

Environment and Biodiversity Coordination Act

Grenada

No. xx of 200x

ARRANGEMENT OF SECTIONS

PART I

PRELIMINARY

Arrangement of Sections

1. Short title and commencement.
2. Interpretation.
3. Act binds the [State/Government].
4. Objects and purposes of the Act.

PART II

ADMINISTRATION

5. Establishment of the Environment and Biodiversity Coordinating Committee.
6. Structure and membership of the Environment and Biodiversity Coordinating Committee.
7. Powers of the Environment and Biodiversity Coordinating Committee.
8. Meetings of the Environment and Biodiversity Coordinating Committee.

PART III

ENVIRONMENT AND BIODIVERSITY MANAGEMENT

9. National biodiversity strategy and plan.
10. Biosafety.
11. Information, training, and research.
12. Species management.
13. Trade in species.
14. Other.

PART IV

COMPLIANCE AND ENFORCEMENT

15. Monitoring.
16. Enforcement.
17. Offenses or penalties.

PART V

MISCELLANEOUS

18. Repeal and transition.

Schedules

[First Schedule](#)-- Biosafety procedures, approval conditions, and enforcement

[Second Schedule](#)--

[Third Schedule](#)--

AN ACT to establish a environment and biodiversity coordination system, to provide for compliance with all MEAs to which Grenada is a party, provide for appropriate coordination between environment and biodiversity authorities and other sectors, countries, or international bodies, and related matters.

BE IT ENACTED by Grenada as follows –

PART I

PRELIMINARY

Short Title and Commencement

1. This Act may be cited as the Environment and Biodiversity Coordination 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 Committee whereby a non-government actor is committed to managing or participating in the management of a protected area;

“Committee” means the Environment and Biodiversity Coordinating Committee 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 Environment and Biodiversity Coordinating Committee;

“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;

“environment and biodiversity coordinating committee (“EBCC”)” means the intersectoral coordinating body responsible for coordination of environmental and biological issues for Grenada;

“Environmental Protection Officer (“EPO”)” means the director of the environmental affairs department and chairperson of the EBCC;

“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 Committee 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 Environment and Biodiversity Coordinating Committee 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 Grenada;

“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;

“Environment and Biodiversity Coordinating Committee (Committee)” means the intersectoral body established by this Act with responsibility for establishment and management of protected areas in Grenada;

“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 Grenada;

“regular meeting” means a meeting of the Committee 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 Committee;

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

“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; and

“wetland” means lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. For purposes of this classification wetlands must have one or more of the following three attributes: (1) at least periodically, the land supports predominantly hydrophytes; (2) the substrate is predominantly undrained hydric soil; and (3) the substrate is nonsoil and is saturated with water or covered by shallow water at some time during the growing season of the year.

Act Binds the State.

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

Objects and Purposes of the Act

2. (1) The objects and purposes of this Act are to:
 - (a) enable compliance with the obligations of MEAs to which Grenada is a party, including the Convention on Biological Diversity (CBD); the Convention on the International Trade in Endangered Species of Wild Fauna and Flora (CITES); the SPAW Protocol to the Cartagena Convention; the Convention on the Conservation of Migratory Species of Wild Animals (CMS); the Convention on Wetlands of International Importance especially as Waterfowl Habitat (Ramsar Convention); and, the Convention concerning the Protection of the World Cultural and Natural Heritage (World Heritage Convention);
 - (b) enable consideration of ratification and plan for implementation of other MEAs;
 - (c) support the long-term growth and sustainable development of Grenada in business, tourism, recreation, education, and scientific research;
 - (d) provide for the sustainability of biodiversity, culture, livelihoods, heritage, watershed protection and other ecosystem services;
 - (e) protect wilderness;
 - (f) assist in the mitigation of natural and anthropogenic disasters; and
 - (g) 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 Environment and Biodiversity Coordinating Committee.

3. (1) Parliament hereby creates an Environment and Biodiversity Coordinating Committee [Committee] with responsibility for coordinating environment and biodiversity protection and management in Grenada and for coordination regarding obligations of MEAs.
- (2) Parliament shall locate the Committee and its secretariat within the Ministry responsible for environmental protection with a staff of at least two.
- (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 Environment and Biodiversity Coordinating Committee.

4. (1) The Committee shall be representative of stakeholders interested in all aspects of protected areas.
- (2) Committee members prescribed by this Act shall have voting rights unless otherwise specified pursuant to Section 5.
- (3) The Committee consists of the EPO as Chairperson, and not more than 8 other persons including either a board member, director, deputy, or technical staff selected by the permanent secretaries of eight of the government administrative units enumerated below and appointed by the Minister, to serve in his or her capacity as a representative for his or her government administrative unit as a member of the Committee:
 - (a) cultural heritage;
 - (b) environment;
 - (c) forestry;
 - (d) fisheries;
 - (e) finance;
 - (f) law enforcement (police or DPP);
 - (g) land use and planning;
 - (h) tourism;
 - (i) national parks;
 - (j) economic planning; and
 - (k) legal department (the Attorney General's office or the ministry of legal affairs).

- (2) The Minister shall appoint Committee members within one calendar year of the passage of this Act.
- (3) The Committee may invite any other person to be a voting or non-voting member of the Committee where it is satisfied that the person has expert skills and knowledge to assist the Committee in effectively discharging any of its functions.
- (4) The Committee may further invite the participation of an expert for a particular meeting or hire a consultant for a particular function.
- (5) The Secretariat will publish the names of the members appointed to the Committee in the *Gazette*, in at least one national newspaper of general circulation, and on at least one national radio and one national television station.
- (6) Members shall serve for a term of three years and may serve a maximum of three consecutive terms.
- (7) In the first year of the operation of the Committee 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.
- (8) 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 Committee.

Powers of the Environment and Biodiversity Coordinating Committee.

11. (1) The Committee shall coordinate environment and biodiversity protection and management among all relevant domestic and international institutions.
- (2) The Committee shall be responsible for implementation of all MEAs to which Grenada is a party, including reporting requirements.
- (3) The Committee has the authority to make regulations to elaborate its functions as well as standards and guidelines for information gathering and reporting for resource agencies.
- (4) The Committee has the authority to make recommendations regarding ratifying MEAs, new legislation, or new regulations for resource or other agencies as relates to the management or protection of biodiversity.

Meetings of the Environment and Biodiversity Coordinating Committee.

12. (1) The Committee shall meet at a minimum, twice annually.

- (2) The Chairperson may call a meeting at any time, with two weeks notice, as can 2/3 of the members.
- (3) Notice of the meetings shall be public and interested members of the public may attend unless confidential information will be discussed.

PART III
ENVIRONMENT AND BIODIVERSITY MANAGEMENT

National biodiversity strategy.

13. (1) The Committee shall adopt a national biodiversity strategy and plan for conservation of biological diversity and its components within one (1) year from the date of adoption of this Act.
 - (2) The strategy shall contain—
 - (a) a plan for implementation of the requirements of this Act;
 - (b) details on carrying out information-gathering, training, and research activities;
 - (c)
 - (3) The Committee shall ensure that—
 - (a) measures identified in the strategy are included in national and regional sectoral and cross-sectoral plans; and
 - (b) the national biodiversity strategy is updated to reflect any changes in legal obligations and at least every five years.
 - (4) The national biodiversity strategy shall have the force of law.

Biosafety.

14. (1) The Committee shall be responsible for promoting biosafety in such a way that ensures adequate levels of protection for the safe transfer, handling, and use of Genetically Modified Organisms, as well as Living Modified Organisms and that avoids any risks to human or animal health and to the environment.
- (2) The Committee shall make recommendations to the Minister to—
 - (a) set regulations for ensuring biosafety;
 - (b) update and apply application procedures and testing requirements for requests to introduce GMOs or LMOs in the First Schedule;

- (c) grant, refuse, suspend authorizations or licenses allowed under this Act;
 - (d) set fees, costs, charges, or expenses to be levied under the Act;
 - (e) set the criteria and standards for determining assessing, and managing risk associated with applications for GMOs and LMOs under the Act;
 - (g) set criteria and standards for labeling and packaging of GMO/LMO products; and
 - (h) on national policy and strategy, as well as plans, programs, and guidelines for biosafety.
- (3) The Committee shall handle all enquiries and applications and review grants, suspensions, and denials of authorizations under this Section.
 - (4) The Committee shall make information available to and receive comments from the public.
 - (5) The Committee shall coordinate the conduct of risk assessments by an interdisciplinary panel of experts;
 - (6) The Committee shall establish mechanisms to facilitate dissemination and sharing of data and information with the public and with other countries in the region including all proceedings and decisions made by the Minister and the Committee.

Information, training, and research.

- 15. (1) The Committee shall be responsible for compiling information on the status of biological diversity in Grenada for meeting MEA requirements and to exchange information with relevant institutions, including the Natural and Cultural Heritage Preservation Committee, with the objective of identifying, without limitation—
 - (a) those areas, including wetlands, that are suitable for protected areas;
 - (b) those species, including migratory species, for which conservation measures are required to be taken; and
 - (c) those activities that may have an adverse impact on protected areas.
- (2) The Committee shall coordinate information management on—
 - a. The state of watersheds in Grenada, identifying which watersheds require particular protection;

b.

Species management.

16. (1)

Trade in species.

17. (1)

Other environment and biodiversity protection functions.

18. (1)

**PART IV
COMPLIANCE AND ENFORCEMENT**

Monitoring.

19. D

Enforcement.

20. Any member of the public, a community organization, or a government entity may file a complaint against the Committee or its delegate for non-compliance with the provisions of this Act, management plans, or standards and procedures established by the Committee, in a court of summary jurisdiction.

Penalties and offenses

21.

**PART V
MISCELLANEOUS**

Repeal and Transition.

20. (1) The provisions of this Act shall be construed to the extent possible to be consistent with any applicable provisions of the Natural and Cultural Heritage 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

Biosafety.

Application procedures.

1. (1) .

(a) The Commi

Approval Conditions.

Enforcement.