





5 September 2018

VANCE CENTRE ENVIRONMENT PROGRAM

Analysis of the Adoption and Implementation of the Environmental Principles in the Proposed Global Pact for the Environment (Global Pact) in Regional Instruments

Caribbean Community (CARICOM) Environmental and Natural Resources Policy Framework (July 2017-June 2022)

1. Overview of document

This document provides an analysis of how the environmental principles in the Global Pact (**Environmental Principles**) have been adopted or recognized in the regional instruments of CARICOM and how they have been implemented.

2. Overview of CARICOM

The Caribbean Community (CARICOM) is a grouping of twenty countries: fifteen Member States and five Associate Members.¹ CARICOM came into being on 4 July 1973 with the signing of the Treaty of Chaguaramas by Prime Ministers Errol Barrow for Barbados, Forbes Burnham for Guyana, Michael Manley for Jamaica and Eric Williams for Trinidad and Tobago.² The Treaty was later revised in 2002 to allow for the eventual establishment of a single market and a single economy.³ Stretching from The Bahamas in the north to Suriname and Guyana in South America, CARICOM comprises states that are considered developing countries, and except for Belize, in Central America and Guyana and Suriname in South America, all Members and Associate Members are island states.⁴ All CARICOM countries are classified as developing countries, and are all relatively small in terms of population and size.⁵ See Appendix for a list of the Member States and Associate Members.

1

¹ CARICOM.org, About CARICOM, Who we are, available at https://caricom.org/about-caricom/who-we-are (last visited Apr. 13, 2018).

² CARICOM.org, About CARICOM, Who we are, available at https://caricom.org/about-caricom/who-we-are (last visited Apr. 13, 2018).

³ CARICOM.org, *About CARICOM, Who we are, available at* https://caricom.org/about-caricom/who-we-are (last visited Apr. 13, 2018).

⁴ CARICOM.org, About CARICOM, Who we are, available at https://caricom.org/about-caricom/who-we-are (last visited Apr. 13, 2018).

⁵ CARICOM.org, *About CARICOM, Member States and Associate Members*, *available at* https://caricom.org/about-caricom/who-we-are/our-governance/members-and-associate-members/ (last visited Apr. 13, 2018).





5 September 2018

The (draft) Caribbean Community Environment and Natural Resources Policy ("Policy") Framework proposes a structure for environmental and natural resources management in CARICOM.⁶ The First Environmental and Natural Resources Action Plan ("Action Plan") of the Caribbean Community Environment and Natural Resources Policy Framework (July 2017-June 2022) is generally considered as the first step in making the Policy actionable.⁷

3. Analysis

Global pact article	CARICOM instruments	CARICOM sections elaborated
Article 1 – Right to an ecologically sound environment Every person has the right to live in an ecologically sound environment adequate for their health, well-being, dignity, culture and fulfilment.	Revised Treaty of Chaguaramas Establishing the Caribbean Community including the CARICOM Single Market and Economy	Article 65(1b) The policies of the Community shall be implemented in a manner that ensures the prudent and rational management of the resources of the Member States. In particular, the Community shall promote measures to ensure:the protection of the life and health of humans, animals and plants
	Caribbean Community Environment and Natural Resources Policy Framework (draft, July 28, 2017): Vision and Guiding Principles (at p.13)	The vision of the Framework is to effectively and sustainably manage the Community's environmental, natural and cultural resources, including creating and improving conditions, necessary for the conservation of nature and maintaining the ecological balance to capitalize on the benefits that will accrue from their optimal utilization, thereby, contributing to the balance economic, environmental and social development of the Community as a whole and its Member States.

⁶ See CARICOM TODAY, CARICOM opens environment policy, action plan for discussions (July 28, 2017), https://today.caricom.org/2017/07/28/caricom-opens-environment-policy-action-plan-for-discussions/#more-23103).

⁷ See CARICOM TODAY, CARICOM opens environment policy, action plan for discussions (July 28, 2017), https://today.caricom.org/2017/07/28/caricom-opens-environment-policy-action-plan-for-discussions/#more-23103).





5 September 2018

Global pact article	CARICOM instruments	CARICOM sections elaborated
Article 2 – Duty to take care of the environment Every State or international institution, every person, natural or legal, public or private, has the duty to take care of the environment. To this end, everyone contributes at their own levels to the conservation, protection and restoration of the integrity of the Earth's ecosystem.	Revised Treaty of Chaguaramas Establishing the Caribbean Community including the CARICOM Single Market and Economy	Article 65(1) The policies of the Community shall be implemented in a manner that ensures the prudent and rational management of the resources of the Member States. In particular, the Community shall promote measures to ensure: a) The preservation, protection and improvement of the quality of the environment; b) The protection of the life and health of humans, animals and plants; and c) The adoption of initiatives at the Community level to address regional environmental problems.
Article 3 – Integration and Sustainable Development Parties shall integrate the requirements of environmental protection into the planning and implementation of their policies and national and international activities, especially in order to promote the fight against climate change, the protection of oceans and the maintenance of biodiversity. They shall pursue sustainable development. To this end, they shall ensure the promotion of public support policies, patterns of production and consumption both sustainable and respectful of the environment.	Revised Treaty of Chaguaramas Establishing the Caribbean Community including the CARICOM Single Market and Economy	Article 15 Subject to the provisions of Article 12, COTEDE shall be responsible for the promotion of trade and economic development of the Community. In particular, COTED shall(h) promote and develop policies for the protection of and preservation of the environment and for sustainable development Article 58(1) The Community shall adopt effective measures to assist the Member States in the management of their natural resources in support of the transformation and sustainable development of the agricultural sector. Article 58(2)(b) Without prejudice to the generality of paragraph 1 and to obligations of Member States under existing international agreements, the Community shall adopt measures for:the conservation of biological diversity and the sustainable use of biological resources of the Member States, especially those of important medicinal and traditional value.





5 September 2018

Global pact article	CARICOM instruments	CARICOM sections elaborated
		Article 60(1)
		The Community, in collaboration with competent national, regional and international agencies and organisations, shall promote the development, management and conservation of the fisheries resources in and among the Member States on a sustainable basis.
		Article 61(1)
		The Community shall, in collaboration with competent national, regional and international agencies and organisations, promote the development, management and conservation of the forest resources in the Member States on a sustainable basis.
	Caribbean Community Environment and	Management, Conservation and Sustainable Use of Biodiversity
	Natural Resources Policy Framework (draft, July 28, 2017): 4.7 Management, Conservation and Sustainable Use of Biodiversity (at p.27)	The Community and its Member States is rich in both terrestrial and marine biodiversity which needs to be sustainably used and managed so that the necessary economic and other benefits can be derived from these resourcesTaking into consideration the relevant targets of Sustainable Development Goal 15 and the <i>Aichi Biodiversity Targets</i>
		Sustainable Consumption and Production
		The Community shall work closely with the Member States and other stakeholders in developing programmes on various aspects of sustainable consumption and production, promote a programme on Sustainable Livelihoods as a means of creating an enabling environment for addressing poverty reduction with a focus on vulnerable populations and communities at risks, and encourage the private sector to adopt sustainable practices and to integrate sustainability information into their reporting cycle work with the Universities to establish programmes to strengthen the region's scientific and technological capacity to move towards more sustainable patterns of consumption and production.





5 September 2018

Global pact article	CARICOM instruments	CARICOM sections elaborated
		Land and Soils
		Parties contemplate generally the relatively small land space and the need to sustain limited land resources.
		Forest Resources
		Parties contemplate generally the role of carbon storage, the value of conservation, avoidance of deforestation and sustainable forest management against climate change.
		Water Resources
		Parties contemplate the urgent need in the Community to substantially increase water- use efficiency, integrated water resources management and the protection of water- related ecosystems.
Article 4 – Intergenerational Equity	N/A	N/A
Intergenerational equity shall guide decisions that may have an impact on the environment. Present generations shall ensure that their decisions and actions do not compromise the ability of future generations to meet their own needs		
Article 5 – Prevention	Revised Treaty of Chaguaramas	Article 65(1)
The necessary measures shall be taken to prevent environmental harm. The Parties have the duty to ensure	Establishing the Caribbean Community including the CARICOM Single Market and Economy	The policies of the Community shall be implemented in a manner that ensures the prudent and rational management of the resources of the Member States. In particular, the Community shall promote measures to ensure:
that activities under their jurisdiction or control do not		a) The preservation, protection and improvement of the quality of the environment;





5 September 2018

Global pact article	CARICOM instruments	CARICOM sections elaborated
cause damage to the environments of other Parties or in areas beyond the limits of their national jurisdiction. They shall take the necessary measures to ensure that an environmental impact assessment is conducted prior to any decision made to authorise or engage in a project, an activity, a plan, or a program that is likely to have a significant adverse impact on the environment. In particular, States shall keep under surveillance the effect of an above-mentioned project, activity, plan, or program which they authorise or engage in, in view of their obligation of due diligence	Caribbean Community Environment and Natural Resources Policy Framework (draft, July 28, 2017): 4.2 Disaster Risk Reduction and Management (at p.23)	b) The protection of the life and health of humans, animals and plants; and c) The adoption of initiatives at the Community level to address regional environmental problems. Article 65(2)(e) In formulating measures tin relation to the environment, the Community shall take account ofthe precautionary principle and those principles relating to preventive action, rectification of environmental damage at source and the principle that the polluter pays The Framework contemplates that a range of hazards, including, inter alia, geological hazards such as earthquakes, volcanic eruptions, pyroclastic flows, mudflows, ash falls, landslides and/or slope failure, forest fires; meteorological hazards including hurricanes floods and drought; tsunamis hazards and tidal wave hazard; storm surges and anthropogenic hazards such as oil spills and the potential adverse impacts of climate change—increased sea temperatures, sea level rise, increasing strength of hurricanes, are more frequently affecting the region. As a consequence natural hazard risk assessment and management is a major concern of the Caribbean Community and its Member States.
Article 6 – Precaution Where there is a risk of serious or irreversible damage, lack of scientific certainty shall not be used as a reason for postponing the adoption of effective and proportionate measures to prevent environmental degradation.	Revised Treaty of Chaguaramas Establishing the Caribbean Community including the CARICOM Single Market and Economy	Article 65(2)(e) In formulating measures in relation to the environment, the Community shall take account of:the precautionary principle and those principles relating to preventive action, rectification of environmental damage at source and the principle that the polluter pays
	Caribbean Community Environment and Natural Resources Policy Framework (draft, July 28, 2017): 2 Vision and Guiding Principles (at p.3)	The general principles which underpin this Policy Framework are:2. The Precautionary principle where the absence of full scientific evidence should not preclude action from being taken where there is an imminent danger to human, animal or plant health, or to protect the environment.

6





5 September 2018

Global pact article	CARICOM instruments	CARICOM sections elaborated
Article 7 – Environmental Damages The necessary measures shall be taken to ensure an adequate remediation of environmental damages. Parties shall immediately notify other States of any natural disasters or other emergencies that are likely to produce sudden harmful effects on the environment of those States. Parties shall promptly cooperate to help concerned States.	Revised Treaty of Chaguaramas Establishing the Caribbean Community including the CARICOM Single Market and Economy Caribbean Community Environment and Natural Resources Policy Framework (draft, July 28, 2017): 2 Vision and Guiding Principles (at p.3)	In formulating measures in relation to the environment, the Community shall take account of:the precautionary principle and those principles relating to preventive action, rectification of environmental damage at source and the principle that the polluter pays The general principles which underpin this Policy Framework are: The Precautionary principle where the absence of full scientific evidence should not preclude action from being taken where there is an imminent danger to human, animal or plant health, or to protect the environment. The polluter should bear the cost of preventing and repairing environmental damage [the polluter pays principle] and the rectification of environmental damage should take place at the source.
Article 8 – Polluter Pays Parties shall ensure that prevention, mitigation and remediation costs for pollution, and other environmental disruptions and degradation are, to the greatest possible extent, borne by their originator.	Revised Treaty of Chaguaramas Establishing the Caribbean Community including the CARICOM Single Market and Economy Caribbean Community Environment and Natural Resources Policy Framework	Article 65(2)(e) In formulating measures in relation to the environment, the Community shall take account of:the precautionary principle and those principles relating to preventive action, rectification of environmental damage at source and the principle that the polluter pays The polluter should bear the cost of preventing and repairing environmental damage [the polluter pays principle] and the rectification of environmental damage should take place
	(draft, July 28, 2017): Guiding Principles (at p.3-4)	at the source.





5 September 2018

Global pact article	CARICOM instruments	CARICOM sections elaborated
Article 9 – Access to Information Every person, without being required to state an interest, has a right of access to environmental information held by public authorities. Public authorities shall, within the framework of their national legislations, collect and make available to the public relevant environmental information.	Revised Treaty of Chaguaramas Establishing the Caribbean Community including the CARICOM Single Market and Economy	Article 65(2)(a) In formulating measures in relation to the environment, the Community shall take account ofavailable and accessible scientific and technical data.
	Caribbean Community Environment and Natural Resources Policy Framework (draft, July 28, 2017): 5.1 Public Education and Awareness (at p.23)	There is also a critical need for sharing of information on experiences between the Member States has been identified as a major constraint by both policy, legal and technical experts. Added to this, information on environmental decision making and its access is not only important to pubic authorities, many of whom are custodians of such data and information but is also important to the general public to enable them to contribute intelligently to debates on environmental issues as well as support measures to enhance the environment.
Article 10 – Public Participation Every person has the right to participate, at an appropriate stage and while options are still open, to the preparation of decisions, measures, plans, programmes, activities, policies and normative instruments of public authorities that may have a significant effect on the environment.	Caribbean Community Environment and Natural Resources Policy Framework (draft, July 28, 2017): Guiding Principles (at p.4); 5.1 Public Education and Awareness (at p.23)	The general principles which underpin this Policy Framework are:Environmental issues are best handled with the participation of all major groups, by facilitating at the national and regional levels action to encourage public awareness and participation by making information widely availableThe public of the region shall be provided with information, training and education on environmental management in forms which they can easily understand and obtain at minimal cost. The Community shall: Develop mechanisms to enable Caribbean Community nationals to have appropriate access to information concerning the environment and natural resources, to this information widely available as a means of facilitating and encouraging public awareness and participation.

8





5 September 2018

Global pact article	CARICOM instruments	CARICOM sections elaborated
Article 11 – Access to Environmental Justice	N/A	N/A
Parties shall ensure the right of effective and affordable access to administrative and judicial procedures, including redress and remedies, to challenge acts or omissions of public authorities or private persons which contravene environmental law, taking into consideration the provisions of the present Pact.		
Article 12 – Education and Training The Parties shall ensure that environmental education, to the	Caribbean Community Environment and Natural Resources Policy Framework (draft, July 28, 2017): Guiding Principles (at p.4)	The public of the region shall be provided with information, training and education on environmental management in forms which they can easily understand and obtain at minimal cost.
greatest possible extent, is taught to members of the younger generation as well as to adults, in order to inspire in everyone a responsible conduct in protecting and improving the environment. The Parties shall ensure the protection of freedom of expression and information in environmental matters. They support the dissemination by mass media of information of an educational nature on ecosystems and on the need to protect and preserve the environment.	Caribbean Community Environment and Natural Resources Policy Framework (draft, July 28, 2017): 5.1 Public Education and Awareness (at p.23)	The Community shall:Develop a Community Public Education and Awareness Programme for promoting and explaining the Policy Framework to the various stakeholders.





5 September 2018

Global pact article	CARICOM instruments	CARICOM sections elaborated
Article 13 – Research and Innovation The Parties shall promote, to the best of their ability, the improvement of scientific knowledge of ecosystems and the impact of human activities. They shall cooperate through exchanges of scientific and technological knowledge and by enhancing the development, adaptation, dissemination and transfer of technologies respectful of the environment, including innovative technologies.	Revised Treaty of Chaguaramas Establishing the Caribbean Community including the CARICOM Single Market and Economy	 COTED shall promote market-led research, technological development and adaptation of technology in the Community in order to support the production, on a sustainable basis, of goods and services in the Member States with a view to diversifying such production and enhancing the international competitiveness. In the discharge of its mandate set out in paragraph 1 of this Article, COTED shall adopt measures to encourage, inter alia, inventions and innovation, and acquisition, transfer, assimilation, adaptation and diffusion of technologies in the Community.
	Caribbean Community Environment and Natural Resources Policy Framework (draft, July 28, 2017): 5.2 Data Collection, Analysis and Reporting (at p.33)	Evidence Based Decision Making (EBDM) will be an integral part of the implementation of the Policy Framework, thereby, improving the efficiency and effectiveness of decision making process. To achieve this it will be necessary to instil a culture of the systematic collection of environmental and natural resources data, its integration in the National Statistical Infrastructure of the Member States and its use for Evidence Based Decision Making (EBDM) in the Community and its Member States. The systematic collection of information and data on environmental and natural resources would enable the Community to have an informed position on the Status of the Environment and Natural Resources in the Community and would facilitate the Member States in honouring their obligation to carry out periodic State of the Environment and Natural Resources Reports. In light of the preceding the Community shall: 1. Develop a programme to support the Member States in the systematic collection of environmental statistics and their integration into the national statistical systems in the respective Member States





5 September 2018

Global pact article	CARICOM instruments	CARICOM sections elaborated
Article 14 – Role of Non-State Actors and Subnational Entities The Parties shall take the necessary measures to encourage the implementation [of this Pact] by non-State actors and subnational entities, including civil society, economic actors, cities and regions taking into account their vital role in the protection of the environment.	Caribbean Community Environment and Natural Resources Policy Framework (draft, July 28, 2017): Guiding Principles (at p.4); 7.1 Legal Context (at p.33)	The general principles which underpin this Policy Framework arePromote Corporate Social Responsibility by ensuring that Governments and private sector work together to ensure that business and commercial activities do not negatively affect human health and the environment. The private sector should be allowed input into the design of sustainable development activities. Parties contemplate that they require effective participation of both state and non-state actors in operational activities.; including <i>inter alia</i> , industry and business, non-governmental organisations; indigenous peoples and their communities; scientific and technological community; workers and workers' organisations; women and children.
Article 15 – Effectiveness of Environmental Norms The Parties have the duty to adopt effective environmental laws, and to ensure their effective and fair implementation and enforcement.	N/A	N/A
Article 16 – Resilience The Parties shall take necessary measures to maintain and restore the diversity and capacity of ecosystems and human communities to withstand environmental disruptions and degradation and to recover and adapt.	Caribbean Community Environment and Natural Resources Policy Framework (draft, July 28, 2017): 4 Cross-Cutting Policy Areas (at p.13)	Taking into consideration the targets of Sustainable Development Goal 13 and acknowledging the actions which the Member States that are party to the United Nations Framework Convention on Climate Change (UNFCCC) and more recently the Paris Agreement, have to take to honour their obligations under this agreement, as well as the ongoing work of the Caribbean Community Climate Change Centre and other CARICOM Regional institutions, the Community shall: 1. Take measures to streamline and strengthen the Community's information gathering, monitoring and analysis infrastructure to enhance the region's capability to better be prepared for and respond to climate-related hazards and natural disasters.





5 September 2018

Global pact article	CARICOM instruments	CARICOM sections elaborated
		A range of hazards, including, inter alia, geological hazards such as earthquakes, volcanic eruptions, pyroclastic flows, mudflows, ash falls, landslides and/or slope failure, forest fires; meteorological hazards including hurricanes floods and drought; tsunamis hazards and tidal wave hazard; storm surges and anthropogenic hazards such as oil spills and the potential adverse impacts of climate change—increase sea temperatures, sea level rise, increasing strength of hurricanes, more frequently, affecting the region. As a consequence natural hazard risk assessment and management is a major concern of the Caribbean Community and its Member States.
		Taking into consideration the Sendai Framework for Disaster Risk Reduction 2015 – 2030 the Community shall 1. Continue to work closely with its Member States to increase their capacity and capability to monitor, assess and better understand disaster risk and to take the necessary measures to reduce their impacts and to build resilience.
Article 17 – Non- regression	N/A	N/A
The Parties and their sub- national entities refrain from allowing activities or adopting norms that have the effect of reducing the global level of environmental protection guaranteed by current law.		
Article 18 – Cooperation In order to conserve, protect and restore the integrity of the Earth's ecosystem and community of life, Parties shall cooperate in good faith	Revised Treaty of Chaguaramas Establishing the Caribbean Community including the CARICOM Single Market and Economy	Article 65(1)(c) The policies of the Community shall be implemented in a manner that ensures the prudent and rational management of the resources or the Member States. In particular, the Community shall promote measures to ensurethe adoption of initiatives at the Community level to address regional environmental problems.





5 September 2018

Global pact article	CARICOM instruments	CARICOM sections elaborated
and in a spirit of global partnership for the implementation of the provisions of the present Pact.		Article 65(4) In giving effect to this Article, the Community and the Member States shall, within their respective spheres of competence, cooperate with third States and competent environmental organisations.
Article 19 – Armed Conflicts States shall take pursuant to their obligations under international law all feasible measures to protect the environment in relation to armed conflicts.	N/A	N/A
Article 20 – Diversity of National Situations The special situation and needs of developing countries, particularly the least developed and those most environmentally vulnerable, shall be given special attention. Account shall be taken, where appropriate, of the Parties' common but differentiated responsibilities and respective capabilities, in light of different national circumstances.	Revised Treaty of Chaguaramas Establishing the Caribbean Community including the CARICOM Single Market and Economy Caribbean Community Environment and Natural Resources Policy Framework (draft, July 28, 2017): 2 Vision and Guiding Principles (at p.4)	Article 65(2) In formulating measures in relation to the environment, the Community shall take account of(d) the economic and social development of the Community as a whole and the balanced development of the Member States. In undertaking environmental measures, the economic and social development of the Community as whole and the balanced development of the Member States shall be taken into consideration.





5 September 2018

<u>APPENDIX – MEMBER STATES & ASSOCIATE MEMBERS⁸</u>

MEMBER STATES (15)

- Antigua and Barbuda (membership 1974-07-04)
- Bahamas (membership 1983-07-04)
- Barbados (membership 1972-08-01)
- Belize (membership 1974-05-01)
- Dominica (membership 1974-05-01)
- Grenada (membership 1974-05-01)
- Guyana (membership 1973-08-01)
- Haiti (membership 2002-07-01)
- Jamaica (membership 1973-08-01)
- Montserrat (membership 1974-05-01)
- Saint Lucia (membership 1974-05-01)
- St. Kitts and Nevis (membership 1974-07-26)
- St. Vincent and the Grenadines (membership 1974-05-01)
- Suriname (membership 1995-07-04)
- Trinidad and Tobago (membership 1973-08-01)

AMERICAS 94475632 14

_

⁸ CARICOM.org, *About CARICOM, Member States and Associate Members*, available at https://caricom.org/about-caricom/who-we-are/our-governance/members-and-associate-members/ (last visited Apr. 13, 2018).





5 September 2018

ASSOCIATE MEMBERS (5)

- Anguilla (membership 1999-07-04)
- Bermuda (membership 2003-07-02)
- British Virgin Islands (membership 1991-07-02)
- Cayman Islands (membership 2002-05-12)
- Turks and Caicos Islands (membership 1991-07-02)