

OECS PROTECTED AREAS AND ASSOCIATED LIVELIHOODS PROJECT

“The OECS Policy on Protected Areas Systems”
And “The OECS Model Protected Areas System Act”
Institutional Arrangements for Protected Areas Management

FINAL REPORT

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Organisation of Eastern Caribbean States



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I. Introduction

On October 5, 2007 the Organization of East Caribbean States Environment and Sustainable Development Unit (OECS – ESDU) hired Professor John Knechtle as a consultant to address one component of the OECS Protected Areas and Associated Livelihoods (OPAAL) Project. This component consists of drafting a framework/harmonized policy document or legislative instrument which creates an appropriate institutional arrangement for protected areas management. The role of this component within the larger OPAAL Project picture is discussed below in Section II.

During the month of October Professor Knechtle obtained as many reports, laws and other materials relevant to the project as he could collect. Lloyd Gardner's Reviews of the Policy, Legal and Institutional Frameworks Reports for each member state, were invaluable and constituted the foundation upon which this consultancy was built. Laws were more difficult to procure so most were obtained during the country visits from various sources, primarily the government printeries. Prior to country visits, Professor Knechtle sent out a questionnaire to those with whom he sought interviews. Prior experience had revealed the benefit of interviewees knowing the types of questions they would be asked prior to the actual interview. It also allowed those not available to be interviewed to later submit written answers to the questions.

From November 12 – 17, 2007 Professor Knechtle visited Grenada and St. Vincent and the Grenadines. During this visit he interviewed government officials in the various ministries dealing with protected areas, private practitioners, community groups, and environmental NGOs (See Appendices 11 & 13). He sought and reviewed relevant documentation on national legislation, regulations, policies and institutional arrangements as these related to the development and management of Protected Areas (See Appendices 5 & 8). Work within these countries was facilitated by the National Implementation Coordinating Entities (NICES) for OPAAL, particularly through the work of the National Project Coordinators (NPCs).

From December 3 – 8, 2007 Professor Knechtle visited Antigua and Barbuda as well as St. Lucia. He met and interviewed government officials in the various ministries dealing with protected areas, private practitioners, community groups, and environmental NGOs (See Appendices 10 & 12.). Again he sought and reviewed relevant documentation on national legislation, policies and institutional arrangements as these related to the development and management of Protected Areas (PAs). Work within these countries was facilitated by the National Implementation Coordinating Entities (NICES) for OPAAL, particularly through the work of the National Project Coordinators (NPCs). The documentation included environmental legislation, regulations and various reports dealing with protected areas (See Appendices 4 & 7).

Professor Knechtle then drafted a framework protected areas law which was delivered to the OECS ESDU on January 21, 2008. He also emailed this draft out to many of the individuals with whom he had met with during his country visits, for feedback. The OECS – ESDU then hosted a regional workshop in St. Lucia to discuss the draft framework law on February 12 and 13, 2008. For list of workshop participants, see Appendix 14. During the workshop in St. Lucia representatives from the member states provided detailed feedback on the draft law. Based on this feedback Professor Knechtle finalized the *OECS Model Protected Areas System Act* (See pages 18 - 51).

Another recommendation from this workshop was for Professor Knechtle to draft a policy document on protected areas. Professor Knechtle drafted the *OECS Policy on Protected Areas Systems* and delivered it to the OECS ESDU for feedback. Based on that feedback, he revised the policy which is included in this report (See pages 13 – 17).

II. Background

The OECS OPAAL Project consists of three components. The first component seeks to establish more effective institutional frameworks for conservation management through providing a critical focus on the legal and institutional frameworks to facilitate protected area establishment and management. This first component seeks to adopt a harmonized approach to the creation and management of protected areas (PA) in the OECS region Protected Area. There are three sub-components within this first project component: (i) policy, legal and institutional arrangements reform; (ii) updating/preparing new national protected areas system plans; and (iii) supporting studies. This report and consultancy is part of subsection i of this first component.

The second component of the OPAAL Project focuses on establishing and enhancing protected areas. Six sites have been selected and designated as OPAAL sites for which support is given to conduct baseline studies of environmental and socioeconomic resources of sites as well as sustainable livelihoods, development of management plans, and micro-financing at the early stage.

The third component focuses on training, capacity-building and awareness. Training will be conducted not only at the OPAAL sites but elsewhere in all countries; training modules will be developed for protected areas management and livelihoods support; and plans will be developed for each country in the areas of knowledge, awareness and capacity.

III. Legal and Institutional Challenges in Protected Areas Management

There are many legal and institutional challenges facing the member states in managing their protected areas, many of which could not be addressed in a framework protected areas policy and law. However being mindful of those challenges impacted how the framework policy and law were drafted. Professor Knechtle discussed these challenges with the various individuals he interviewed.

One of Professor Knechtle's goals was to propose a draft policy and law which had a realistic chance of being adopted and implemented. Thus, a deep understanding of the legal and institutional challenges that interfere with protected areas management was key to addressing those obstacles and achieving this goal. Time will reveal whether this goal was achieved.

The following are some key legal and institutional challenges facing member states in managing protected areas:

A. Absence of a National Protected Areas System

Although elements of the following exist within governmental units, none of the OECS member states have a legally-established national protected areas system that

integrates management and planning for all of the nations' protected areas. As a result, the following do not exist: national goals and priorities for protected areas upon which a national strategy can be developed; management categories and guidelines; criteria and process for site selection and site planning; a coordinated approach to protected areas management including co-management; compliance and enforcement strategy; clearinghouse of protected areas information; and reporting requirements to the government, OECS and the public.

B. Lack of Coordination Among Institutions Managing Protected Areas

Management structure is fragmented across multiple government agencies, ministries, and other entities with little coordination and no clear line of authority for overall management. Though the names vary slightly, the following government units work directly or indirectly with protected areas in member states: Department of Fisheries, Forestry Department, Ministry of Agriculture, Parks and Beaches Authority, National Trust, Ministry of Tourism, Central Planning, Development Control Authority, Ministry of the Environment, Advisory Committees, Crown Lands Department, Attorney General's Office, Ministry of Legal Affairs, and Ministry of Finance.

Because management of protected areas depends upon collaboration between and among these many governmental units, and where there is a co-management relationship, with entities outside the government, institutional responsibility for protected areas is dispersed among a number of institutions. The absence of a clear overall management structure for national protected areas is one of the most obvious deficiencies.

C. Lack of Financial and Human Resources

Government units responsible for protected areas suffer from a lack of financial resources. In one member state the Forestry Ministry's budget was cut so severely that there is only one forestry officer for the whole country. When a government considers budget cuts, agencies dealing with protected areas can become prime candidates if there is the prospect of some outside funding available for that ministry or unit, regardless of the chances of acquiring or the sufficiency of that outside source of funding.

The lack of financial resources, particularly when coupled with a lack of political support, also impacts retention of the few well-trained natural resource managers in the OECS. In Grenada, the Forest Ministry has such well-trained and motivated employees that it could serve as a model for the region and even train the trainers. However the lack of political support and financial commitment have greatly limited its ability to achieve its substantial potential. Such well-trained experts in forestry are in demand outside the government and in other countries and the exodus has already begun. In light of the serious need for such experts in the member states, this situation is of great concern.

A common problem stemming from lack of financial resources is the absence of official markers designating the boundaries of protected areas. Uncertainty about the extent and boundaries of protected areas because of the vague manner in which these

were defined in the governing laws, is largely due to lack of funding to pay for land surveys. These lands were never surveyed or demarcated and land records in these member states, particularly historical records of grants and leases of Crown land, are generally so poor that the protected areas cannot be defined accurately. This has led to encroachment into these areas and the alienation of some lands for development.

Lack of resources impacts the absence of legislation and regulations. Legislation and regulations are written by individuals who are trained drafts persons. They obtain the necessary information from the applicable ministry and then draft the law or regulation. However these drafts persons are in short supply and make more money leaving government and working as independent contractors. With few draft persons in government, which laws or regulations are written becomes a highly competitive and therefore political matter. Hiring outside consultants takes financial resources, which ministries dealing with protected areas often do not have.

The lack of support for protected areas may also reflect a failure to appreciate the role that protected areas play in the generation of revenue through tourism. Neglect of protected areas can harm the tourism industry.

D. Absence of or Conflicting Legislation

Key environmental legislation has not been adopted by OECS member states. For example, St. Lucia does not have a framework environmental law. This deficiency impacts all environmental management, including protected areas.

In some cases, the protection afforded under older laws to protected areas designated in the region is limited. In Sanctuaries created under the wildlife laws, habitat is often not protected although specific fauna species, usually birds and animals considered ground game, are. Likewise the reservation of forests sometimes does not preclude the extraction of timber or fuel wood from those areas. This insufficiency has led to the enactment of layers of laws to cover the relevant subject-matter needed to manage protected areas. For example, the area within the Tobago Cays National Park in St. Vincent and the Grenadines was designated as a Forest Reserve, Wildlife Reserve, and Marine Reserve under three different statutes, pending enactment of legislation providing for the creation of National Parks.

In other cases new legislation has been enacted without conforming to or amending existing laws, leading to redundancy and overlap. This was observed in the Project Appraisal Document¹ as well as by our team. In Antigua and Barbuda, for example, the 1972 Marine Areas (Preservation and Enhancement) Act provides for the designation of restricted areas, including adjacent land, if this appears necessary for the protection of the natural beauty or resources of marine areas. In addition, under the 1983 Fisheries Act, which is based on the FAO-OECS model fisheries legislation, any area of Antigua and Barbuda waters and any adjacent land may be declared as a marine reserve for the purpose of protecting its flora and fauna and the natural habitat, or for promoting scientific research. Regulations have been made for the implementation of both Acts and three restricted areas – Diamond and Saltfish

¹ Appraisal OECS Protected Areas and Associated Livelihoods Project, Project Document, <http://www.oecs.org/esdu/documents/PAD-P073267.pdf> last visited 12/20/07.

Tail reefs in Antigua and Palaster reef in Barbuda – have been declared under the former Act; while one Marine Reserve – Cades Bay – has been designated under the latter Act.² These overlapping laws are administered by the same agency.

A framework protected areas law must fill in gaps in existing legislation and create a framework to resolve jurisdictional conflicts.

E. Lack of Regulations Implementing Current Legislation

In a number of member states, although legislation was adopted, no regulations were enacted to implement the legislation. This situation has left many pieces of environmental legislation largely dormant. As mentioned above, one of the causes for this absence of regulations is the lack of financial resources; another is their lower political priority.

F. Lack of Enforcement

1. Legal or Other Framework in Place

Many environmental laws, including those addressing protected areas, have never been implemented by the promulgation of rules and regulations. If they have not been implemented, of course they cannot be effectively enforced. Another problem is that many of the laws that control activities in protected areas do not specify procedures for enforcement and so enforcement procedures are borrowed from other authorities or are ad hoc.

2. Enforcement Authority

In some instances, ministries have not been given the authority to enforce the laws regulating protected areas. They must call the police or some other law enforcement entity even to halt a violation. This results in a loss of time and inconsistency because the police are not always able to respond in a timely manner, due to other responsibilities. This process wastes the already limited time of agency staff and police and results in inconsistent and ineffective enforcement?

In addition, even in cases where agencies have the authority to halt violations or the power of arrest, they must coordinate with legal staff from outside the agency to pursue prosecutions. This can be problematic due to differing institutional priorities, which is again exacerbated by limited resources.

3. Institutional Capacity to Enforce

Due to the lack of human resources, enforcement suffers for want of sufficient personnel to enforce the law. While agency staff and even the

² Id at 119.

general public, when they are educated about protected area laws, can identify violations, and agency staff can establish evidence for a prosecution and sometimes even lay charges, prosecution requires legal staff. Not only is there a lack of human resources, but also a limited pool of persons with professional and technical training and experience in protected areas management. None of the resource agencies have legal staff so they must rely on staff from the legal department or Attorney General's office. As a result of competing demands on the public purse, the funding, facilities and equipment available to the agencies responsible for performing legal functions is inadequate. Given these deficiencies, the relevant agencies do not have the institutional capacity to enforce the existing laws effectively.

In one member state, the Office of Public Prosecutor had three attorneys to handle all state prosecutions. As one might guess, more serious violent crimes committed on persons were a higher priority than crimes committed on the environmental.

IV. OECS Policy on Protected Areas Systems

The purpose of the *OECS Policy on Protected Areas Systems* (See pages 13 - 17) is to provide member states with a policy document outlining the international obligations, vision, goals, objectives and principles of a common policy regarding the management of protected areas. It is a precursor to adopting a Protected Areas System Act and as such, provides the overall direction for the Act.

V. OECS Model Protected Areas System Act

The *OECS Model Protected Areas System Act* (See pages 18 – 51) is a model law. It is not intended for adoption wholesale but is a proposal for a system for managing protected areas that can be fit into existing legal and institutional structures in OECS member countries.

In a few places within the model law, more than one option is delineated to show different possible approaches to the particular issue. This also shows the flexibility in the model law to meet the specific needs of the individual member states.

VI. Lessons Learned

The process the consultant went through was very important for making sure that the proposal addressed the identified needs and was palatable to the stakeholders. First gathering as much information as possible, followed by interviews with a cross-section of stakeholders, gave the consultant the chance to form ideas but also to bounce ideas off of those who would be working within the proposed new structure. Then, it was necessary to go back and figure out how to present the concept in light of other research, other legal structures, etc. Most crucially, the opportunity to present the Model Act to the stakeholders in a more complete form through the Workshop enabled the consultant to make sure that it accurately reflected their needs and was feasible. It also provided the opportunity to persuade the stakeholders of the proposed changes and get their buy-in. This necessarily entailed overcoming the natural reaction of "that's not how we do it here." It was important to understand whether something has to work a certain way for a

particular legal, financial, or managerial reason or just because that is what people are used to. Although “comfort zones” shouldn’t be unnecessarily disturbed, unaddressed problems can only be solved by changing current approaches.

Although not necessary, it might have been useful to have some kind of meeting/review process earlier on in the drafting process. This would have enabled us to realize that a policy was desired as well as a law and would have resulted in more efficient work.

Another lesson learned is that perhaps we should not have initially presented our idea to the stakeholders in the form of a law (or perhaps the group should not have included drafters at that point) because there was a fair amount of distraction caused by concern about drafting issues that took away some from the substance of the proposal. Nonetheless, we overcame that hurdle and even went on to have a legislative drafter from Grenada review the final draft.

OECS Policy on Protected Areas Systems

The Member States,

Being guided by the St. George's Declaration of Principles for Environmental Sustainability in the Organisation of Eastern Caribbean States (OECS), otherwise known as the SGD;

Mindful of Goal 3 of the SGD commits Member States to “[d]evelop, adopt[], and monitor[] the implementation of comprehensive national policies and strategies...addressing...protected area management.”

Aware of the relevant provisions of the Convention on Biological Diversity (CBD); Convention on the Conservation of Migratory Species of Wild Animals (CMS); Convention on Wetlands of International Importance especially as Waterfowl Habitat (RAMSAR); Convention concerning the Protection of the World Cultural and Natural Heritage (World Heritage Convention); the 1983 Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region; the 1990 Protocol Concerning Specially Protected Areas and Wildlife in the Wider Caribbean; the 1994 Barbados Programme of Action for the Sustainable Development of Small Island Developing States (BPoA); the 2002 Johannesburg Declaration on Sustainable Development, the Plan of Implementation of the World Summit on Sustainable Development; the 2005 Mauritius Strategy for the Implementation of the Barbados Programme of Action; United Nations General Assembly Resolutions 59/230, Promoting an integrated management approach to the Caribbean Sea area in the context of sustainable development of 22 December 2004; 61/197, Towards the sustainable development of the Caribbean Sea for present and future generations of 9 February 2007; and, 62/215 on Oceans and Law of the Sea of 22 December 2007.

Conscious of the challenges facing Member States to manage the sustainable use of their protected areas; the absence of a national protected areas system; inadequacy of inter-sectoral collaboration in protected areas management; lack of appropriate overarching legal framework; inadequacy of monitoring and enforcement capacity; and weak institutional capacity to develop and regulate protected areas;

Have agreed as follows:

Vision:

The vision that inspires the adoption of an OECS protected areas system policy and law is the following: Member States cooperating and collaborating in the conservation, management, and sustainable use of marine and land based protected areas, with the overall aim of fostering equitable and sustainable improvement in the quality of life in the OECS region.

Goals

- (A) The goals under this OECS Protected Areas Policy are to establish sustainable and democratic national protected areas systems;

- (B) To support the long-term growth and sustainable development of OECS Member States in business, tourism, recreation, education, and scientific research; and
- (C) To provide for the sustainability of biodiversity, culture, livelihoods, heritage, watershed protection and other ecosystem services.

Objectives:

The objectives of the OECS Protected Areas Policy are:

- (A) To ensure the long-term viability of tourism as a significant and growing sector in the economy and which depends on a healthy and attractive natural environment, including beaches, landscapes, and heritage attractions;
- (B) To conserve the environmental quality and productivity of the coastal zone—both of which are essential to health, fisheries, tourism, and recreation.
- (C) To conserve all critical habitats necessary for the maintenance of animal and plant species;
- (D) To conserve representative elements of natural and cultural heritage;
- (E) To ensure the maintenance of the country's water supply;
- (F) To sustain productivity and quality of critical ecosystems, particularly in relation to forestry, fisheries, and tourism;
- (G) To stimulate the rational use of limited resources and the restoration of degraded lands;
- (H) To encourage research, knowledge and understanding of the natural and cultural heritage of the country;
- (I) To provide natural and cultural places for recreation, enjoyment, and inspiration;
- (J) Through forest conservation, to protect the watershed areas ensuring the water supply for domestic consumption, agriculture, industry, and tourism;
- (K) To conserve the long-term viability and environmental quality of marine areas under national jurisdiction;
- (L) To protect wilderness areas;
- (M) To facilitate the implementation of the requirements, goals, and aims of applicable international agreements including the multi-lateral environmental agreements to which OECS Member States are members that strongly encourage, and the St. George's Declaration which calls for, the establishment of a protected areas system;
- (N) To follow 'soft law' instruments such as declarations, guidelines, and standards;

- (O) To assist in the mitigation of natural and anthropogenic disasters;
- (P) To prepare for and respond to the impacts of climate change, such as sea-level rise, by restoring and conserving ecosystems so that these resources are as resilient as possible;
- (Q) To create a coordinating body which will periodically establish objectives and priorities for the protected areas system; classify, reclassify, and declassify protected areas; establish guidelines for management plans and reporting requirements; and facilitate compliance and enforcement, funding mechanisms, and regional cooperation.
- (R) To guide the sustainable physical and infrastructural development of areas within the Protected Areas System in a manner that will ensure the protection and sustainable use of the natural and cultural resources, and secure the enjoyment/use for future generations; and
- (S) To recognize protected areas as an integral element of national planning and development.

Fundamental Principles

The following fundamental principles will guide the application of the OECS Policy on Protected Areas Systems:

1. The process of developing and implementing a protected areas system should be consultative, representative, and participatory. Stakeholders at all levels should be identified and included.
2. Underlying the development of the OECS Protected Areas Policy are an integrated approach to system design, a collaborative and transparent approach to management, and science-based decision-making.
3. Because biological systems are best managed as a whole, management of an integrated Protected Area system within a Member State will streamline process and improve the results of management actions. Decisions will be made in a coordinated and rational way as part of a national system.
4. Management of protected areas requires harmonization of protected areas systems beyond national borders. Ecosystems do not follow political boundaries and thus impacts of management decisions in one Member State frequently can impact other States.
5. A collaborative approach to management is particularly relevant for small, developing island countries where many pressures compete for limited natural, human, and financial resources.
6. Successful implementation of the Policy for protected areas management depends on cooperation and collaboration among institutions and individuals. Collaboration and participation is required so that the various entities feel ownership and responsibility for the success of the system.
7. Public participation fulfills unmet management goals, resolves conflicts, and aids in recognizing and meeting a wide range of needs. Community participation helps to address the challenges presented by “paper parks” for which no real management system exists.

8. Transparency is a crucial element for the good governance of protected areas. Government decision-making process and the information relied-upon is to be available to the public in order to build trust in the institutions and encourage cooperation and compliance.
9. While the coordination of a range of government and public actors is necessary for the success of the system, specific management decisions require technical considerations determined by those with the appropriate technical background.
10. Maintaining management authority with resource agencies reflects the capacity and effective structures that these agencies already have for PA management. The coordinating body will serve to support existing capacities and further enhance capacities of agencies and other entities responsible for aspects of protected area management.
11. Decisions made by the resource agencies regarding protected areas must be based on sound science and reflect appropriate international standards in effective protected areas management.
12. In cases where all scientific information is not available, the precautionary principle should be applied. When there is an unknown but potentially large and irreversible risk associated with a proposed action, the proponent of the action has the burden of proof to show that the action is in the public interest. The absence of adequate scientific information should not be used as a reason for postponing or failing to take management measures to conserve and protect protected areas and the resources they harbor including target species and habitat, and ecosystem services.
13. Protection of wilderness is especially important in light of the multitude of pressures facing the limited natural areas on the small islands of the OECS nations. While the system protects a range of types of protected areas, undisturbed areas have a particular value—for existing biodiversity needs and for unforeseeable future ecological or social needs.
14. The management of Protected Areas and the Protected Areas System is integrated into and informed by the national development planning process. Protected Areas Systems also perform an integral role in national sustainable development.
15. Conservation is an indispensable requirement for equitable and sustainable development. Natural and cultural resources are the capital upon which a country's development can be built, and this is particularly true in the context of OECS countries where economies are largely based on the use of natural resources. Maintenance and enhancement of that capital – soils, forests, and landscapes—are indispensable if development is to be achieved and sustained.
16. Natural features such as forests, wetlands, and coral reefs are crucial to buffering land from storm damage which can be particularly damaging to small islands.
17. It is the obligation of human society to respect life in all its forms, to appreciate the cultural legacy of earlier ages, and to assume its responsibility toward future generations. The onus is on present generations who aspire to a higher quality of life and seek to sustainably meet a number of needs, beginning with the essential requirements of food, shelter, health, and education.

OECS Model³ Protected Areas System Act

Country

No. xx of 200x

ARRANGEMENT OF SECTIONS

PART I

PRELIMINARY

Arrangement of Sections

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3. Act binds the [State/Government].
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PART III

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10. Categories.
11. Classification and reclassification of protected areas.
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18. Protected areas management planning.
19. Compliance and enforcement.
20. Financial matters.
21. Consultation and reporting.
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PART IV

MANAGEMENT PLANNING

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24. Planning procedure.

³ This document is a model law. It is not intended for adoption wholesale but is a proposal for a system for managing protected areas that can be fit into existing legal and institutional structures in OECS member countries.

- 25. Coordination.
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- 28. Criteria.
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Schedules

- First Schedule -- Protected Areas Coordinating Body Meeting and Voting Requirements
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AN ACT to establish a national protected areas system, provide for the management of the protected areas from a systems approach, provide for appropriate coordination between protected areas authorities and other sectors, countries, or international bodies, and related matters.

BE IT ENACTED by [Country] as follows –

PART I

PRELIMINARY

Short Title and Commencement

1. This Act may be cited as the Protected Areas System Act, 200x.

Interpretation

2. In this Act, unless the context otherwise requires –

“adverse possession” means the acquisition of title to land through obvious occupancy of the land, while claiming ownership for the period of years set by the law of the state where the property exists;

“biological diversity” means the variability among living organisms from all sources including terrestrial, marine and other aquatic ecosystems and the ecological complexes of which they are part and also includes diversity within species, between species, and of ecosystems;

“biological resources” includes genetic resources, organisms or parts thereof, populations, or any other biotic component of ecosystems with actual or potential use or value for humanity;

“buffer zones” are geographical areas next to protected areas where specific levels and intensities of human activities and conservation are proscribed, typically through zoning, for the purpose of ensuring the integrity of the protected area;

“business plan” means the information relating to and method for accomplishing actions relating to the customer base, goods and services, marketing strategy and implementation strategy for the protected area, which in turn contribute to the *financial plan* for the protected area;

“Cabinet” means the Cabinet of Ministers of Government;

“CARICOM” means the Caribbean Community and Common Market;

“collaborative management” includes any legal arrangement approved by the Body whereby a non-government actor is committed to managing or participating in the management of a protected area;

“Body” means the Protected Areas Coordinating Body established at Section 5;

“community-based organization” means an entity comprised primarily of community members and not including any government officials, representing the interests of that community;

“concession” means a private enterprise operating within a protected area;

“conservation” includes preservation, protection, management, rehabilitation, improvement, restoration, and sustainable use;

“conservation status” means the sum of the influences acting on a species that may affect its long-term distribution and abundance;

“cooperative protected area” means private land managed as a protected area for a period of years pursuant to an agreement with the Minister with jurisdiction over the Protected Areas Coordinating Body;

“corridors” are ecological features, such as rivers or streams, landscapes with small forests, or hedgerows, which link protected areas to each other to allow species to bypass barriers that would otherwise represent clear threats to them;

“cultural heritage” includes monuments, architectural works, elements or structures of an archaeological nature, buildings, works of people or the combined works of nature and people that are of outstanding universal value from a historical, aesthetic, ethnological or anthropological perspective;

“endemic” means restricted or peculiar to a locality or region, i.e. an *endemic* species;

“financial plan” means a component of an overall business plan, which in turn is one element of a management plan for the protected area;

“habitat” means a place where a species or ecological community naturally occurs;

“implantation” means the establishment studies, land acquisition, and demarcation necessary to establish a new protected area;

“local authority” means sub-national administrative structures distinct from the national administration which are responsible for the interests of the population of an identified geographic area;

“local community” means a group of people who have a long association with lands and waters that they traditionally lived on or used;

“major decision” means any choice regarding protected areas, whether to establish a new protected area, declassify a protected area, change the management category of a protected area, permit a development or a concession by a private interest in the protected area, establish any standards, procedures or criteria, or any other action determined by the Body to be a major decision;

“Management Authority” means the government agency with primary jurisdiction over a particular protected area or category of protected areas;

“management plan” means a document that sets out the management approach, objectives, and priorities, together with a framework for decisionmaking, to apply in a protected area over a given

period of time, in furtherance of national protected areas system objectives and priorities, adopted in accordance with the requirements of this Act;

“marine” means open water, water column, islands, and the seabed;

“migratory species” means the entire population or any geographically separate part of the population of any species or lower taxon of wild animals, a significant proportion of whose members cyclically and predictably cross one or more national jurisdictional boundaries;

“Minister” means the head of the Ministry within which the Protected Areas Coordinating Body is situated;

“multilateral environmental agreement (MEA)” means an agreement between two or more States governing the management of aspects of natural resources or the environment;

“natural heritage” includes natural features consisting of physical and biological formations, geological or physiological formations, areas which constitute the habitat of threatened or endemic species of wildlife, and natural sites of outstanding universal value from the point of view of science, conservation, or natural beauty;

“OECS” means Organisation of Eastern Caribbean States;

“non-governmental organization (NGO)” means as an independent voluntary association of people acting together on a continuous basis, for some common purpose, other than achieving government office, making money, or illegal activities;

“physical plan” means a plan showing the manner in which land may be used (whether by carrying out of development or otherwise) and the stages by which such development may be carried out;

“population” means a group of animals or plants belonging to the same species or subspecies which is geographically separate from other groups belonging to the same species or subspecies;

“precautionary principle” means that when there is an unknown but potentially large and irreversible risk associated with a proposed action, the proponent of the action has the burden of proof to show that the action is in the public interest;

“prescription” means the method of acquiring an easement upon another's real property by continued and regular use without permission of the property owner for the period of years required by the law of [Country];

“protected area” means an area of land or sea especially dedicated to the protection and maintenance of biological diversity, and the natural and associated cultural resources, managed through legal or other means;

“Protected Areas Coordinating Body (Body)” means the intersectoral body established by this Act with responsibility for establishment and management of protected areas in [Country];

“protected areas system” means a total reserve system covering the full range of ecosystems and communities found in a particular country managed as an integrated system;

“public interest” means the welfare or the well-being of the general population of [Country];

“regular meeting” means a meeting of the Body called by the chair on a scheduled basis;

“special meeting” means an unscheduled meeting called by the chair or at least one-third of the membership of the Body;

“species” includes any subspecies, variety, form or geographically separate population, whether wild or domesticated, of any species; and

“sustainable use” means the use of biological resources in such a way and at a rate that—

- (a) will not lead to the resource’s long-term decline;
- (b) will not disrupt the ecological integrity of the ecosystem in which the resource occurs; and
- (c) will ensure the resource’s continued use to meet the needs of present and future generations.

Act Binds the State.

3. This Act binds the [State/Government].

Objects and Purposes of the Act

4. (1) The objects and purposes of this Act are to:
 - (A) support the long-term growth and sustainable development of [Country] in business, tourism, recreation, education, and scientific research;
 - (B) provide for the sustainability of biodiversity, culture, livelihoods, heritage, watershed protection and other ecosystem services;
 - (C) protect wilderness areas;
 - (D) facilitate the implementation of the requirements, goals, and aims of applicable international agreements;
 - (E) assist in the mitigation of natural and anthropogenic disasters; and
 - (F) prepare for and respond to the impacts of climate change.
- (2) This Act shall be given such broad and liberal construction in order that its objects and purposes shall be obtained.

PART II

ADMINISTRATION

Establishment of the Protected Areas Coordinating Body.

5. (1) Parliament hereby creates a Protected Areas Coordinating Body [Body] with responsibility for establishment and to facilitate management of the protected areas system of [Country] for the purposes of this Act.
- (2) Parliament shall locate the Body and its secretariat within an appropriate ministry in [Country] with a staff of at least two.
- [Optional] (3) The enumerated government administrative units and other enumerated organizations shall appoint their representatives within one calendar year of the passage of this Act.

Structure and Membership of the Protected Areas Coordinating Body.

6. (1) The Body shall be representative of stakeholders interested in all aspects of protected areas.
- (2) Body members prescribed by this Act shall have voting rights unless otherwise specified [optional] pursuant to Section 6.
- (3) [option #1] The permanent secretaries of eight of the government administrative units enumerated below shall each select one board member, director, deputy, or technical staff, to serve in his or her capacity as a representative for his or her government administrative unit as a member of the Body:

[option #2] The Minister shall appoint Body members selected by eight of the government administrative units listed below to serve in their representative capacity within one calendar year:

[option #3] The Minister shall appoint eight of the chief technical officers of the following government administrative units to the Body:

[option #4] Parliament may chose to select which eight government units to include when passing this Act.

- (a) agriculture;
- (b) environment;
- (c) forestry;
- (d) fisheries;
- (e) finance;
- (f) law enforcement (police or DPP);
- (g) oceans;
- (h) parks;
- (i) tourism;
- (j) cultural heritage;
- (k) physical planning;
- (l) economic planning; and

- (m) legal department (the Attorney General's office or the ministry of legal affairs).
- (4) The Body shall select organizations in each of the following areas to each select one representative to serve in his or her representative capacity as a member on the Body:
 - (a) two community-based or non-governmental organizations;
 - (b) one organization representing local industries that depends on extracting resources from protected areas; and
 - (c) one business organization, such as the chamber of commerce.
- (5) The chair of any intergovernmental body established or the individual appointed to coordinate implementation of MEAs in [Country] shall be a member of the Body.
- (6) The Minister shall have the discretion to expand public participation as appropriate and determine if such additional community representatives will be voting or non-voting members.
- (7) The Secretariat will publish the names of the members appointed to the Body in the *Gazette*, in at least one national newspaper of general circulation, and on at least one national radio and one national television station.
- (8) Members shall serve for a term of three years and may serve a maximum of three consecutive terms.
- (9) In the first year of the operation of the Body one-third of the members shall hold a one-year term, one-third shall hold a two-year term, and one-third shall hold a three-year term.
- (10) Each member or his or her designate must attend 75% of all meetings in a calendar year or may be removed by a majority of the voting members of the Body.

Powers of the Protected Areas Coordinating Body.

- 7. (1) The Body shall establish procedures and standards governing the protected areas system in [Country] including:
 - (a) administration of the Body beyond what is described in this Act;
 - (b) establishment of the protected areas system;
 - (c) selection criteria and management objectives for the categories of protected areas described in the Second Schedule;
 - (d) establishment of new protected areas;

- (e) reclassification of protected areas;
 - (f) amending the boundaries of protected areas;
 - (g) declassification of protected areas;
 - (h) ten-year system planning process;
 - (i) protected areas management planning process;
 - (j) collaborative management;
 - (k) cooperative protected areas;
 - (l) compliance and enforcement;
 - (m) financial management; and
 - (n) consultation and reporting.
- (2) The Body may appoint or hire contractors as it considers necessary to fulfill any of its duties enumerated within this Act.

Management Authority.

8. (1) A Management Authority is the agency with primary jurisdiction over a particular protected area or category of protected areas.
- (2) A Management Authority has responsibility for:
- (a) proposing classification, reclassification, declassification, and revision of boundaries of specific protected areas;
 - (b) management planning for the protected areas within its jurisdiction including development of collaborative management arrangements;
 - (c) implementation of management plans for the protected areas within its jurisdiction;
 - (d) compliance and enforcement for the protected areas within its jurisdiction;
 - (e) annual reporting to the Body on progress and evaluation of implementation of annual operating plans, financial operations, the status of compliance and enforcement, and any other matters the Body requires; and

- (f) other tasks as are necessary to effectively manage a particular protected area.

PART III

PROTECTED AREAS SYSTEM

Establishment of Protected Areas System.

- 9. (1) The Body shall facilitate the establishment and effective management of a protected areas system according to such procedures as the Body establishes, incorporating the principles of transparency, public participation, adaptive management, and the precautionary approach, and which is representative of all the sectors of society of [Country].
- (2) The Body shall develop and define:
 - (a) the rationale for the protected areas system;
 - (b) the objectives of the protected areas system; and
 - (c) the priorities for the protected areas system.
- (3) The Body shall coordinate the production of 1:24,000 scale maps, or the substantial equivalent, of each established protected area showing each area's:
 - (a) physical location;
 - (b) management classification; and
 - (c) current zoning or uses.
- (4) The Body shall coordinate and ensure the production of a 1:650,000 scale map, or the substantial equivalent, of the protected areas system showing all protected areas in [Country].

Categories.

- 10. (1) Protected areas in [Country] are classified into the categories enumerated in the Second Schedule.
- (2) The Body shall classify all existing protected areas into the categories listed in the Second Schedule, below, taking into consideration how existing classifications relate to the protected area category definitions in this Act, objectives for management, and any guidelines for selection the Body adopts.

- (3) The Body shall establish which government unit or units will be the Management Authority with primary jurisdiction over each protected area or category of protected area, consistent with the existing legal framework of [Country].

Classification and Reclassification of Protected Areas.

11. (1) The Body shall consider proposals for declaration or reclassification of a protected area submitted by any person or institution, including the Body or a Body member.
- (2) The Body may assist a person or institution submitting a proposal either declaring a new protected area or reclassifying a protected area so that the proposal meets the standards for evaluation of Section 11(3), below.
- (3) A proposal for the declaration or reclassification of a protected area must include:
 - (a) a physical survey, a resource inventory, and a description of the area including size and boundaries and results of field studies;
 - (b) a justification for establishment or reclassification of the area and the category of protection proposed, including an evaluation of the costs and benefits of establishing or reclassifying the site and how the proposal contributes to the representativeness of the system in terms of the objectives and priorities for the system;
 - (c) a brief explanation of whether the protected area is of sufficient size to achieve its objectives;
 - (d) a brief explanation of whether a buffer zone or corridor is needed around or near the protected area;
 - (e) a brief explanation of how the proposal relates to biodiversity conservation on national, regional, and international levels;
 - (f) a brief explanation of how the proposal relates to other aspects of national planning;
 - (g) a brief explanation of how local communities may be affected by establishment and administration or reclassification of the area;
 - (h) a brief explanation of how the proposed new or reclassified protected area will be implemented, managed, and financed;
 - (i) a basic socioeconomic impact survey and assessment on the community within and near the proposed protected area;
 - (j) a report describing any collaboration to date with local authorities and local communities in determining the boundaries and category of the area proposed for declaration or reclassification;

- (k) a compilation of comments received from local authorities and citizens concerning the proposed declaration or reclassification of the protected area and the category of protection to be declared; and
 - (l) a description of any compensatory measures that may be required as a result of establishment of the area.
- (4) The Body shall solicit comments and seek consultation regarding any proposal under this Section and for this purpose shall:
- (a) publish the proposal in the *Gazette* and publicize notice of the proposal in at least one national newspaper of general circulation and at least one national radio station and one national television station;
 - (b) send a copy of the proposal to the agencies represented on the Body;
 - (c) consult with local and national communities that are likely to be affected by the declaration;
 - (d) after a period of not less than sixty days from the date of publication, the Management Authority shall advertise and hold at least one public meeting to discuss the proposal and invite oral or written feedback; and
 - (e) within ninety days after the distribution of the draft, the Management Authority shall compile, make public, and take into account any comments which have been received, and revise the proposal as appropriate.
- (5) Both the Body and the Management Authority shall make a recommendation to the Minister regarding the proposal.
- (6) The Minister shall make a decision regarding the declaration of the proposed classification within sixty days of finalizing the proposal and shall publish a proclamation or denial with a statement of the reasons for the decision in the *Gazette*, at least one newspaper of national distribution, and at least one national radio and one national television station.
- (7) A declaration of a new protected area shall include a delineation of the boundaries, and buffer zone and corridor where applicable, by latitude and longitude sufficient to be mapped at a 1:24,000 scale or the substantial equivalent.
- (8) The government shall not grant, devise, or sell property within a protected area.
- (9) No person or entity may acquire a right in, title to, or interest in any land within a protected area system by prescription or adverse possession.
- (10) A protected area declaration has the force of law.

Declassification.

12. (1) The Parliament shall be responsible for determining whether to accept proposals for the declassification of protected areas.
- (2) Only the Management Authority shall propose declassification of protected areas.
- (3) Any proposal for declassifying a protected area shall be prepared by the Management Authority and shall include:
 - (a) justification for declassifying the protected area, which includes a description of the reasons for the proposal, considering ecological impacts and environmental services;
 - (b) how the proposal for declassification affects the system as a whole;
 - (c) an environmental and socioeconomic assessment that describes the impacts of declassifying the protected area on the ecosystems, species, and local communities affected by the declassification;
 - (d) a description of any mitigation measures that may need to be taken as a result of declassifying the protected area;
 - (e) an explanation of how the proposal relates to other aspects of protected areas and national planning;
 - (f) an explanation of how the proposal affects biodiversity on the regional, national, and international levels; and
 - (g) a compilation of comments from local authorities and citizens concerning the proposed declassification.
- (4) Neither neglect of nor impact of national disaster on a protected area are justification for its declassification.
- (5) The Body shall solicit comments regarding any proposal under this Section and for this purpose shall:
 - (a) publish the proposal in the *Gazette* and publicize notice of the proposal in at least one national newspaper of general circulation, one national radio, and one national television station;
 - (b) send a copy of the proposal to the agencies represented on the Body;
 - (c) consult with local and national communities that are likely to be affected by the declassification;
 - (d) after a period of not less than sixty days from the date of publication, the Management Authority shall hold at least one public consultation to discuss the proposed declassification; and

- (e) within ninety days after the distribution of the draft, the Body or the Management Authority shall take into account any comments which have been received, and revise the proposal as appropriate.
- (6) The Parliament shall make a decision regarding the declaration of the proposed declassification within 60 days of revising the proposal and shall publish a proclamation or denial with a statement of the reasons for the decision in the *Gazette*, one newspaper of national circulation, and one national radio and one national television station.
- (7) A protected area declassification shall have the force of law.

Public Participation.

- 13. (1) Public participation is a critical component of the protected areas system of [Country].
- (2) Any information gathered or relied upon by the Body or the Management Authorities in reference to protected areas shall be made available to the public to read and copy, with the exception of confidential business information.
- (3) The Body and the Management Authorities shall respond to requests for existing information within 20 business days.

Collaborative Management.

- 14. (1) The Management Authority shall be responsible for establishing and overseeing collaborative management agreements.
- (2) The Body shall develop and the Minister shall approve standard criteria for agreements authorizing collaborative management agreements.
- (3) Groups participating in collaborative management shall report annually in writing on the status of the protected area and management to the Body.

Concessions.

- 15. (1) Any concession in a protected area shall operate pursuant to an agreement with the Management Authority.
- (2) The Body shall establish standards and a process for accepting concession agreements and establishing concessions, permitting fees, and term limits for various types of activities.
- (3) Concession proposals will be accepted through a transparent competitive bidding process.
- (4) Any concession proposals submitted to the Management Authority whether accepted or rejected will be available to the public.

- (5) Any benefits from any concession that are retained by the protected area, such as fees or rents, shall be preserved in the budget of the protected area where the concession operates unless the concession operates in more than one area, in which case the benefits shall be shared among the protected areas where the concession operates pursuant to terms in the concession agreement.

Coordination.

16. (1) The Body shall coordinate its activities with other government institutions having jurisdiction over or relating to protected areas.
- (2) The Body shall coordinate its activities with:
 - (a) the ministry with responsibility for strategic environmental impact analysis (SEIA) to ensure compliance with SEIA requirements, or equivalent, if any;
 - (b) the ministry with responsibility for establishment and maintenance of the National Environmental Information System, or equivalent, if any;
 - (c) ministries with responsibility for sectors related to protected areas such as marine resources or relevant MEAs; and
 - (d) other countries that may affect or be affected by protected areas decisionmaking.

National Protected Area System Planning.

17. (1) The Body shall establish an integrated national protected areas system planning process coordinated with any existing national planning process to include:
 - (a) National protected areas planning; and
 - (b) Individual protected area management planning.
- (2) The national plan sets the strategic direction for individual protected areas management plans and shall have the force of law.
- (3) Within the first year that the Body is constituted and every ten years thereafter, the Body shall prepare a national protected areas system plan reflecting national planning priorities that will:
 - (a) identify ten-year national objectives for the protected areas system;
 - (b) identify national priorities for and gaps in the protected areas system;
 - (c) identify and prioritize the capacity needs among Management Authorities; and

- (d) integrate MEA commitments and obligations, including those belonging to national implementation requirements, into the national plan.
- (4) The Body shall establish a procedure, initiated with a stakeholder analysis, for promulgating and finalizing the national protected areas system plan by selecting a regional standard model and incorporating a public participation process.

Protected Areas Management Planning.

- 18. (1) The Body shall ensure that Management Authorities develop and implement management plans and annual operational plans for each protected area.
- (2) Management plans shall reflect national objectives and priorities and shall be updated as necessary and in any case at least every ten years.
- (3) The Body shall establish a management plan template, standards, and guidelines, for protected areas in [Country] by selecting regional models with standardized units.
- (4) The Management Authorities shall develop and implement management plans and annual operational plans for each protected area as detailed in Part IV of this Act.
- (5) The Body shall establish standards and processes for topics to be included in management plans, including:
 - (a) site development;
 - (b) planning and zoning;
 - (c) environmental impact assessment;
 - (d) public participation, notice, and comment;
 - (e) determination and periodic evaluation of baseline information;
 - (f) education and training of protected area managers, staff, and the public;
 - (g) selection, monitoring, and evaluation of collaborative management arrangements and elements of management agreements;
 - (h) compliance procedures and evaluation;
 - (i) required reports and;
 - (j) business management, including a fee structure where feasible.
- (6) The Body shall establish an annual operational plan template, standards, and guidelines.

Compliance and Enforcement.

19. (1) The Body shall be responsible for facilitating compliance and enforcement in protected areas.
- (2) The Body shall develop an overall compliance and enforcement strategy and make recommendations to the Minister as appropriate, addressing the:
 - (a) offenses which shall constitute violations of this Act or the management plans which fall under its authority;
 - (b) role of the public and community groups in reporting violations and collecting evidence;
 - (c) role of agency staff (rangers, officers, and agency heads) in reporting violations, collecting evidence, laying charges, and prosecuting the case (i.e. recommending remedies);
 - (d) role of police, coast guard, marine police, and police prosecutors;
 - (e) role of public prosecutor, attorney general, and ministry of legal affairs;
 - (f) procedures for disposition of non-compliant developments or concessions; and
 - (g) applicable remedies, including civil and criminal sanctions and injunctive relief, stop work orders, site restoration and fines.
- (3) Management Authorities are required to effectively implement and enforce regulations and prohibitions in protected areas.
- (4) Any member of the public, a community organization, or a government entity may file a complaint against the Body or a Management Authority or its delegate for non-compliance with the provisions of this Act, management plans, or standards and procedures established by the Body, in a court of summary jurisdiction.
- (5) The Body shall periodically review and report on Management Authorities' progress in developing regulations and enforcement strategies and implementing them.

Financial Matters.

20. (1) The Body shall facilitate funding mechanisms and relationships for protected areas and Management Authorities.
- (2) The Body shall establish standards and procedures for creation and management of protected areas funds.
- (3) The Body shall oversee the management and use of protected areas funds.
- (4) The Body shall establish methods for each protected area to receive and use fees, donations, and other sources of income.

- (5) The Body shall make all financial mechanisms and processes transparent.

Consultation and Reporting.

21. (1) The Body shall prepare protected area system reports annually to comply with the provisions of this Section.
 - (2) The Body shall provide the report to Parliament, the Cabinet, and the secretariats of CARICOM and the OECS.
 - (3) The Body shall make the reports available to the public by publication in the *Gazette*, by publication in at least one national newspaper of general circulation, on at least on national radio and one national television station, and upon request by any person, though it may charge a reasonable fee for photocopying.
 - (4) The Body shall include in annual reports:
 - (a) any proposals and decisions to create new protected areas;
 - (b) any proposals and decisions to reclassify, declassify, or amend protected areas;
 - (c) progress in meeting the government's commitments under agreements to which [Country] is a party;
 - (d) an evaluation, at least every five years, of the implementation of management plans, status of compliance and enforcement in each protected area;
 - (e) future directions for improving management of the protected areas and the protected areas system;
 - (f) a summary of all evaluations done by the Body; and
 - (g) any recommendations to the minister on how to improve protected areas management in [Country].
 - (5) The Body shall also prepare and provide to the above-described institutions reports on:
 - (a) any projects proposed for protected areas that meet the standard for triggering environmental impact assessment requirements; and
 - (b) decisions that may have significant environmental, economic, or social impacts on other OECS member states.

Regional Cooperation

22. (1) The Minister may enter into arrangements or agreements with other countries in the OECS region or with any competent regional organization, providing for:
- (a) the harmonization of systems for the collecting of statistics, and the carrying out of surveys and procedures for assessing the state of the protected areas resources;
 - (b) the harmonization of planning procedures in respect of protected areas;
 - (c) the taking of joint harmonized enforcement measures in respect of contravention of protected areas laws in the region;
 - (d) such other cooperative measures as appropriate.

PART IV

MANAGEMENT PLANNING

Plans Required.

23. (1) Each Management Authority shall implement national protected area system objectives and priorities through management plans prepared for each protected area.
- (2) Approved plans shall have the force of law.

Planning Procedure.

24. (1) In accordance with guidelines established by the Body, each Management Authority shall draft a management plan for each protected area subject to its jurisdiction, including buffer zones and corridors, where applicable, following the approval of the national ten-year plan. Management Authorities that share jurisdiction for a protected area shall share responsibility for developing the management plan.
- (2) The Management Authority shall initiate planning by conducting a stakeholder analysis, conducting public scoping through meetings and solicitation of information seeking consensus regarding concerns with and priorities for management of protected areas from the public, local communities, community-based organizations, and stakeholders.
- (3) The Management Authority shall draft a management plan and give notice of it and solicit comments by placing an announcement in the *Gazette*, at least one national newspaper of general circulation, and at least one national radio and one national television station.
- (4) The Management Authority shall circulate the draft and solicit comments from the Body, all institutions represented on the Body, and any other party upon request.
- (5) The Management Authority shall hold meetings to present the draft to the public and shall accept comments in written and oral form.

- (6) The Management Authority shall consider all comments, shall change the draft management plan as appropriate, and shall prepare a response to all comments that shall be included with the release of the final plan.
- (7) The Management Authority shall submit the draft management plan to the Minister with jurisdiction over that Management Authority, for approval.
- (8) Management plans shall be approved or sent back for revisions by the Minister with jurisdiction over that Management Authority, within 60 days of receipt.
- (9) Management plans shall be revised as occasion requires, with notice to the Body and the Minister with jurisdiction over that Management Authority.
- (10) If the Minister with jurisdiction over that Management Authority deems revisions sufficiently substantial, he or she shall require that the revisions follow the procedures provided for preparation of a new management plan.

Coordination.

25. (1) Each Management Authority shall coordinate planning for each protected area with other Management Authorities with jurisdiction over areas in the same category in [Country] and shall consult with Management Authorities with jurisdiction over neighboring protected areas.
- (2) Where necessary to clarify coordination mechanisms, the Body shall facilitate establishment of memoranda of agreement between the appropriate authorities.
- (3) Management Authorities shall consult with Management Authorities in other OECS countries that are dealing with similar issues or that will be affected by decisions made in [Country] such as planning for the recovery of a population of a migratory species.

Plan Criteria.

26. (a) Every management plan must contain, at a minimum, an executive summary, visions and objectives, an introduction, a description, an evaluation, an analysis of issues and problems, a zoning plan, a business plan, management actions, and a monitoring and review section.
 - (i) The executive summary summarizes essential issues within the plan and relevant decisions.
 - (ii) The vision and objectives section contains a long-term vision, guiding policies, and a set of objectives and rationales for the objectives. The objectives shall be specific statements outlining what is to be achieved by management in the timeframe of the plan.

- (iii) The introduction states the purpose and scope of the plan, providing an explanation of the purpose for the protected area (including the legislative basis), and the authority for plan development; it may also contain basic summary information about the protected area, such as size, primary resources, and values.
- (iv) The description of the protected area is a summary of relevant descriptive information, such as the natural, cultural, historical, and socio-economic resources and features of the area, how it is used, and its legal and management framework; the description shall include surveys and appropriate reports on:
 - A. conservation status and condition of natural heritage including but not limited to biodiversity and water quality and quantity;
 - B. conservation status and condition of cultural heritage;
 - C. resource use;
 - D. recreational use;
 - E. livelihoods generated; and
 - F. public awareness.
- (v) The evaluation of the protected area identifies why the protected area is important and explains the values associated with it.
- (vi) The analysis of issues and problems consists of an analysis of the constraints and opportunities affecting the area and a statement of the principle threats and impacts to its conservation, management, and maintenance and shall consider:
 - A. institutional capacity;
 - B. collaborative management arrangements;
 - C. training, capacity-building, and resource needs and their level of priority;
 - D. administrative and/or financial autonomy for the protected area;
 - E. compliance and enforcement; and
 - F. the sustainability of the current management and use of the protected area.

- (vii) The zoning plan illustrates the boundaries, classification, and management and other activities allowed or prohibited for each zone; and may include sub-objectives for individual zones.
- (viii) The business plan is a description of specific actions and arrangements that implement the business approach for the protected area, including the financial plan, which shall adopt a sustainable approach.
- (ix) The management actions section is a description of specific actions to be carried out in order to achieve the objectives and shall include:
 - A. a list of required management actions and activities;
 - B. an overview work plan identifying when each action will be carried out and by whom;
 - C. priority activities; and
 - D. staff and financing required to carry them out.
- (x) The monitoring and review section consists of an outline of how implementation of the plan will be monitored and when and how a review of the plan will be carried out and shall include indicators for measuring performance.

Annual Operational Plans.

- 27. (1) Management authorities shall implement management plans by means of annual operational plans.
- (2) Annual operational plans must contain detailed work plans with a prioritized list of management actions to be carried out and by whom, revenue estimations and budgetary allocations.

PART V

DEVELOPMENT

Criteria.

- 28. (1) Development and concessions in protected areas are permitted only pursuant to zoning and management plans, and consistent with this Act and implementing regulations.
- (2) The Management Authority is responsible for determining whether a proposal complies with prescribed zoning and management prescriptions and for imposing any conditions on the proposal.
- (3) The Management Authority shall apply the precautionary principle in favor of the protection of the public interest when making permitting decisions.

Coordination.

29. (1) Approval of any development in a protected area by the Management Authority must be coordinated with the development control authority.
- (2) The Body shall resolve any conflicts between the Management Authority, development authorities, and other interested parties, at the request of any party.

PART VI

MISCELLANEOUS

Repeal and Transition.

30. (1) The provisions of this Act shall be construed to the extent possible to be consistent with any applicable provisions of the [Environmental Management Act] and the [Biodiversity Conservation and Sustainable Use Act].
- (2) Where any other law in force is inconsistent with the provisions and objectives of this Act, inconsistencies shall be resolved in favor of this Act.
- (3) The provisions of this Act shall prevail save and except they are expressly repealed.
- (4) If any one or more sections, clauses, sentences or parts of this Act shall for any reason be found invalid, such judgment shall not affect, impair or invalidate the remaining provisions of this Act.

First Schedule

Protected Areas Coordinating Body Meeting and Voting Requirements.

Business conducted at meetings.

1. (1) The Body shall conduct its business at meetings, subject to Section 2.
 - (a) The Body must meet at least once each calendar year at such place as may be declared by the chair.
 - (b) Meetings may be called by the chair or upon written request of one-third of the membership of the Body.
 - (c) To constitute a meeting there must be a quorum of Body members present. A quorum consists of fifty percent of the appointed voting members of the Body.
- (2) Body members may participate in meetings by telephone or video-conferencing so long as they can hear and be heard by all members of the Body present.
- (3) The Chair shall give notice to Body members, including location and purpose for the meeting, by email, fax, or postal service, at least:
 - (a) two weeks prior to a regular meeting; and
 - (b) two days prior to a special meeting.
- (4) All meetings shall be open to the public unless a majority of the Body members votes to hold a closed session to discuss confidential business or litigation-related information or other issues which can not be resolved in the presence of the public.
- (5) The Chair shall give notice of the meetings to the public by notice in the *Gazette*, at least one national newspaper of general circulation, and at least one national radio and one national television station; the Chair or member may notify members of the public who have expressed an interest directly by maintaining an email, mailing, or phone contact list. Notice shall be given to the public at least:
 - (a) two weeks prior to a regular meeting; and
 - (b) two days prior to a special meeting.
- (6) The Body shall make all public meeting minutes and reports available to the public within a reasonable time after the meetings.
- (7) The Body shall publish notice of any “major decisions” in the *Gazette*, at least one national newspaper of general circulation, and at least one national radio and one national television station.

Voting requirements.

2. (1) The action of a majority of the voting members present at any meeting at which there is a quorum shall be the action of the Body.
- (2) The Body can take action by electronic communication such as email if two-thirds of the members agree to the action.
- (3) The Body shall establish further voting procedures as necessary.

Second Schedule

Protected Area Categories

Protected Area Categories.

1. (a) Protected areas in [Country] are classified according to the most current International Union of Concerned Scientists Protected Areas categories. At the time of passage of this Act the categories are the following:

(i) Strict Nature Reserve and Wilderness Area.

A. “Strict Nature Reserve” means an area of land and/or sea possessing some outstanding or representative ecosystems, geological, or physiological features and/or species, available primarily for scientific research and/or environmental monitoring (Guidelines for Protected Area Management Categories, IUCN 1994, Category Ia).

The primary management objective for Strict Nature Reserves is to preserve habitats, ecosystems, and species in the most undisturbed state possible. Human occupation, agriculture, forestry, mining, industry, and tourism are prohibited. Hunting, fishing, picking, cutting, or uprooting are prohibited except for scientific purposes and those measures aimed at controlling or maintaining certain species and/or environments. Public access is greatly limited. Certain traditional activities, if they are localized, controlled, and do not interfere with maintaining biological and landscape diversity, may be authorized for the sole purposes of maintaining the environment and pre-existing obligations.

Strict Nature Reserves should be large enough to ensure the integrity of the reserve’s ecosystem, significantly free of direct human intervention and capable of remaining so, as well as able to achieve biodiversity conservation through protection without requiring substantial active management or habitat manipulation.

B. “Wilderness Area” means a large area of unmodified or slightly modified land and/or sea retaining the area’s natural character and influence, without permanent or significant habitation, which is protected and managed so as to preserve the area’s natural condition (Guidelines for Protected Area Management Categories, IUCN 1994, Category Ib).

The primary management objective for Wilderness Areas is to ensure that future generations have the opportunity to experience, understand, and enjoy areas that have been largely undisturbed by human interaction over a long period of time. Wilderness areas allow for slight modification. Low-impact local communities living in

balance with the area are permissible as is well-controlled, non-motorized public access.

Wilderness Areas should possess high natural quality, be governed primarily by the forces of nature, with human disturbance substantially absent, and be likely to continue to display those attributes if managed as proposed. The area should contain significant ecological, geological, physiogeographic, or other features of scientific, educational, scenic, or historic value, and offer outstanding opportunities for solitude.

- (ii) “National Park” means a protected area managed mainly for ecosystem protection and recreation; a natural area of land and/or sea, designated to (a) protect the ecological integrity of one or more ecosystems for present and future generations, (b) exclude exploitation or occupation inimical to the purposes of designation of the area, and (c) provide a foundation for spiritual, scientific, educational, recreational, tourism, and visitor opportunities, all of which must be environmentally and culturally compatible and sustainable (Guidelines for Protected Area Management Categories, IUCN 1994, Category II).

The primary management objective for National Parks is to protect natural and scenic areas of national and international significance for spiritual, scientific, educational, recreational, or tourism purposes. Subsistence resource use by local people is permitted as long as the use will not adversely affect the other objectives of management.

National parks should contain a representative sample of major natural regions, features, or scenery, where plant and animal species, habitats, and geomorphologic sites are of special spiritual, scientific, educational, recreational, and/or tourism significance. The area should be large enough to contain one or more entire ecosystems not materially altered by current human occupation or exploitation.

- (iii) “Natural Monument” means an area containing one or more specific natural or natural/cultural feature of outstanding or unique value because of its inherent rarity, representative or aesthetic qualities, or cultural significance (Guidelines for Protected Area Management Categories, IUCN 1994, Category III).

The primary management objective for Natural Monuments is to protect or preserve in perpetuity specific outstanding natural features because of their natural significance, unique or representational quality, and/or spiritual significance. To the extent consistent with the foregoing objective, natural monuments are to be managed so as to provide opportunities for research, education, interpretation, and public appreciation.

Natural Monuments should contain one or more natural or cultural features of outstanding significance. Natural features include, inter alia, waterfalls, caves, craters, fossil beds, sand dunes, and marine features. Cultural features

include, inter alia, cave dwellings, cliff-top forts, archaeological sites, or natural sites which have heritage significance to local peoples.

- (iv) “Habitat/Species Management Area” means an area of land and/or sea subject to active intervention for management purposes so as to ensure the maintenance of habitats and/or to meet the requirements of specific species (Guidelines for Protected Area Management Categories, IUCN 1994, Category IV).

The primary management objective for Habitat/Species Management Areas is to secure and maintain the habitat conditions necessary to protect significant species, biotic communities, and/or physical features of the environment where these require specific human manipulation for optimum management.

Habitat/Species Management Areas should play an important role in the protection of nature and the survival of species, incorporating, as appropriate, breeding areas, wetlands, coral reefs, estuaries, forests, or spawning areas, including feeding beds.

- (v) “Protected Landscape/Seascape” means an area of land, with coast and sea as appropriate, where the interaction of people and nature over time has produced an area of distinct character with significant aesthetic, ecological, and/or cultural value, and often with high biological diversity. Safeguarding the integrity of this traditional interaction is vital to the protection, maintenance, and evolution of such an area (Guidelines for Protected Area Management Categories, IUCN 1994, Category V).

The primary management objective for Protected Landscapes/Seascapes is conservation and recreation. More specifically it is to maintain the harmonious interaction of nature and culture through the protection of landscape and/or seascape and the continuation of traditional land uses, building practices, and social and cultural manifestations. As a lived in, working landscape, a variety of economic activities are permitted, such as agriculture, forestry, fishing, tourism, and some forms of industry, commerce, and retailing as well as residential areas and some infrastructure. Large-scale development, such as mining, may be allowed only if vetted through a full Environmental Impact Assessment process, the proposed development meets over-riding national needs, and there is no alternative.

Protected Landscape/Seascapes should possess a landscape and/or coastal and island seascape of high scenic quality, with diverse associated habitats, flora and fauna along with manifestations of unique or traditional land-use patterns and social organizations as evidenced in human settlements and local customs, livelihoods, and beliefs.

- (vi) “Managed Resource Protected Area” means an area containing predominantly unmodified natural systems, managed to ensure long-term protection and maintenance of biological diversity, while providing at the same time a sustainable flow of natural products and services to meet

community needs (Guidelines for Protected Area Management Categories, IUCN 1994, Category VI).

The primary management objective for Managed Resource Protected Areas is to conserve and maintain the biological diversity and other natural values of the area over the long-term while promoting sound management practices for sustainable production purposes.

Managed Resource Protected Areas should be at least two-thirds in a natural condition, although they may also contain limited areas of modified ecosystems; large commercial plantations, however, would not be appropriate for inclusion.

Third Schedule

Cooperative Protected Areas

Purposes of cooperative protected areas

1. Management Authorities may enter into agreements with owners of private land to declare such land a cooperative protected area for a minimum term of five years for any or all of the following purposes --
 - (a) Soil and water conservation;
 - (b) Plant and wildlife conservation or restoration; and
 - (c) Public recreation.

Cooperative protected areas agreements.

2. An agreement in respect of a cooperative protected area shall –
 - (a) describe the area including size and boundaries;
 - (b) be in writing signed by the owner or the authorized agent on behalf of the owner and by the director of the Management Authority on behalf of the Government;
 - (c) contain a management plan;
 - (d) contain a plan, if appropriate, for the reimbursement of the Government for the reasonable costs of the administration, planning and management costs incurred;
 - (e) specify the responsibilities of the Government and the owner; and
 - (f) the obligations under the agreement shall run with the property in the instance of any transfer.

Powers and requirements.

3. (1) The Director of the Management Authority may, at the request of any owner of private land, provide technical assistance for conservation purposes.
- (2) The Management Authority may make reasonable charges to owners of private lands for services rendered having regard to the cost of such services and the protected areas policy of the Government.

- (3) The Body or any Management Authority may recommend to the Cabinet a proposal for incentives for private landowners to enter collaborative management agreements such as tax relief, correlating to the duration and public interest of the commitment.
- (4) Managers of privately owned protected areas will report annually in writing on the status of the protected area and its management to the Body.
- (5) The Body shall establish standard criteria for agreements authorizing collaborative management agreements.

Savings clause.

4. (1) This Act shall not in any way limit the ability of private landowners to manage property for conservation, environmental, or any other purpose.
- (2) This Act does not preclude or otherwise affect the right of private landowners to establish or operate game reserves, parks, resorts, or other such arrangements pursuant to other legal authority.