisions of the Small Island Developing States Accelerated Modalities of Action (SMAOA Pathway) and the Sustainable Development Goals (SDGs).

The Policy Framework is so designed to benefit from synergies and complementarities of other initiatives being undertaken by the Community (e.g. the environmental dimension of the Economic Partnership Agreement as an example)

and the international community which have significant implications for the Caribbean Community and the sustainable development of its Member States (i.e. the SIDS Agenda, the 2030 Sustainable Development Agenda etc.). In this regard, special emphasis will be directed to the promotion of the Small Island Developing States Sustainability (SIDSS).

In this regard, the Caribbean Community's international environmental and Sustainable Development Relations and diplomacy will be carried out at various levels, including, *inter alia*,

1. **Countries which are Contiguous to the Caribbean Sea:** The Caribbean Sea is a very important natural resource for not only the Caribbean Community and its Member States but also for the countries which are contiguous to it. Given the mandate lay out, pursuant to Article 60.4.RT, for the establishment of a regime for the effective management, conservation and utilisation of the living resources of the exclusive economic zones of the Member States and the obligation imposed on the Member States of the Caribbean Community, pursuant to Article 141.RT to co-operate in achieving international recognition for the Caribbean Sea as a Special Area, it is necessary that a clear policy is articulated on how this could be achieved.

In this regard, how the Community relates to *the Convention for the Protection and Development of the Marine Environment in the Wider Caribbean Region* <sup>xxix</sup> (WCR) (Cartagena Convention) which is a comprehensive, umbrella agreement for the protection and development of the marine environment of the Caribbean Sea as well as the Association of Caribbean States which houses the Caribbean Sea Commission established in 2008 to "promote and oversee the sustainable use of the Caribbean Sea" as well as the countries contiguous to this resource is of critical importance.

2. **Hemispheric Environmental and Sustainable Development Diplomacy:** There are a number of hemispheric inter-governmental bodies of the Member States of the Caribbean Community are members and with which the Policy Framework has to interface with. These include, *inter alia*, the Organisation of the American States (OAS); the Community of Latin American and Caribbean States (CELAC), in particular, the CELAC Ministers of Environment Meeting; the Bolivarian Alliance for the Peoples of Our America (ALBA) and the Forum of Ministers of Environment of Latin America and the Caribbean. In the case of CELAC, the Community will strengthen its collaboration with and participation in the CELAC Ministers of Environment. It will also seek to be more actively involved in the growing EU-CELAC relationship.

In addition, the Community will seek further engagement and collaboration with all the Member States of the hemisphere, including the United States of America (USA) and Canada as well as those States which have dependent territories in the Caribbean.

3. **The African, Caribbean and Pacific Group (ACP)—European Union Relations:** The Member States of the Caribbean Community are all signatories to the *Cotonou Agreement between the European Community and its Member States, of the one part, and the African, Caribbean and Pacific (ACP) States, of the other* which promotes and expedite the economic, cultural and social development of the ACP States, with a view to contributing to peace and security and to promoting a stable and democratic political environment.<sup>xxx</sup> This Agreement forms the basis for ACP-EC cooperation which emphasizes that the principles of sustainable management of natural resources and the environment, including climate change, shall be applied and integrated at every level of the partnership. Within this legal framework the EC is one of the largest aid donors of the Caribbean Community and its Member States. Using the Policy Framework as a mechanism for enhance environmental and natural resources management in the Caribbean Community it is anticipated that more resources will be leveraged through the CARIFORUM mechanism to support the implementation of the Policy Framework.
4. **Small Island Developing States Sustainability and the Alliance for Small Island States:** The international external relations of the Caribbean Community and its Member States will have a very strong SIDS focus, and in particular, the implementation of the Outputs of the three International Conferences—of the *Programme of Action for the Sustainable Development of Small Island Developing States (SIDS)* (commonly referred to as the *Barbados Programme of Action (BPOA)*); the *Mauritius Strategy for the Further Implementation of the BPOA (MS/BPOA)*, adopted by the international community at the *International Meeting for the Review of the BPOA in January 2005* and the *SMAOA Pathway adopted by the Third International Conference on SIDS in September 2014*.
5. **Commonwealth Secretariat:** Within the framework of the Policy Framework a more strategic approach to environment and sustainable development issues will be promoted, in particular with respect to the strengthening of cooperation with the Commonwealth Small States. Another key area which will be built upon is the enhancing the voice and participation of SIDS in norm-setting and decision making at the global level including the G20.

6. **United Nations System:** The United Nations System is the bedrock of multilateralism to which the Caribbean Community and its Member States subscribe. The UN System is also one of the largest technical assistance providers to the region. Most of the negotiating processes on environment and sustainable development issues at the international level take place under the aegis of the United Nations.

A strategic policy which will be pursued by the Community is to strengthen its participation in the new UN institutional architecture that is emerging following the Rio+20 outcomes including the High Level Political Forum on Sustainable Development; the United Nations Environment Assembly, Sustainable Development Goals, the Technology Mechanism, the Sustainable Development report and the Sustainable Financing Mechanism. With the view of strengthening its participation in these institutions and processes and within the context of the Policy Framework a number of actions will be taken including, *inter alia*, to:

- (a) Increase the effectiveness of the region's approach to international environmental and sustainable development negotiations through more focused and upstream preparation.
  - (b) Increase advocacy with the view of influencing institutional entities comprising the UN system to increase effectiveness and efficiency in fulfilment of their functions and mandates in providing more coherent support to SIDS, while ensuring appropriate accountability.
  - (c) Review the region's representation at key UN duty stations with the view of improving representation (e.g. No Caribbean Community Member State has a diplomatic mission in Nairobi, the seat for the United Nations Environment Assembly of UNEP and its Subsidiary Body the Committee of Permanent Representatives (CPR)) and establishing adequate mechanisms, as may be required, to facilitate effective participation of the Community and its Member States in these processes, to protect and defend their strategic interests.
  - (d) More aggressively leverage support for the implementation of elements of the Policy Framework within the context of the Cooperation between the United Nations and the Caribbean Community signed in May 1977. Currently the modality used for deciding the areas of cooperation is the convened Bi-annual General Meetings.
7. **Relationship between the Policy Framework and Bi-Lateral Organisations and Entities in Relevant Areas:** To the extent practicable, bi-lateral relations between the Community and the donor community



on a bi-lateral basis in the area of environment and sustainable development will be oriented towards supporting the priorities highlighted in the Policy Framework.

## 7 LEGAL AND GOVERNANCE MECHANISMS

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[Section to be reviewed by legal expert]

### 7.1 LEGAL CONTEXT

The new legal dispensation created by the implementation of the Caribbean Community and Single Market (CSME) is the context within which the Policy Framework will be operationalised. This legal framework is described by the Caribbean Court of Justice (CCJ) in *TCL v The Caribbean Community* <sup>xxxi</sup> as “[...] a rule-based system, thus creating and accepting a regional system under the rule of law.<sup>xxxii</sup> The new regional legal system brings with it legal certainty and protection of rights of states and individuals alike, as well as creates legal accountability. The adoption of the Policy Framework and its Action Plans once approved by the relevant Community Organs will have legal implications for the Community and as well as for the Member States. Furthermore, it should be realised that as an integral part of this new regional legal system, the CCJ, has the power to scrutinise the acts of the Member States and the Community to determine whether they are in accordance with the rule of law. It also has the competence to review the legality of acts adopted by Community institutions and the ability to award appropriate relief to private entities that have suffered and established loss as a result of an illegal act or omission on the part of the Community.<sup>xxxiii</sup>

In addition to the Single Market, the new rule-based system consists of an “Economy” which deals primarily with the productive capacity of the Region’s Economy and is characterised by a number of Common Community Programmes, such as the Community Industrial Policy (CIP); the Community Agricultural Policy (CAP), the Community Trade Policy (CTrP) and the Community Transport Policy (CTP). These Common Community Programmes to a large extent depend on the Region’s environmental and natural resource base. In addition, the creation of a single unified and open market area exists in an environmental space which is an integral part of the CSME.

Furthermore, pursuant to Article 228.3.RT the Caribbean Community has the legal capacity to conclude agreements between States and International organisations. In this regard, the Caribbean Community has concluded a number of Agreements<sup>xxxiv</sup> with States and/or Group of States which have implications for the implementation of the Policy Framework and actions taken hereunder.

Beyond the provisions of the RT and the Instruments which the Caribbean Community are party on behalf of its Member States, the Community Environmental and Natural Resources Policy Framework will be influenced by a number of drivers

over which the Community has no direct control, but which, nevertheless, have implications for the Community and its Member States. These include, *inter alia*,

*International Environmental Law, Institutions and Processes.* Most of these processes are usually undertaken within the context of the United Nations System and are reflected in “hard law” commonly referred to as Multilateral Environmental Agreements (MEAs) and “soft law” in the form of Resolutions, Action Plans and Programmes (i.e. the Barbados Programme of Action (BPOA), the Mauritius Strategy for the Further Implementation of the BPOA, the SAMOA Pathway etc. which the Member States adopt and are guided by.

*Hemispheric, Regional and Sub-Regional Processes* include, actions taken at the hemispheric, regional and sub-region levels as well as commitments made by a group of Member States to take common action to address common or cross-border concerns.<sup>xxxv</sup>

*The Member States and National Processes:* The Member States which are part of the CSME will be a major influence on the Policy Framework. Though the Member States actions and activities will constitute an important driver of the evolution and implementation of the Policy Framework, the Member States too will be influenced significantly by their actions based on the interpretation by the CCJ, if and when it adjudicates on environmental and natural resources provisions of the RT. This is so because of the principle of supremacy of Community Law over municipal law.

*Community Nationals, Private Individuals and Major Groups:* There is general consensus that one of the fundamental prerequisites for the management of environmental and natural resources is the effective participation of both state and non-state actors in operational activities.; including *inter alia*, industry and business, non-governmental organisations; indigenous peoples and their communities; scientific and technological community; workers and workers' organisations; women and children. The new rule-based system under the rule of law which obtains in the Caribbean Community provides for the protection of rights of States and individuals alike. These include rights which are attributable to Caribbean Community National according to the meaning of Article 32 (c).RT as well as those of “persons, natural or juridical” who have qualified access to the Court in accordance with Article 222.RT, and who might be nationals as defined in Article 32 (c).RT or non-Caribbean Community Nationals. Though the rights afforded by the RT to these classes are differentiated, they are equally protected under Caribbean Community Law.

The rights afforded to private entities under the RT underscore the role which the private sector is expected to play in the implementation of the CSME. This role is summed up by the Court in *Trinidad Cement Limited and TCL Guyana Incorporated v The State of the Co-operative Republic of Guyana* <sup>xxxvi</sup> as follows:

*[...] the Contracting Parties are intent on transforming the CARICOM sub-region into a viable collectivity of States for the sustainable economic and social development of their peoples; that the CSME is regarded as an appropriate framework or vehicle for achieving this end and that private entities, "and in particular the social partners", are to play a major role in fulfilling the object and goals of the RT. The CSME is intended to be private sector driven. The question arises as to the manner in which the RT proposes to accommodate private entities.*

The major driver, however, is the Caribbean Court of Justice (CCJ) in its original jurisdiction; an international court, which, pursuant to Article 211.RT has the compulsory and exclusive jurisdiction to hear and determine disputes concerning the interpretation and application of the RT.

## **7.2 GOVERNANCE MECHANISMS**

In the implementation of the Policy Framework careful attention will be paid to legal implications of the various governance mechanisms which will directly impact on the Policy Framework. The following governance mechanisms are important in this regards: The Caribbean Court of Justice (CCJ) pursuant to Article 211.RT has compulsory and exclusive jurisdiction to hear and determine disputes concerning the interpretation and application of the Revised Treaty. The CCJ, therefore, has the pivotal role to play in the interpretation and application of the environmental and natural resources provisions of the RT.

1. The Organs and Bodies of the Community which according to the Caribbean Court of Justice (CCJ) in *Johnson v Caribbean Centre for Development Administration* xxxvii the policies and work of the Community are effected through the Organs and Bodies of the Community and that the Organs and Bodies reflect the will of the Community.xxxviii In the context of the Policy Framework, the primary Community Organ for ensuring its further development and monitoring is the Council for Trade and Economic Development (COTED). Pursuant to Article 15.RT has responsibility for promoting and developing policies for the protection of and preservation of the environment and for sustainable development as well as for promoting measures for the development of energy and natural resources on a sustainable basis among others.
2. On the other hand, however, the Community Secretariat—the Administrative Organ of the Community—through its Sustainable Development Directorate has the responsibility for the day to day oversight and of the implementation of the Policy Framework. However, to perform this role effectively and efficiently the Sustainable Development Directorate will need considerable strengthening; a need which has already been recognised by the COTED

[Environment], which at its Fifty-Third Special Meeting raised the concern that action had not been taken 'to submit a five-year proposal to international partners to support the institutional strengthening of its Sustainable Development Unit' as recommended by the Thirty-seventh Meeting of the COTED. These entities will, therefore, be accountable for their act and omissions with respect to the further development and implementation of the Policy Framework.

3. The relevant<sup>xxxix</sup> Institutions of the Community which have a different legal standing with respect to reflecting the will of the Community will play an important role in the implementation of the Policy Framework. Such roles must, therefore, be clearly defined, taking into consideration that an Institution of the Community cannot be sued in proceedings before the Court. This is a fundamental legal principle which will guide how the Policy Framework is implemented.

To facilitate the smooth, effective and efficient implementation of the Policy Framework and the activities promoted there under it will be necessary for a wide-cross section of stakeholder in the Community and its Member States to embrace them. Key to achieving this, however, the establishment and maintenance of an Efficient System of Consultations at both the national and regional levels. The Efficient System for Regional Consultation should be so designed

1. To provide a forum for discussion on and identification of regional priorities for the Caribbean Community, consistent with national priorities.
2. To provide a forum for consultation to enable the Member States to have a better understanding of the operational implications of the regional environmental and sustainable development agenda as well as a mechanism for the identification of, and the allocation of responsibility for programmes, projects and studies relating to the priority problems which have been identified.
3. To provide a forum to enable the Caribbean Community to address specific issues arising out of the regional agenda and/or on cross-cutting issues.
4. To provide a forum to enable the Caribbean Community to discuss its Programme of Work with Partners, thereby, facilitating a regional approach to resource mobilisation.

### **7.3 COMPLIANCE AND ENFORCEMENT**

Compliance with the Policy Framework and the activities undertaken in support of its implementation will be guided by Article 240 (2) and Article 9 RT combined.

Pursuant to Article 9. RT

The Member States shall take all appropriate measures whether general or particular, to ensure the carrying out of obligations arising out of this Treaty or resulting from decisions taken by the Organs and Bodies of the Community. They shall facilitate the achievement of the objectives of the Community. They shall abstain from any measures which could jeopardise the attainment of the objectives of this Treaty.

And Article 240.1 and 2. RT

- Decisions of competent Organs taken under this Treaty shall be subject to the relevant constitutional procedures of the Member States before creating legally binding rights and obligations for nationals of such States.
- The Member States undertake to act expeditiously to give effect to decisions of competent Organs and Bodies in their municipal law.

## 8 ACTION PLANS

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The Policy Framework will be translated into Action Plans which will identify the specific actions to be undertaken within a particular timeframe. Action Plans will be for a period of four years unless otherwise stated. The Action Plans will further into Two Year Rolling Business Implementation Plans to coincide with the Community's Budget Cycle.

## 9 MONITORING AND EVALUATION

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The objective of review, monitoring and evaluation is to ensure the Policy Framework and its Action Plans are kept under constant review with the view to improving implementation effectiveness.

In the case of Review, the Community shall report to the COTED [Environment], on the progress made in the implementation of the Policy Framework and its Action Plans. In this regard, the Community shall report on the following:

1. Progress on prioritised activities carried out during the reviewing period and the status of implementation;
2. Difficulties encountered and the measures taken to overcome them and the result of those actions;
3. Outputs delivered including the results and the impact(s) achieved;
4. Priorities agreed for the next reporting period.

In terms of monitoring the Caribbean Community Secretariat through the lead Directorate in collaboration with the relevant institutions will be responsible for the day to day Coordination of the activities being implemented under the Policy Framework to ensure they are on-course and on-schedule in meeting the identified objectives and performance targets.

Evaluation on the other hand provides information on the results, effectiveness, processes, and performance of the partners involved in the implementation of various elements of the Policy Framework and its Action Plan. To facilitate this an independent evaluation will be undertaken at the conclusion of each Action Plan Cycle.

The Policy Framework shall be updated periodically as may be determined by the COTED on the advice of the Caribbean Community Secretariat through its lead Directorate. This procedure will allow the flexibility necessary for its updating in order to incorporate new and emerging environmental and natural resources issues facing the Community and its Member States.



## ENDNOTES

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<sup>i</sup> This document was prepared by CaribInvest (West Indies) Limited for the Caribbean Community Secretariat.

<sup>ii</sup> See Article 6. RT

<sup>iii</sup> The COTED Decision

:

**Affirmed** the need for a **Community approach** to tackling environmental and natural resources management issues;

**Agreed** that the **St. Georges Declaration** should be considered in the formulation of the proposed CARICOM Environment and Natural Resources Policy Framework;

**Emphasised** the importance of ensuring that the proposed **Framework is consistent** with existing and emerging sectors and other specific frameworks being developed at the regional level;

**Mandated** the CARICOM Secretariat to **coordinate a series of consultations** with national and regional stakeholders to develop the Community Environment and Natural Resources Policy Framework;

**Also mandated** the CARICOM Secretariat to mobilise the necessary resources to develop the **Draft Community Environment and Natural Resources Policy Framework** for approval, and to proceed with the development of the first communication to Member States on the Community Environment and Natural Resources Policy Framework within 12 months, and by the next Meeting of the COTED [Environment].

<sup>iv</sup> The principles highlighted were all restated in the regional consultations which were convened in support of the Policy Framework

<sup>v</sup> Article 65.2. (e). RT

<sup>vi</sup> Article 65.2. (e). RT

<sup>vii</sup> Article 65.2. (d). RT

<sup>viii</sup> Principle 10, Rio Principles on Environment and Development, modified accordingly

<sup>ix</sup> Principle 5 of the St. Georges Declaration of Principles for Environmental Sustainability in the OECS

<sup>x</sup> Sustainable Development Goal 1 deals with "End Poverty in All Forms;" Goal 9 focuses on "Built Resilient Infrastructure, Promote Sustainable Industrialisations and Foster Innovation;" whereas Goal 15 addresses "Sustainably manage forests, combat desertification, halt and reverse land degradation, halt biodiversity loss."

<sup>xi</sup> Sustainable Development Goal 6 deals with "Ensure Access to Water and Sanitation for All."

<sup>xii</sup> <http://www.agricarib.org/primary-dropdown/fisheries>

<sup>xiii</sup> Ibid

<sup>xiv</sup> See the Caribbean Community Agricultural Policy, 5.15

<sup>xv</sup> Regional Food and Nutrition Security Plan

<sup>xvi</sup> CRICOM Energy Policy approved by the Forty-First Special Meeting of the COTED on ENERGY held 1 March 2013, in Trinidad and Tobago

<sup>xvii</sup> The Sendai Framework for Disaster Risk Reduction 2015–2030 was adopted at the Third United Nations World Conference on Disaster Risk Reduction, held from 14 to 18 March 2015 in Sendai, Miyagi, Japan

<sup>xviii</sup> Judgment in the Jamaica Court of Appeal, Supreme Court Suit C.L. 1999/D-058 and Suit No. C.L. 1999/S-134, Motions 16 and 17 of 1999, July 1, 1999

<sup>xix</sup> Talisman (Trinidad) Petroleum Ltd. v. the Environmental Management Authority, Before The Environmental Commission In The Matter Of The Environmental Management Act, 2000 And The Certificate Of Environmental Clearance Rules, 2001, Republic Of Trinidad And Tobago, No. EA3 of 2002.

<sup>xx</sup> As an example see Articles 183.4 and 72 (c) and (d) of the Economic Partnership Agreement.

<sup>xxi</sup> See Article 3 of the Economic Partnership Agreement Between the CARIFORUM Member States on the one hand and the European Union and its Member States on the other hand,

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<sup>xxii</sup> This case is currently (at the time of writing) before the Permanent Court of Arbitration (PCA). The dispute deals with claims arising out of alleged environmental damage and indirect expropriation by the Government of the Graeme Hall Nature Sanctuary, a wildlife sanctuary in Barbados owned by the claimant.

<sup>xxiii</sup> See the Economic Partnership Agreement between the CARIFORUM States, of the one part, and the European Community and its Member States, of the other part, Article 190.2. (f)

<sup>xxiv</sup> HACCP is a management system in which food safety is addressed through the analysis and control of biological, chemical, and physical hazards from raw material production, procurement and handling, to manufacturing, distribution and consumption of the finished product.

<sup>xxv</sup> Created in the late 1990s by several European supermarket chains and their major suppliers, the **EurepGAP**, developed using the HACCP guidelines is a common standard for farm management practice. GAP is an acronym for Good Agricultural Practices. Originally aimed at bringing conformity to different retailers' supplier standards, which had been creating problems for farmers, **EurepGAP** is now the world's most widely implemented farm certification scheme. Most European customers for agricultural products now demand evidence of EurepGAP certification as a prerequisite for doing business

<sup>xxvi</sup> See Health Conditions and ACP Trade in Fisheries Products at [www.megapesca.com/acrobat/ACPfishExports.pdf](http://www.megapesca.com/acrobat/ACPfishExports.pdf)

<sup>xxvii</sup> Draft Report of the Fifty-Third Special Meeting of the Council for Trade and Economic Development (COTED) (Environment and Sustainable Development) 2-6 February 2015

<sup>xxviii</sup> An independent source of financing has been discussed in the region as far back as 1984 when the issue was given preliminary consideration by the Seventeenth Meeting of the Standing Committee for Finance. For a more detailed treatment of this issue see The West Indian Commission, *Time for Action: Report of the West Indian Commission*, The Press-University of the West Indies, 1992 for a more detailed discussion on the issue of "A Method of Financing" at page 482-485 as well as Griffith, M.D and D. Oderson, *Strengthening the Inner Circle for Environment and Development: The Case of the Caribbean Community*, CaribInvest Publishing, Barbados in Collaboration with Wade Ross Publishing, Mexico, October 2009, Publidisa Mexicana S. A., CaribInvest (West Indies) Ltd., pp. 273 at 242-243

<sup>xxix</sup> The Convention was adopted in Cartagena, Colombia on 24 March 1983 and entered into force on 11 October 1986, for the legal implementation of the Action Plan for the Caribbean Environment Programme (CEP). It also provides the legal framework for cooperative regional and national actions in the WCR.

The Convention is supported by three additional technical agreements or Protocols on Oil Spills, Specially Protected Areas and Wildlife (SPAW) and Land Based Sources of Marine Pollution (LBS).

1. The Protocol Concerning Co-operation in Combating Oil Spills in the Wider Caribbean Region was adopted in 1983 and entered into force on 11 October 1986.
- 2.
3. The Protocol Concerning Specially Protected Areas and Wildlife (SPAW) in the Wider Caribbean Region was adopted on 18 January 1990 and entered into force on 18 June 2000.
- 4.
5. The Protocol Concerning Pollution from Land-Based Sources and Activities was adopted on 6 October 1999 and entered into force on 13 August 2010.

<sup>xxx</sup> The Cotonou Agreement was signed in Cotonou on 23 June 2000 and revised in Luxembourg and Ouagadougou on 25 June 2005 and 22 June 2010, respectively.

<sup>xxxi</sup> *TCL v The Caribbean Community* [2009] CCJ 2 (OJ) at [32]

<sup>xxxii</sup> *TCL v The Caribbean Community* [2009] CCJ 2 (OJ) at [32]

<sup>xxxiii</sup> *Trinidad Cement Limited v The Caribbean Community* [2009] CCJ 4 (OJ)

1. Agreement between the Caribbean Community (CARICOM) and the Government of the Republic of Columbia on - Trade, Economic and technical Cooperation, 1994.
2. Agreement between CARICOM and the Government of the Republic of Chile to establish a Standing Joint Commission on Consultation, Cooperation and Coordination (1996)
3. Agreement between the Caribbean Community (CARICOM) and the Government of the Argentine Republic to Establish a Standing Joint Commission on Consultative, Co-operation and Coordination, 1998.
4. Agreement between the Caribbean Community (CARICOM) and the Government of the Republic of Chile to establish a Standing Joint Commission on Consultative Cooperation and Coordination (1966).

5. Agreement between the Caribbean Community (CARICOM) and the Government of the Republic of Venezuela on Trade and Investment
6. Trade and Economic Cooperation Agreement between the Caribbean Community and the Government of the Republic of Cuba (2000)
7. First Additional Protocol implementing the Trade and Economic Cooperation Agreement between the Caribbean Community (CARICOM) and the Government of the Republic of Cuba (2001)
8. Protocol to the Trade and Economic Agreement between the Caribbean Community (CARICOM) and the Government of the Republic of Cuba, 8 December 2002
9. Protocol Implementing the Trade and Economic Cooperation Agreement between the Caribbean Community (CARICOM) and the Government of the Republic of Cuba (2001)
10. Agreement between the Caribbean Community and the Government of India to establish a Standing Joint Commission on Consultation, Cooperation and Coordination (2003)
11. Free trade agreement between the Caribbean Community (CARICOM) acting on behalf of the Governments of Antigua and Barbuda, Barbados, Belize, Dominica, Grenada, Guyana, Jamaica, St. Kitts and Nevis, Saint Lucia, St. Vincent and the Grenadines, Suriname, and Trinidad and Tobago and the Government of the Republic of Costa Rica (March 2004)
12. The Economic Partnership Agreement between the CARIFORUM States, of the one part, and the European Community and its Member States, of the other part

See: [http://www.caricom.org/jsp/secretariat/legal\\_instruments\\_index.jsp?menu=secretariat](http://www.caricom.org/jsp/secretariat/legal_instruments_index.jsp?menu=secretariat), for more details; 13 January 2015.

<sup>xxxv</sup> The hemispheric processes include, *inter alia*, the deliberations on environment and sustainable development issues taking place within the context of the Organisation of American States (OAS); the Community of Latin American and Caribbean States (Spanish: *Comunidad de Estados Latinoamericanos y Caribeños*) (CELAC) in particular); the Bolivarian Alliance for the Americas (ALBA); the Association of Caribbean States (ACS); the Central American System (SICA); the Amazon Cooperation Treaty Organisation (ACTO) and the Forum of Ministers of Environment for Latin America and the Caribbean.

<sup>xxxvi</sup> *Trinidad Cement Limited and TCL Guyana Incorporated v The State of the Co-operative Republic of Guyana* [2009] CCJ 1 (OJ) at [13]

<sup>xxxvii</sup> *Doreen Johnson v Caribbean Centre for Development Administration* [2009] CCJ 3 (OJ)

<sup>xxxviii</sup> *Doreen Johnson v Caribbean Centre for Development Administration* [2009] CCJ 3 (OJ) at [14]

<sup>xxxix</sup> These institutions include,

13. The Caribbean Disaster Emergency Management Agency (CDEMA)
14. The Caribbean Renewable Energy Centre.
15. Caribbean Agricultural Health and Food Safety Agency (CAHFSA);
16. CARICOM Regional Organisation for Standards and Quality (CROSQ), established pursuant to Article 67.5 of the Treaty;
17. Caribbean Regional Fisheries Mechanism (CRFM);
18. Caribbean Community Climate Change Centre (CCCCC)