

CABINET MEMERONADUM

FEDERAL CABINET OF ST. KITTS AND NEVIS

Ministry of Agriculture, Marine Resources, Cooperatives, Environment and Human Settlement

Project Title: Conserving biodiversity and reducing habitat degradation in Protected Areas and their areas of influence.

Contracting Party: United Nations Development Program (UNDP)

Implementing Partner: Ministry of Agriculture, Marine Resources, Cooperative, Environment and Human Settlement

Prepared by

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Background

It is an undisputed fact that there is a direct correlation between biodiversity conservation and our sustainable future. As various environmental and related challenges emerge, we are forced to channel our energies and resources into providing sustainable solutions that will assist us in environmental management and preservation. Biodiversity is an essential component to our human existence and thus, the onus is on us to implement measures to ensure the continuation of our existence. Sustainable development therefore requires the integration of social, economic and environmental factors in the planning, implementation and evaluation of decisions to ensure that any environmental project that is undertaken serves present and future generations. The Conserving Biodiversity Project being implemented through the Ministry of Agriculture, Marine Resources, Cooperatives, Environment and Human Settlement (“the Ministry) is one such project aimed at ensuring continued sustainable living in the twin island Federation of St. Kitts and Nevis with a concentration in biodiversity conservation.

The Conserving Biodiversity project contemplates an integrated and holistic environmental management system particularly in the protected areas within St. Kitts and Nevis. The long term objective is to achieve sustainable development. To this end, the Government of St. Kitts and Nevis has committed itself to ensuring that all necessary steps are taken to achieve completion and implementation of this project. Ultimately, the onus is on the Government to protect, promote and fulfill the social, economic and environmental rights of everyone and strive to meet the basic needs of all.

Thus, conserving biodiversity can be achieved primarily through the implementation of legislation to govern the management and regulation of specific protected areas within the country. It was therefore proposed and accepted that the existing National Conservation and Environmental Protection Act of St. Kitts and Nevis be repealed and replaced with the National Conservation and Environmental Management Bill. This legislation will serve as the governing framework for this project and be used in conjunction with existing laws and policies. Any proposed legislative action in relation to this Bill falls squarely within the competence of the Federal Parliament. This Memorandum specifically addresses the proposed National Conservations and Environmental Management Bill and its connection to the conserving biodiversity project and is submitted for Cabinet’s consideration and approval.

Project Overview

The project is being implemented through the Ministry and sponsored by the United Nations Development Project (UNDP) with funding from Global Environment Fund (GEF). In accordance with the scope of works provided for this consultancy, the requisite initial meetings and discussions were conducted with the relevant stakeholders and committee members with a view to receiving a status update on the project. The meetings and discussions also served to identify the requirements of the project as well as to plan the way forward to achieve the desired outcome. Pertinent

information was discussed and shared and useful insight gained in relation to the project and specifically in relation to the legislative framework needed.

1. Objectives

The objective of this project is to expand and strengthen the terrestrial and marine protected area systems in St. Kitts and Nevis, reduce habitat destruction and strengthen management operations on areas of influence that negatively impact protected areas' ecological functioning. All this will be achieved through a legal and regulatory framework that will identify the specific protected areas, provide for management of said areas and include the necessary financial arrangements to ensure continued sustainable development and management of these areas. The overall aim is to ensure sustainable management of the country's natural resources, ecosystems and environmental services.

2. Legislative framework

The implementation and enactment by Parliament of modern, transparent and non-discriminatory legislation and supporting regulations for the sustainable management of natural resources, biodiversity and ecosystems will have to be completed and act as the substantive framework to govern the project after completion. The existing legislation which is the National Conservation and Environmental Protection Act (NCEPA) is inadequate and can easily benefit from major amendments. The better view however is to enact new legislation to properly address current environmental issues within the Federation. The legal and legislative framework to support this project cannot be done in a vacuum but rather in accordance with international conventions that the Federation has acceded to and also in harmony with existing and proposed national legislation.

3. Consultations

The project contemplated a complete review of the existing Act and the proposed Bill and to accomplish this task, a participatory process was incorporated whereby public and stakeholder consultations were conducted on both islands in 2016. Initial discussions with the Project Coordinating Unit representatives and the Ministry of Environment have sought to bring into focus the mode of operation of these participatory processes and the necessity to have certain stakeholders involved at the outset as well as after the legislation is completed.

The consultations were facilitated by the Legal Consultant with the assistance of the Project Coordinating Unit spearheaded by Mrs. Claudia Drew and Ms. Phynora Ible. While these were all public consultations, some of the target groups included government organisations, non-governmental organisations, the private sector, civil society and community groups. We had representation from a combination of the following stakeholders and interests groups on both islands:

Department of Environment
Physical Planning Department

Department of Maritime Affairs
Journalists and Media Personnel

Project Coordinating Unit	Agriculture Department
Nevis Historical and Conservation Society	Nevis Humane Society
Private Consultants	Department of Fisheries (Nevis)
St. Christopher National Trust	Small Grants Project Unit
Fisheries Department (St. Kitts)	Sea turtle group of St. Kitts
Nevis Solid Waste Management Authority	Real estate agents
Department of Marine Resources	Brimstone Hill Fortress National Park
Trustees of charitable trust	Nevis Disaster Management Agency
Nevis Initiative for Clean Environment (N.I.C.E)	Private developers
Private individual – architectural historian	Attorneys-at-Law

While these consultations were intended to sensitize government organisations and the general public about the project and the proposed Bill, recommendations for the update of the legislation was sought and obtained. The focus of the consultations was primarily on some of the major changes to be implemented under the Bill that were not adequately addressed or addressed at all under the current National Conservation and Environment Protection Act (NCEPA). We discussed several areas already covered by NCEPA and recommendations were made for the improvement of these provisions to take into account current circumstances relating to environmental matters. For the most part, participants felt that the initiative was a good one to have the legislation completed as it will serve as an effective tool in addressing environmental matters within the Federation. The participants also urged the Government to give careful consideration to the Bill and its implications.

3. Protected Areas

While the primary focus of this consultancy within the entire Conserving Biodiversity Project is the completion of the National Conservation and Environment Management Bill (NCEMB) and supporting regulations, the specific focus will be on making provision for the designated protected areas within the Federation. This will be further supported by the establishment of a management and financial framework for the protected areas as there is no such management structure in place. To this end, new areas will be included and a framework put in place to manage these areas.

Currently, there are only three (3) terrestrial protected areas within the Federation and they are all located on the island of St. Kitts. Additionally, there are no protected marine areas in existence in the entire country. The three existing protected areas will, after implementation and enactment of the Bill, be properly managed along with the 5 new areas (two terrestrial and three marine) to be included. These current and proposed areas are listed below.

- (a) Current Protected Areas systems:
 - (i) Central Forest Reserve
 - (ii) Royal Basseterre Valley National Park
 - (iii) Brimstone Hill Fortress

Of the three existing protected areas listed above, the Brimstone Hill Fortress is the only site currently managed and operated as an area dedicated to ecological conservation in the Federation. Additionally, a user fee system is in place at this site which assists tremendously with the work, management and upkeep of the site in conjunction with a government subvention. It is reasonable to conclude that the existing sites are not managed effectively as there is no on-site management, no dedicated staff and no budgetary framework within which to carry out any management functions. The provisions under the new legislation would seek to address these issues by making provision for a management structure as well as dedicated financial resources. Several other areas have already been identified to be included and designated as protected areas within the Federation. These sites will also benefit from the establishment of administrative and management systems. These proposed sites are as follows:

- (i) Nevis Peak National Park and Camps River Watershed Areas
- (ii) Booby Island Nature Reserve
- (iii) Sandy Point Marine Park
- (iv) The Narrows Marine Park
- (v) Keys Marine Park

4. Protected Areas management and financial framework

The intention is to have all the designated sites (with the exception of the Brimstone Hill Fortress National Park) be actively and efficiently managed under the Protected Areas Agency (PAA) which will function as an independent statutory body having all the rights, powers and privileges vested in it. Under the Bill, the agency will function initially as a division of the Department of Environment. Overtime, it is expected that the agency will have legal status and govern its own affairs. This dedicated agency will be a welcomed initiative as currently there is no such agency dedicated exclusively to protected areas management within the Federation. The intention is to have the Protected Areas Agency be a self-financing body and thus be truly independent of government. An environment fund is also proposed under the Bill and will be managed by a Board of Councilors under a Foundation structure and the moneys of the Foundation will be used solely for environmental projects of all nature throughout the Federation.

5. National Conservation and Environment Management Bill

The project proposes a review and update of the National Conservation and Environment Management Bill (NCEM) with the ultimate objective of having it approved by Cabinet and enacted by Parliament preferably within a timely manner after its completion. The draft Bill is a revised version of the current National Conservation and Environment Protection Act. In keeping with international obligations to which the Federation has agreed through ratification of several environmental treaties, it was necessary to revisit the existing NCEPA and make critical updates to that legislation. The intention is to have the existing environmental legislation which is NCEPA replaced with the NCEM Bill which will be the overarching legislation that would govern

environmental matters including the administration and management of the protected areas that form part of the project. The NCEPA was enacted in 1987 and amended in 1996 and revised in 2002. Thus, with the modernization of this piece of legislation which will make provision for the management both financial and otherwise of the protected areas within the Federation, it is hoped that the regulation of these areas will encourage sustainable development.

The Bill maintains some of the existing provisions under the NCEPA which relate generally to the protection of the environment and the species and flora and fauna that exist here in the Federation. Provisions relating to soil conservation, sand mining, wetlands management and protection, pollution, dealings with antiquities are just a few of the areas that received extensive review and enhancement under the Bill. Overall

Expected Outcomes

The intended outcome of the implementation of the National Conservation and Environmental Management legislation which will incorporate specific provisions for the management of protected areas is to ensure improved governance and regulation of the environment and the fulfillment of the objective of continued sustainable development within protected areas. The establishment of the Protected Areas Agency will be the cornerstone of this initiative with the introduction of efficient management systems for all existing, proposed and future protected areas in the Federation. At the end of the project, it is expected that the legislation will be debated in Parliament and passed and implemented without delay.

Conclusion

Most of the groundwork has been done through the necessary research, consultations, preparation of reports, identification of the proposed areas as well as other necessary logistics. The participatory process was key to the completion of this project and a commitment to continued partnership with relevant stakeholders after its implementation is equally important.

In order for the project to come to fruition however, the necessary legal and regulatory framework has to be put in place. This can only be achieved through the enactment of the NCEM Bill and the regulations. This implementation of NCEM Bill should remain a top priority on the Government's legislative agenda.

The Cabinet is invited to consider the NCEM Bill and have same approved and submitted to Parliament for enactment.

A handwritten signature in blue ink, appearing to read 'Shemica Maloney', with a horizontal line extending to the right.

Shemica Maloney
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