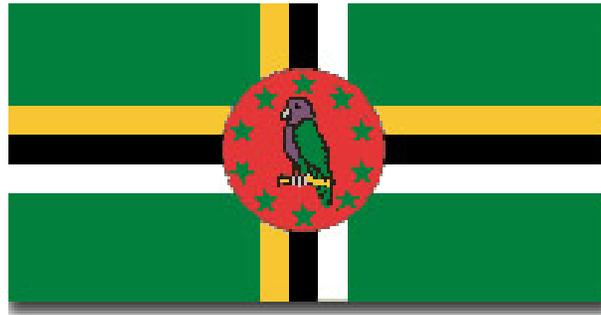


OECS PROTECTED AREAS AND ASSOCIATED LIVELIHOODS PROJECT

**REVIEW OF THE
POLICY, LEGAL AND INSTITUTIONAL FRAMEWORKS
FOR
PROTECTED AREAS MANAGEMENT IN DOMINICA**



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ACRONYMS

CARICOM	Caribbean Community
CARIFORUM	Caribbean Forum
CARIMOS	Organization of the Wider Caribbean on Monuments and Sites
CBD	Convention on Biological Diversity
CDB	Caribbean Development Bank
CEP	Caribbean Environment Programme
CITES	Convention on International Trade in Endangered Species of Wild Flora and Fauna
COMPACT	Community Management of Protected Areas Conservation Project
CREP	Caribbean Regional Environmental Programme (Project)
CRFM	CARICOM Regional Fisheries Machinery
ECU	Environmental Coordinating Unit
EIA	Environmental Impact Assessment
ESDU	Environment and Sustainable Development Unit
EU	European Union
FAO	Food and Agriculture Organisation
FEM	Fonds Français pour l'Environnement Mondial
GDP	Gross Domestic Product
GEF	Global Environment Facility
GMO	Genetically Modified Organism
GSPS	Growth and Social Protection Strategy
IMF	International Monetary Fund
IRF	Island Resources Foundation
IWCAM	Integrated Watershed and Coastal Areas Management (Project)
MEA	Multilateral Environmental Agreement
NDC	National Development Corporation
NEMS	National Environmental Management Strategy and Action Plan
NGO	Non-governmental Organisation
NICE	National Implementation Coordinating Entity
NPC	National Project Coordinator
OAS	Organisation of American States

OECS	Organisation of Eastern Caribbean States
OPAAL	OECS Protected Areas and Associated Livelihoods (Project)
PMS	Participating Member State
PRSP	Poverty Reduction Strategy Paper
PSC	Project Steering Committee
SHAPE	Society for Heritage, Architectural Preservation & Enhancement
SIE	Site Implementing Entity
SRO	Statutory Rules and Orders
TOR	Terms of Reference
UNESCO	United Nations Educational, Scientific and Cultural Organization
WDPA	World Database on Protected Areas

EXECUTIVE SUMMARY

The OECS Protected Areas and Associated Livelihoods (OPAAL) Project is a 5-year project designed to improve the management of protected areas in the Participating Member States of the Organisation of Eastern Caribbean States (OECS). Associated objectives include increased participation in protected areas management by private and civil society organizations, and facilitating sustainable community livelihoods for those communities traditionally dependent on protected areas resources.

This Review is part of an assignment designed to review the policy, legal, and institutional frameworks for protected areas management in the six Participating Member States of the OECS.

The Review for Dominica consisted of a review of relevant literature and consultations with national institutions, with the consultations taking place during the period March 6-10, 2006.

Current Status of the Policy Framework

Protected areas policy in Dominica is not articulated in a national strategy paper, as has become standard for other sub-sectors of environmental management. The 1979 Forest and Park System Plan prepared by the Forestry Division was not adopted by the Government. Protected areas objectives are therefore still subsumed within other sector strategies, primarily tourism, forestry, and fisheries, as protected areas are used to support those sector objectives.

The most important issue for protected areas in Dominica at this juncture is the need for an approved policy and plan to provide clarity and direction to the development and management of a logical system of protected areas.

Current Status of the Legal Framework

A large number of laws contain provisions that can affect different aspects of establishment and management of protected areas. The laws that directly provide for site declaration and management are the:

- Forest Act, 1958;
- National Parks and Protected Areas Act, 1975;
- Forestry and Wildlife Act, 1976;
- Fisheries Act, 1987; and
- Physical Planning Act, 2002.

All the relevant principal legislation need to be revised to address a range of issues, including obligations under the multilateral environmental agreements. Additionally, the laws need appropriate supporting regulations to be effective. Issues to be addressed are:

- (a) The National Parks and Protected Areas Act (1975) provides not only for the declaration of protected areas, but also for the organization of such sites into a protected areas system. More guidance is required, as well as supporting regulations, especially if management of protected areas by civil society organizations and community groups becomes part of the national management strategy.
- (b) New issues introduced by the Forestry and Wildlife Act (1976), such as national monuments and invasive species, require attention in the new regulatory framework.
- (c) Special regulations are required under the Physical Planning Act (2002) to deal with environmental impact assessment in protected areas, as well as development control on lands adjacent to protected areas.
- (d) New legislation is needed to address the issue of intellectual property rights and protecting protected areas resources from biopiracy. The establishment of a research policy and permitting process is recommended.
- (e) The Environmental Health Act (1990) need supporting regulations to address issues of standards for discharge of waste water, especially in protected areas.
- (f) The National Parks and Protected Areas Act (1975) contains provisions for preparation of management plans for protected areas, but no provision for the preparation of a system plan or annual reporting on the status of the system of protected areas. New provisions to address these two issues would motivate improved monitoring and evaluation, and would facilitate the actions to report under the multilateral environmental agreements.

Current Status of the Institutional Framework

Protected areas in Dominica are managed by three (3) institutions, the Forestry, Wildlife and National Parks Division, the Fisheries Division, and the Soufriere/Scott's Head Local Area Management Authority. A large number of government and civil society institutions play a variety of supporting roles in site development and management. Co-management arrangements are in place for some sites, such as the Cabrits National Park. However, there is no established institutional coordinating mechanism for protected areas management in Dominica. Other important institutional issues are:

- (a) Protected areas are impacted negatively by development activity on adjacent lands and by tourism activities within protected areas. The need to reduce negative impacts, coupled with the plans for the adoption of tourism standards by providers of services to the tourism industry, means that the support systems for protected areas development and management should be established both at the site level and within the supporting institutions.

- (b) Adequate data management systems should be installed to address the current deficient system of data collection, storage, and dissemination. Data collection and management should be responsive to both local management needs and international cooperative arrangements.
- (c) The current institutional capacity for design, development, and management of a system of protected areas is inadequate.

The Government of Dominica has initiated an institutional reform process for protected areas management, with the intention to establish a National Parks Service.

Current Status of Protected Areas Programmes

There are seven (7) declared protected areas in Dominica, with a further thirteen (13) sites proposed for designation. The available literature indicates that an inventory of historic sites was conducted in 2002, and as such, the number of sites brought into a future protected areas management regime may be increased.

The major initiatives focused on protected areas in Dominica are:

- CREP Amenity Area demonstration project;
- Restoration of the Cabrits Fort Shirley Complex;
- Community management of protected areas project; and
- OPAAL demonstration project.

The major issues relevant to protected areas management in Dominica identified during this Review are:

- (a) There is no national protected areas policy or plan that is designed to address issues of: (i) the demand for protected areas to support national development priorities while providing direct economic benefits to adjacent communities, (ii) evolving institutional arrangements, (iii) resolution of conflicting philosophical approaches concerning the consumption of goods and services from protected areas, (iv) intellectual property rights, and (v) the discharge of national obligations under the multilateral environmental agreements.
- (b) There is no institutional coordinating mechanism for protected areas management. Co-management arrangements are evolving at some sites, but an agreed mechanism to be used for protected areas development and management across the system has not been established.
- (c) There is some data collection within protected areas, but that is aimed mainly at supplying data to external institutions focused on aggregating data for the Caribbean. Data collection is not focused on management needs for the protected areas, and as such, there is no data management system in place. Site status assessments, site and

institutional evaluations, and institutional reporting on protected areas are also generally lacking.

- (d) There is limited financing for capital development and inadequate budgetary support for operations. Protected areas development in Dominica requires increased and sustained levels of financing.
- (e) There is inadequate institutional capacity to undertake all the various tasks in the design, development, and management of a system of protected areas. In many cases, limitations in capacity are expressed at the level of site management. Increased capacity support is required to ensure sustainability of institutions and programming.
- (f) Natural disasters continue to present a serious threat to protected areas resources in Dominica, and the negative impacts from development activities, while not as acute, continue to be a source of concern to protected areas management institutions.

This Review concludes that the current policy, legal, and institutional frameworks for protected areas management in Dominica are inadequate to fully address the country's associated national priorities and international obligations, and therefore recommends the following actions:

- (a) Undertake a protected areas system planning process to develop a comprehensive management framework.
- (b) Develop guidelines for site design and operation in order to reduce the threats from natural disasters.
- (c) Establish an institutional coordinating mechanism, which should also assist the system planning process.
- (d) Establish a data management system for protected areas. This would also incorporate the spatial data generated by the Physical Planning Division, the environmental health data generated by the Environmental Health Unit, and socio-economic data for the adjacent communities.
- (e) Establish a trust fund for protected areas development and management.
- (f) Expand the COMPACT project to communities adjacent to other protected areas, especially rural communities.

**REVIEW OF THE
POLICY, LEGAL AND INSTITUTIONAL FRAMEWORKS
FOR
PROTECTED AREAS MANAGEMENT IN DOMINICA**

1. INTRODUCTION

The OECS Protected Areas and Associated Livelihoods (OPAAL) Project is being implemented by the Environment and Sustainable Development Unit (ESDU) of the Secretariat of the Organisation of Eastern Caribbean States (OECS), in partnership with the governments of Antigua & Barbuda, Dominica, Grenada, St. Kitts and Nevis, St. Lucia, and St. Vincent and the Grenadines. This five-year project is supported by financing provided by the International Bank for Reconstruction and Development (the World Bank) acting as an Implementing Agency of the Global Environment Facility (GEF); the Fonds Français pour l'Environnement Mondial (FFEM) of the Government of France; and the Organisation of American States (OAS).

The OPAAL Project aims to improve the effective management of protected areas by strengthening the national capacities in the Participating Member States (PMS), including facilitating the increased involvement of the private and civil society sectors in protected areas planning and management (Appendix 1). An associated objective is to support sustainable livelihoods by those communities or groups that traditionally depended on natural resources located within protected areas for economic survival.

This Country Report for Dominica is generated as one of the outputs of Component 1 of the project, which “*seeks to facilitate more effective institutional framework for conservation management through providing a critical focus on the existing natural resources, legal and institutional frameworks to promote conservation and protected area establishment and management*” (Terms of Reference – Appendix 2). The report results from a review of the current policy, legal, and institutional frameworks for protected areas management in Dominica.

1.1 Methodology

As indicated by the Terms of Reference (TOR), the country review was supposed to involve two distinct, and sequential, steps. However, due to the tight timeframe for the assignment, the literature collection, review, and stakeholder consultations all took place at the same time.

The visit to Dominica took place during the period March 6-10, 2006, during which consultations were held with seventeen (17) institutions (Appendix 3). Much of the information presented in this report is based on the review of the documentation presented by the various national institutions and the interviews. However, those two sources of information were supplemented by reports produced by, or on behalf of, regional institutions, such as the Caribbean Development Bank, Eastern Caribbean Development Bank, and OECS Secretariat.

Information on institutional responsibilities for protected areas was obtained from various reports, primarily the relevant laws. However, the profile of the protected areas management institution shown in Appendix 4 is based on a questionnaire completed by the institution.

Review of the report was undertaken by the various national institutions prior to submission of the draft report to the Environment and Sustainable Development Unit (ESDU). The summary of the findings was also presented at a workshop on November 1, 2006, coordinated by the ESDU at the Cara Suites Hotel, St. Lucia.

2. OVERVIEW OF DEVELOPMENT PLANNING PROCESS

Dominica is a small island of approximately 712 Km² (275 square miles) in the Eastern Caribbean group of islands (Figure 1), and supports a population of approximately 68,910 residents.

Dominica's economy is based primarily on agriculture, mainly the export of bananas, which makes the economy vulnerable to climatic conditions and international economic developments. Banana production fell sharply in 2003 following changes in the global trade liberalization regime, resulting in major economic impact in the island. Facing mounting public debt, the Government of Dominica, with the assistance of the World Bank, initiated a structural adjustment programme in 2003. This resulted in the economy rebounding in 2004 to post growth of 3.5% (ECCB, 2005). This growth was due mainly to growth in tourism, wholesale and retail activities, increase in construction, and an increase in manufacturing and mining (<http://investdominica.dm/economy>). Banana production also expanded, maintaining agriculture as one of the main contributors to Gross Domestic Product (GDP) at 17.7 % in 2004 (ECCB, 2005). Dominica's economy is in transition from mainly agrarian to a service-based economy. As such, banking and insurance contributed 13.56% of GDP in 2004 (<http://investdominica.dm/economy>), while Government Services contributed 19.4% of GDP (ECCB, 2005). Tourism, though contributing only 2.6% of GDP in 2004, expanded by 10.9% in the same period (ECCB, 2005), making it the fastest growing sector of the economy.

Prior to 2003, economic strategy was based on development priorities defined by the various sectors. Faced with increasing economic instability, the Government of Dominica requested the assistance of the World Bank and International Monetary Fund. The macro-economic programme since then has been focused on debt re-structuring and adoption of fiscal measures to generate growth (World Bank, 2004).



Figure 1: Location Map of Dominica

2.1 Macro-Economic Planning and Protected Areas Management

The macro-economic programme of the Government of Dominica was developed in 2003 as an Interim Poverty Reduction Strategy Paper, and presented to the World Bank and International Monetary Fund (IMF). The programme formed the basis of the credit facilities provided by both bank, as well as the development of the full Poverty Reduction Strategy Paper (PRSP). The full PRSP is articulated as the Growth and Social Protection Strategy (GSPS) prepared by the Government of Dominica in April 2006. The GSPS is a five-year strategy that “...provides the framework that informs the medium-term macro-economic framework, the structural reform agenda, the medium-term public investment programme, and the annual budgets to be presented to Parliament” (Government of Dominica, 2006). As such, the Public Sector Investment Programme will be integrated with the GSPS.

The GSPS notes that protection and management of the natural environment is one of the challenges faced by Dominica in attaining the goals of the GSPS. To address environmental issues, the GSPS intends to focus on areas of environmental degradation (such as deforestation and soil erosion), and action will focus on the investigation of such areas of degradation “... to develop sustainable approaches to natural resource use using existing proposals as a starting point” (Page 31). The GSPS also identified the approach to reducing environmental vulnerability as approval and implementation of the OECS Physical Planning Act and the National Environmental Management Strategy and Action Plan (Page 83).

Areas of focus in the GSPS that are directly related to protected areas development and management are to be found under the sectoral strategies:

- (a) Tourism:
 - Protection of heritage and cultural resources throughout Dominica with particular attention on community-based resources;
 - Enhanced commitment to Dominica’s nature resources including completion of the Green Globe certification;
 - Development of scenic viewscape protection policies for Dominica’s coastline routes;
 - Enhancing existing tourism attractions, and resolving management arrangements by transferring management to the National Parks Unit; and
 - Developing and implementing a business model for public sector attractions management.

- (b) Agriculture:
 - Development and implementation of the National Environmental Management Strategy (NEMS);
 - Conserving genetic diversity, and ensuring sustainable use and proper management of the island’s system of national parks and eco-tourism sites;
 - Reducing user conflict and promoting sustainable use of all natural resources, through greater collaboration with other agencies of Government and formulation of a coastal zone management plan; and

- Maintaining ecological processes and life support systems in forest reserves, national parks etc., through data collection and appropriate policy interventions.
- (c) Disaster Management:
- Approval and implementation of the OECS Physical Planning Act; and
 - Approval and implementation of the National Environmental Management Strategy and Action Plan (NEMS).

2.2 National Environmental Planning

Environmental management in Dominica falls within the mandate of several public sector agencies, including:

- Ministry of Agriculture and Environment – Fisheries Division; Forestry, Wildlife, and Parks Division; Environmental Coordinating Unit.
- Ministry of Finance and Planning – Physical Planning Department.
- Ministry of Health and Social Security – Environmental Health Department
- Dominica Solid Waste Management Cooperation.
- Ministry of Tourism.
- National Development Cooperation.
- Ministry of Communication, Works and Housing.
- Dominica Water and Sewerage Company Limited.

The public institutions are supported in their environmental management functions by a number of non-governmental organizations and community groups. As a result, environmental policy and programme planning takes place on a sub-sector basis. The Environmental Coordinating Unit in the Ministry of Agriculture and the Environment was created for the purpose of coordinating all environmental initiatives, including functioning as the national focal point for multilateral environmental agreements (MEAs).

The major initiatives in national environmental reporting and policy planning have been:

- Preparation of a Country Environmental Profile (IRF, 1991) – A compilation of natural resources data, review of the main environmental issues of the day, and recommendations for policy directions and actions.
- Initial National Communication on Climate Change (2001).
- National Biodiversity Strategy and Action Plan (2001).
- Report on the national implementation of the Barbados Programme of Action (2003).
- Preparation of the National Environmental Management Strategy and Action Plan (2003)¹.

The Government of Dominica, through the Growth and Social Protection Strategy (GSPS), has signaled its intent to implement the NEMS. The GSPS describes the NEMS as articulating the “... *environmental management priorities of Dominica and aims at improved*

¹ The NEMS was not shared with the Consultant during this review, as the representatives of the Government of Dominica considered the report to be incomplete, and thus not for distribution.

management of land and sea space (forest reserves, national parks, marine parks and diving areas, fisheries conservation zones), waste management, disaster management and mitigation and adaptation to climate change” (Page 83). This language suggests that the NEMS includes a major emphasis on protected areas development and management.

Influence of International Environmental Agreements

Dominica is a Signatory to five (5), and Party to thirty five (35) international treaties (<http://sedac.ciesin.columbia.edu/entri/CountryISO.jsp>). A 2003 review of environmental conventions to which Dominica is a Party noted only 24 such agreements (Blondel, 2003).

The multilateral environmental agreements (MEAs) directly relevant to protected areas that have been signed by the Government of Dominica are:

- Convention concerning the Protection of the World Cultural and Natural Heritage (World Heritage Convention), ratified 1995; and
- Convention on Biological Diversity (CBD), ratified 1994.

Other multilateral environmental agreements of relevance to specific operational aspects of protected areas management (such as pollution control) include:

- Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES);
- Framework Convention on Climate Change;
- United Nations Convention to Combat Desertification;
- United Nations Convention on the Law of the Sea;
- International Convention on Civil Liability for Oil Pollution Damage;
- Convention for the Protection and Development of the Marine Environment in the Wider Caribbean Region (Cartagena Convention); and
- Protocol Concerning Cooperation in Combating Oil Spills in the Wider Caribbean Region.

The World Heritage Convention and the CBD have both impacted national protected areas programming, though the effect on policy is not tangible. The Government of Dominica prepared a national biodiversity strategy and action plan as required under the CBD, but the state of implementation of the strategy could not be determined during this Review. The Morne Trois Pitons National Park was inscribed as a World Heritage Site in 1997, even though Dominica has not submitted a Tentative List as required by the World Heritage Convention. However, though there is no national world heritage programme, there are a number of initiatives dealing with cultural resources protection.

Dominica also participates in a number of regional and sub-regional environmental programmes, namely:

- Caribbean Environment Programme (CEP);
- Programme of Action for the Sustainable Development of Small Islands Developing States (Barbados Programme of Action);
- CARICOM Regional Fisheries Mechanism (CRFM);

- Caribbean Regional Environmental Programme (CREP); and
- St. George's Declaration of Principles for Environmental Sustainability in the OECS (The St. Georges Declaration).

Of the regional agreements, the St. George's Declaration has the most significant direct influence on national environmental policy. The St. George's Declaration, which was developed in 2000 by the Organisation of Eastern Caribbean States (OECS), outlines a set of principles that places environmental management as a cornerstone of sustainable development. In that context, the Declaration functions as a regional policy for achieving enhanced management of the environment in pursuit of sustainable development objectives in the OECS Region. The development of a national environmental management strategy (NEMS) is the mechanism for national expression of environmental programming in support of those sustainable development objectives. The NEMS for Dominica has not been approved, but its recognition in the GSPS underscores its influence on the public sector investment programme.

3. PROTECTED AREAS POLICY AND LEGISLATIVE FRAMEWORK

Sector and sub-sector plans and strategies (such as those for tourism and forestry) contain initiatives that include protected areas, but such focus is inherently narrow. A Forest and Park System Plan was prepared in 1979 by the Forestry Division, but was never translated into official government policy. More comprehensive guidance for protected areas management is provided by the legal instruments.

3.1 Protected Areas Policy

The national assessment of the implementation of the Barbados Programme of Action (Environmental Coordinating Unit, 2003) states that “*In 1995, a national park system and protected area, which covers approximately 20% of Dominica’s land space was established*” (Section 2, page 6). However, information received during this review indicate that a system of protected areas was not established at that time.

The 1979 attempt at protected areas system planning was undertaken by the then Forestry Division. The resulting “Dominica Forest and Park System Plan” (Shanks and Putney, 1979) rated land for conservation purposes according to their forestry and agricultural capability, as habitat for endangered wildlife, domestic water catchments, and unique natural features. The document articulated the land management objectives for the forest and park system, proposed the categories of units to be included in the system, and described the thirteen (13) sites proposed for inclusion in the system.

The objectives listed in the 1979 Forest and Park System Plan are:

- Maintain sample ecosystems in a natural state.
- Maintain ecological diversity and environmental regulation.
- Provide education, research, and environmental monitoring.
- Preserve genetic resources.
- Regulate streamflow, prevent flooding.
- Control erosion and water pollution.
- Produce protein from wildlife, sport hunting and fishing.
- Provide timber and forage on a sustained-yield basis.
- Provide recreation and tourism opportunities.
- Protect cultural or historical sites.
- Retain scenic beauty and green areas.

The 1979 Forest and Park System Plan therefore provides a basis for discussion by articulating the objectives for a system of protected areas for Dominica. It is also a good first attempt to developing an approach to identification and selection of terrestrial sites. However, apart from the obvious gap of not addressing marine protected areas, more recent work on guidelines for preparation of national protected areas system plans (Davey, 1998) demonstrate that the 1979 “Plan” has to undergo significant revision before it can be seriously considered as an appropriate policy and plan for development of protected areas.

The tourism 2010 policy and the biodiversity strategy and action plan also articulate objectives for protected areas.

(a) **Sustainable Tourism Objectives Relevant to Protected Areas:**

- Protection of heritage and cultural resources throughout Dominica with particular attention on community-based resources;
- Enhanced interpretive programs at nature sites;
- Development of scenic viewscape protection policies for Dominica's coastline routes; and
- Land use policies that protect Dominica's environment, important viewsapes, scenic corridors and the intimate feel of the destination as "the Caribbean as it used to be".

(b) **Biodiversity Strategy and Action Plan:**

- Strategy 4 – Identification and protection of sensitive / fragile / threatened ecosystems with priority given to the Indian River wetland among others, and Dry Scrub Woodland, and the identification and protection of buffer areas required to protect and conserve threatened flora/fauna and ecosystems.
- Strategy 9 – Review/amend existing legislation, and as appropriate develop new legislation with respect to:
 - ❖ Conservation and management of coastal and marine biodiversity;
 - ❖ Protection of vulnerable/fragile/indigenous marine species and ecosystems;
 - ❖ Coastal zone management;
 - ❖ Coastal and marine parks and protected areas;
 - ❖ The implementation and enforcement of the Convention on the International Trade in Endangered Species of Flora and Fauna (CITES);
 - ❖ Local and community participation in coastal and marine conservation/management;
 - ❖ Management of solid and liquid waste (industrial, agriculture, urban); and
 - ❖ Enforcement of existing and proposed legislation through empowerment and strengthening of all relevant agencies and community groups.
- Strategy 10 - Identification and protection of sensitive/fragile/threatened coastal and marine ecosystems and establishment of coastal and marine protected areas and restocking of endangered species where necessary.

3.1.1 Protected Areas Policy Gaps and Initiatives

The National Parks and Protected Areas Act (1975) makes provision for the establishment of a system of protected areas. The 1979 Forest and Park System Plan provides some background information and preliminary recommendations for policy. However, the report does not provide adequate guidance, and there is no evidence to suggest that the preliminary

considerations put forward in the report were used to develop any further policy guidance for protected areas management. As a result, the situation has arisen wherein the Fisheries Division and the Forestry, Wildlife and National Parks Division are unable to agree on a single management plan for the Cabrits National Park. The two agencies have different management philosophies, wherein the national parks are considered as promoting non-consumptive uses while the marine reserves are developed to promote consumptive uses. As a result, the Fisheries Division prepared its own management plan for the marine portion of the national park.

Dominica has marketed itself as the “Nature Isle”, focusing its tourism strategy of ecotourism and community tourism, with protected areas at its core. Given the current impacts from tourism, and the plans to increase tourism arrivals, the need has become more urgent to use best practices and standard operating procedures in the design and management of protected areas.

Clearly a policy and plan for the system of protected areas has to be developed to ensure that there is clarity in terms of the objectives of the system, defining management categories and the objectives for each category, and setting the institutional relationships.

3.2 Legislative Framework for Protected Areas

A range of legislative instruments affect different aspects of protected areas development and management (Appendix 5). However, the laws that provide for site declaration and system development include the following:

- National Parks and Protected Areas Act, 1975;
- Fisheries Act, 1987;
- Forest Act, 1958;
- Forestry and Wildlife Act, 1976; and
- Physical Planning Act, 2002.

(a) National Parks and Protected Areas Act, 1975

This Act provides for the declaration of protected areas, leasing of land to add to parks, and the organization of all parks and protected areas into a system of protected areas (Section 3(1)). Protected areas may be declared for the following purposes (Section 5):

- 13. preserving the natural beauty of such area, including flora and fauna;*
- 14. creating a recreational area;*
- 15. commemorating a historic event of national importance; or*
- 16. preserving any historic landmark or any object of historic, pre-historic, archeological or scientific importance.*

The Act makes provision for the creation a National Parks Service to manage the system of protected areas, and a National Parks Advisory Council to advise the Minister on matters relevant to the National Parks Service (Sections 7-10).

Management plans are required for areas within the system of protected areas (Section 11), and the public has to be notified of the Government's intention to adopt a management plan. The Minister is also authorized to make regulations for the management of the protected areas system.

The Morne Trois Pitons National Parks and the Cabrits National Park were both declared under this Act.

(b) **Fisheries Act, 1987**

This Act provides the legal basis for the promotion and regulation of fishing. The Act defines fish to mean any aquatic animal (including corals), its young, and its eggs (Section 2), a definition that technically gives the Fisheries Division a measure of legal oversight of all activities focused on marine faunal species. As such, unless new protected areas legislation or regulations stipulate otherwise, research on fish and coral within marine protected areas require a licence from the Fisheries Division.

Section 4 of the Act requires the Chief Fisheries Officer to prepare and keep under review a plan for the management and development of fisheries in the fishery waters. Such a plan should necessarily address the issue of marine reserves in a rational manner, thereby facilitating a discussion of any conceptual approach that require resolution.

Marine reserves can be declared where special measures are considered necessary (Section 22(1)):

- (i) *to afford special protection to the flora and fauna of such areas and to protect and preserve the natural breeding ground and habitats of aquatic life, with particular regard to flora/fauna in danger of extinction;*
- (ii) *to allow for the natural regeneration of aquatic life in areas where such life has been depleted;*
- (iii) *to promote scientific study and research in respect of such areas; or*
- (iv) *to preserve and enhance the natural beauty of such areas.*

Marine reserves can therefore be designated to meet conservation objectives other than fisheries management. Though that practice is not common in Dominica, it has been done in other OECS countries.

(c) **Forest Act, 1958**

This Act focuses on forest management. An entire section of the Act (Part II) focuses on protected areas. It provides for the declaration of forest reserves (Section 3) and protected forests (Section 4) for a range of purposes, including disaster mitigation. The Act also addresses the issue of private lands within a protected forest regime (Section 5). It provides for liability of owner/occupier of protected forest (Section 7), and compensates said owner/occupier (Section 8). Owners of land may also apply for voluntary protection of forests (Section 9).

The protected areas provisions, while not substantial, have been successfully used to declare a number of forest reserves. The promotion of Dominica as a nature island could result in a situation where protected areas are established to support healthy lifestyles (Section 4(f)), creating the need for new management approaches and collaborative arrangements.

The current focus on community management of protected areas also requires new management approaches, which need to be supported in legislation.

(d) **Forestry and Wildlife Act, 1976**

Despite its name, this Act is focused primarily on wildlife conservation, though it deals with the issue of hunting to a much larger extent than species management or habitat protection.

The Act introduces a number of new issues for protected areas management in Dominica. First, the Act provides for the declaration of “... *any area, any stream, impoundment or portion thereof to be a wild life reserve ...*” (Section 22). This has implications for development of new management approaches, especially if such impoundments or waterways were previously used for other purposes. This provision could also result in the situation where a wildlife reserve is declared within the boundaries of an existing protected area. Secondly, the Act prohibits hunting within the boundaries of a national monument (Section 24). However, national monuments are not addressed either in this Act or in other legislation in Dominica, and as such, require more attention either in an amended Act or in regulations. The third new issue for Dominica is the prohibition on the introduction and release of alien species of wildlife without a permit. Given the significant concern regarding the impact of alien invasive species, the provision is a useful starting point. However, the Act now has to be amended to deal with issues of customs control, linkages to other laws dealing with plant and animal protection, and national implementation of the requirements of CITES and the CBD.

(e) **Physical Planning Act, 2002**

The Act provides for the orderly development of land through the preparation of development plans and regulation of construction activities. The Act also established the Physical Planning and Development Control Authority to implement the provisions of the Act (Section 4).

The Act treats protected areas in a number of ways. First, it allocates land for conservation purposes through the preparation of land use/development plans (Section 8, Schedule I-Part IV (3-6)). Secondly, it provides for the use of environmental impact assessment (EIA) tools to assess development impacts (Section 28), even within protected areas (Schedule II). Third, the Act contains provisions for environmental protection (Part VI), which address the protection of historical resources through the use of building preservation orders (Section 47); landscape features and habitats through the use of plant preservation orders (Section 49); and general environmental quality through the use of environmental protection area designations (Sections 56-60).

3.2.1 Relevant Issues and Initiatives

The most important issue for protected areas legislation in Dominica is to update all the laws dealing with natural resources management. The existing laws have to be updated to address the implementation of international obligations, new and evolving development priorities, and support the emerging community focus and institutional arrangements. Some of the specific issues for protected areas legislation include:

- (a) The National Parks and Protected Areas Act (1975) provides not only for the declaration of protected areas, but also for the organization of such sites into a protected areas system. More guidance is required, as well as supporting regulations, especially if management of protected areas by civil society organizations and community groups becomes part of the national management strategy.
- (b) The provisions in the National Parks and Protected Areas Act (1975) for the Director of National Parks and the National Parks Service have not been utilized. Even with the significant emphasis on protected areas as a central focus to ecotourism in Dominica, the national parks structure is still subsumed within the Forestry, Wildlife, & National Parks Division. The proposal to restructure this Division may have jurisdictional implications, as some of the national parks are located within forest reserves. The issue of treatment of wildlife species would also be an area of overlapping mandates.
- (c) The provision in the National Parks and Protected Areas Act for the National Parks Advisory Council makes it possible to include a wider range of stakeholders in the process. However, the provision (Section 8) is extremely limiting in its current form. First, it creates a conflict of interest wherein the chair of the Council is also the

Director of National Parks. If the Council is to advise the Minister (Section 10(1)), then this institutional arrangement opens the possibility for the advice to be somewhat restricted. A second limitation is having the Dominica Conservation Association recommend one of the 5 Council members. There are a number of non-governmental organizations (NGOs) in Dominica with an interest in protected areas, and as such, opening the process for all of the stakeholders to have an input in the selection of the NGO representative is practicing better governance. Thirdly, one assumes that the Council is advisory because it is intended that the National Parks Service will remain a central government agency. Given the current imperatives for support of the national development priorities, the large sums of funds that will be required to restore the heritage properties, and the increasing role of the private sector, it may be prudent to make the National Parks Service a statutory agency².

- (d) New issues introduced by the Forestry and Wildlife Act (1976), such as national monuments and invasive species, require attention in the new regulatory framework.
- (e) Special regulations are required under the Physical Planning Act (2002) to deal with EIAs in protected areas, as well as development control on lands adjacent to protected areas.
- (f) It was noted during the consultations that new legislation is needed to address the issue of intellectual property rights and protecting protected areas resources from biopiracy. The establishment of a research policy and permitting process was recommended.
- (g) The Environmental Health Act (1990) need supporting regulations to address issues of standards for discharge of waste water, especially in protected areas.
- (h) The National Parks and Protected Areas Act (1975) contains provisions for preparation of management plans for protected areas, but no provision for the preparation of a system plan or annual reporting on the status of the system of protected areas. New provisions to address these two issues would motivate improved monitoring and evaluation, and would facilitate the actions to report under the multilateral environmental agreements.

² It has been suggested that management of public resources should remain with central government agencies, not statutory organizations. However, whichever form the National Parks Service takes, once it is separated from the Forestry, Wildlife and National Parks Division, arrangements have to be developed for continued collaboration for technical support from the Forest, Wildlife and National Parks Division to the National Parks Service.

4. INSTITUTIONAL FRAMEWORK

Environmental management functions in Dominica is dispersed among approximately ten (10) public institutions, supported by a number of civil society and community groups (Section 2.2). Of those, only four institutions have responsibilities for management of protected areas.

The Government of Dominica has established a National Environmental Committee, which functions as an advisory committee to Cabinet. All sectoral environmental strategies must be approved by this committee before submission to Cabinet. The Environmental Coordinating Unit was created within the Ministry of Agriculture and the Environment to function as a coordinating mechanism for environmental initiatives and MEA implementation. However, there is no evidence that either the National Environmental Committee or the Environmental Coordinating Unit also function as a coordinating mechanism for protected areas programming.

4.1 Protected Areas Management Institutions

In order to maintain consistency within the context of this review of the six OECS Participating Member States, management institutions are defined as those institutions that have primary responsibility for the daily operations of a protected area.

Forestry, Wildlife and National Parks Division

The Forestry, Wildlife and National Parks Division is part of the Ministry of Agriculture and the Environment, and is responsible for management of forests, wildlife, and national parks. Those responsibilities are mandated by the Forest Act (1958), Forestry and Wildlife Act (1976), and the National Parks and Protected Areas Act (1975). In executing its mandate, the Division routinely conducts resource monitoring, revenue collection for national parks, enforcement activities, site development, trail rehabilitation and maintenance, environmental education, and monitoring of concessions at the eco-tourism sites.

The Division routinely interacts with a wide range of stakeholder organizations from the public, private, and civil society sectors. Additionally, the Division collaborates with a number of external research and inter-governmental institutions, including reporting under the various MEAs.

The National Parks Unit is the unit within the Forestry, Wildlife and National Parks Division that is directly responsible for the national parks sites that are being used as eco-tourism attractions. As such, the management of the concessions and the administration of the system of user fees for the sites are included in the responsibilities of this Unit. The Unit currently consists of 17 members of staff, 8 of which are park wardens (Appendix 4). The staffing level is considered to be inadequate to properly discharge their responsibilities.

Fisheries Division

The Fisheries Division is located within the Ministry of Agriculture and the Environment, and is responsible for fisheries management in Dominica. As part of that responsibility, the Division oversees the management of two marine reserves.

Soufriere/Scotts Head Local Area Management Authority

The Local Area Management Authority was established under Statutory Rules and Orders No. 17 of 1998 to manage the Soufriere/Scotts Head Marine Reserve. The Management Authority is made up of various stakeholders, though it employs wardens to carry out enforcement activities, collect user fees, and undertake maintenance activities.

A website providing information on marine reserves (<http://dominicomarinereserves.com>) states that there is a Dominica Marine Reserve Service overseeing three marine reserves³ in Dominica. The existence of that Service could not be verified.

4.2 Supporting Institutions

Supporting institutions are defined as those institutions that do not have responsibility for the daily operations of a protected area, but which, through their legislative mandates or programme areas, regulate specific activities/operations within sites or provide various forms of support to site operations.

Physical Planning Division

The Physical Planning Division functions as the implementation arm of the Physical Planning and Development Control Authority, and is therefore responsible for land use planning and development control. The role of this agency in supporting protected areas development and management is determined by its administration of the Physical Planning Act (2002). In that role, the Division is currently undertaking the preparation of a land use plan for the Morne Trois Pitons National Park.

Environmental Health Department

The Environmental Health Department is responsible for public health issues in Dominica. The work of the Department is relevant to protected areas because the Department is engaged in monitoring the quality of recreational waters and addressing health and safety and food

³ The third site is the marine component of the Cabrits National Park.

safety issues. In the latter capacity, the Department conducts quarterly inspections of the facilities at eco-tourism sites. The Department also functions in an advisory capacity to the Physical Planning Division for the assessment of development applications, focusing mainly on the design and location of waste management facilities.

Society for Heritage, Architectural Preservation & Enhancement (SHAPE)

SHAPE is a national non-profit organisation that “*promotes appreciation of heritage as a tool for sustainable development of the tourism product*”, linking natural landscape and heritage issues. The institution is currently involved in the restoration of the forts at the Cabrits National Park, as well as supporting cultural heritage tours at the site.

Waitukubuli Ecological Foundation

The Waitukubuli Ecological Foundation is a non-profit organization registered in Dominica in 1999. The Foundation promotes the concept of wise development through environmental conservation. The main project being undertaken by the Foundation is the creation of the Waitukubuli Nature Trail (Caribbean Natural Resources Institute, 2002).

Ministry of Tourism

The tourism policy and plan for Dominica includes a major focus on the development of natural and cultural resources as part of the tourism product. The Ministry of Tourism is therefore becoming increasingly engaged in protected areas development and management. For example, the Ministry is part of a triumvirate of agencies (with the Port Authority and the Forestry, Wildlife and National Parks Division) coordinating the activities at the Cabrits National Park.

4.3 Institutional Gaps and Current Initiatives

A number of institutional issues need to be addressed in order to achieve improvement in protected areas management in Dominica, the most critical of which are.

- (a) **Absence of a Coordinating Mechanism** – Given the significant role of protected areas in the current and planned development of Dominica, the establishment of the National Parks Service, as provided by the National Parks and Protected Areas Act (1975) is overdue. However, the current issue of different treatment of the Cabrits National Park by the Forestry, Wildlife and National Parks Division and the Fisheries Division underscore the need for improved collaboration and coordination. Collaborative arrangements are being used to manage some sites, as shown by the

joint activities between the Ministry of Tourism, the Port Authority and the Forestry, Wildlife and National Parks Division at the Cabrits National Park.

- (b) **Inadequate Support Systems** – The emphasis placed on the sites, the negative impacts from tourism, and the increased use of tourism standards all demand the development and use of standard operating procedures to improve protected areas management. Additionally, the land use and development control processes should be improved to ensure that residential and other construction activities in areas surrounding the protected areas do not degrade natural and heritage resources within the sites.
- (c) **Data Management** – Inadequate data management is a cause for concern. The Forestry, Wildlife and National Parks Division indicated that it possesses a computerized annotated bibliography of its library collection. However, the compilation, management, and analysis of data collected from the monitoring and research programmes is deficient. The Fisheries Division routinely submits fish catch data to the Food and Agriculture Organisation (FAO) and the CRFM. However, the Division acknowledges the need to develop better data sets and analytical norms to address local management issues.

An institutional review of environmental management institutions in Dominica in 2006 resulted in the submission of a Cabinet Paper⁴ recommending re-organisation of the institutional arrangements. Cabinet approved the development of a management structure for the National Parks Service, and the Government is seeking assistance from the Caribbean Development Bank to develop the appropriate organizational structures (Personal communication, Reform Management Unit, 2006).

4.4 Institutional Capacity for Protected Areas Management

The approach taken to gauging institutional capacity for protected areas management involved reviewing existing reports and obtaining insights during the consultation process. Two questionnaires were developed, one for management institutions, and the other for supporting institutions (Appendix 4). The questionnaires were intended to provide information on institutional resources, infrastructure, commitments, programming, and linkages, and were to be used in determining the capacity of the institution to discharge its functions. The consultations were intended to provide additional insight into the functioning and utility of the institutional arrangements.

Previous reports containing information on institutional capacity include the Initial Communication on Climate Change (Environmental Coordinating Unit, 2001), Periodic Report on the application of the World Heritage Convention (Burton-James, 2003), national report for the integrated watershed and coastal areas management project (Drigo, 2001), and

⁴ The Cabinet Paper was not shared, as it is deemed to be a confidential document.

the national assessment report of the Barbados Programme of Action (Environmental Coordinating Unit, 2003).

The following factors will be used in considering the institutional capacity for protected areas management:

- Adequate staffing levels;
 - Adequate skill sets and orientation;
 - Financial resources;
 - Institutional culture; and
 - Political dexterity.
- (a) **Adequate Staffing Levels** – The staffing level within the Fisheries Division was not confirmed, while that within the National Parks Unit is inadequate. The general consensus of persons interviewed during the consultations is that additional personnel is required to supported protected areas management in Dominica.
- (b) **Adequate Skill Sets and Orientation** – A wide range of skills are necessary to undertake all the functions of a protected area management institution. The various report, supported by information provided by the National Parks Unit, indicate that all the skill sets are not available.
- (c) **Financial Resources** – Financial resources are inadequate to undertake the development, restoration, and maintenance work that is required to support the existing protected areas. The inadequate level of financial resources is also hampering the recruitment and training of staff and providing them with appropriate tools.
- (d) **Institutional Culture** – The main management institutions seem to work with a wide range of institutions from all sectors of the society. Unfortunately, the working relationship between the Fisheries Division and the Forestry, Wildlife, and National Parks Division appear to be strained, and less productive than desirable.
- (e) **Political Dexterity** – The significant focus on eco-tourism as an economic driver has resulted in significant community and political support for protected areas development in Dominica. The recent plans for re-organization of the management arrangements are indicative of that support.

The national assessment of the Barbados Programme of Action (Environmental Coordinating Unit, 2003) provides more details on the issues of institutional capacity for specific areas of environmental management, including:

- Limited manpower resources;
- Absence of clear national policy on coastal zone management and development;
- Lack of financial support to meet commitments; and
- Lack of technical expertise and data sets to monitor how warmer climatic conditions will affect Dominica's terrestrial ecosystems.

The report noted that the initiatives to address capacity building and coordination included:

- €1 million for skills training.
- Participation in several regional workshops, seminars, and training programmes aimed at improving institutional and human capacity. Some of these have included long training initiatives outside of the region for certain members of the Environmental Coordinating Unit.

Based on the above factors, it can be concluded that there is inadequate capacity in Dominica for designing, development, and management of a system of protected areas.

5. CURRENT STATUS OF PROTECTED AREAS MANAGEMENT

It was previously noted that protected areas development objectives are sector-driven. Dominica has only a small number of sites declared as protected areas. However the forest reserves are quite large (Figure 2), and protected areas coverage is estimated to be more than 20% of land space (Ministry of Agriculture and the Environment, 2002).

5.1 Overview of the Current System of Protected Areas

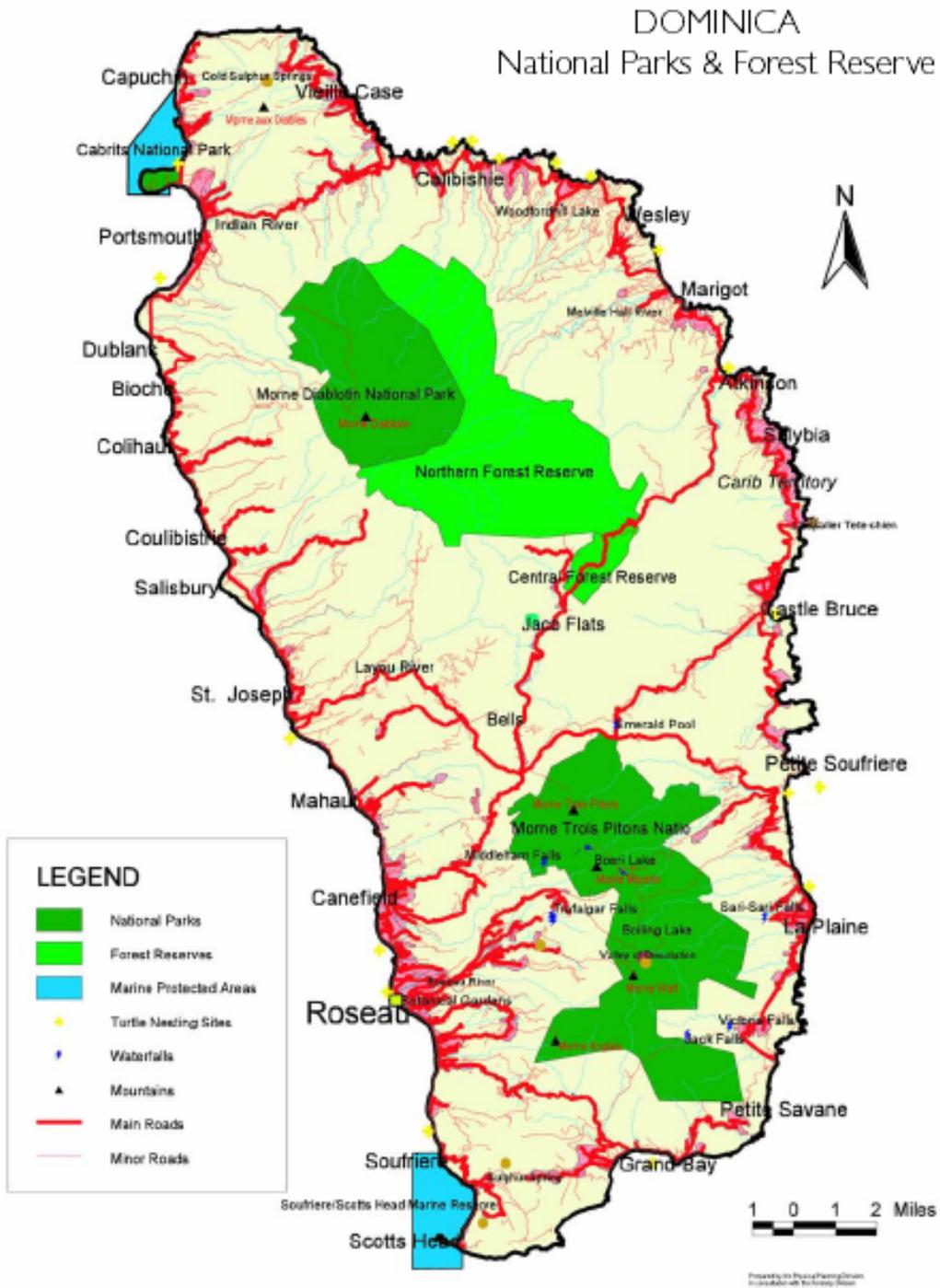
The World Database of Protected Areas (WDPA) lists Dominica as having 2 forest reserves, 1 marine reserve, 5 national parks, 1 primeval reserve, 1 protected forest, 1 wildlife reserve, and 1 world heritage site. There are seven () declared protected areas in Dominica (Table 1), one of which is a marine reserve, one has both terrestrial and marine components (Cabrits National Park), and one is designated both as a national park and as a world heritage site (Morne Trois Pitons National Park).

In addition to the declared sites, there are a number of proposed protected areas (Table 2). The 1979 Dominica Forest and Park System Plan proposed 13 parks and 21 forest reserves⁵ for addition to the system of protected areas (Shanks and Putney, 1979). There are also several sites of historical and cultural interest, though the exact number was not determined during this review, as an attempt to obtain the data was unsuccessful. The 1991 Country Environmental Profile identified a number of the sites of historical interest (Figure 3), and the 2003 Periodic Report noted that an inventory was conducted by the Organisation of the Wider Caribbean on Monuments and Sites (CARIMOS) in 2002.

Current management plans exist for the Morne Trois Piton National Park and the Morne Diablotin National Park. Restoration work should commence soon at Cabrits/Fort Shirley, though the status of the natural resources of the site is uncertain. With the exception of those parks and the Northern Forest Reserve, there is little information on the status of protected areas generally. Monitoring in national parks is conducted mainly by park wardens, but all Forest Guards and Rangers are also responsible for noting changes in the condition of the forest reserves and submitting periodic reports on said changes (Review comments, Eric Hypolite, November 3, 2006). However, it is not clear that the reports are being compiled into annual reports showing the status of individual protected areas or the overall protected areas programme for Dominica⁶.

⁵ The 33 sites covered more than 30,000 ha (>16,002 ha for the 13 park units and 14,456 ha for the 21 forest reserves)

⁶ The only report on protected areas that was obtained is the Periodic Report on the Application of the World Heritage Convention (Burton-James, 2003), prepared as part of the first periodic reporting exercise for Latin America and the Caribbean. The report not only had a specific focus, it did not provide information on the status of the sites or attempt to evaluate the protected areas programme in Dominica.



Source: Biodiversity Strategy & Action Plan

Figure 2: Protected Areas of Dominica

Table 1: Protected Areas in Dominica

Site	Year Designated	Management Institution	Size (hectares)	Reason for Declaration
Central Reserve Forest Reserve	1952 (a)	Forestry, Wildlife & National Parks Division	410 (a)	N/A
Northern Forest Reserve	1977 (b)	Forestry, Wildlife & National Parks Division	8,814 (a)	N/A
Soufriere/Scott's Head Marine Management Area	1998 (c)	Local Area Management Authority	N/A	Outstanding reefs; fisheries protection; recreation
Cabrits National Park	1975 (d)	SHAPE	531 (a)	N/A
Morne Diablotin National Park	2000 (a)	Forestry, Wildlife & National Parks Division	3,450 (a)	N/A
Morne Trios Piton National Park	1975 (d) 1997 (e)	Forestry, Wildlife & National Parks Division	6,872 (a) 7,000 (e)	Outstanding natural heritage value
Steward Hall Water Catchment Protected Forest	1975 (a)	N/A	318	N/A
<p><u>Source:</u> (a) 2006 World Database on Protected Areas; (b) Forest Reserve (Northern Forest) Order, 1977; (c) SRO No. 18 of 1998; (d) National Parks and Protected Areas Act, 1975; (e) World Heritage Centre</p> <p>N/A = not available</p>				

Table 2: Proposed Protected Areas⁷

Site	Proposed Category	Significance for Protection
Soufriere Sulphur Springs (a)	National Park	N/A
Syndicate Parrott (a)	Primeval Forest	N/A
Parrott Wildlife Reserve (a)	Wildlife Reserve	N/A
Morne Patates-Soufriere Area (b)	World Heritage Site	N/A
Carib Territory (b)	World Heritage Site	Living heritage value
Indian River (c)	Natural Area	Major wetland, unique habitat for birdlife, high scenic and recreational value.
Bois Cotelette (c)	Historical Monument	
Wotten Waven (c)	Natural Monument	Protection of geothermal features.
Trafalgar (c)	Natural Monument	One of the major waterfalls in Dominica, providing exceptional scenic value.
Rockaway Beach (c)	Recreation Area	Only major swimming beach in close proximity to Roseau.
Layou Goerge (c)	Natural Monument	243 hectares of the steepest land in Dominica. Protection of scenic value and land.
Rain Forest (c)	Natural Area	Virgin rain forest within Central Forest Reserve recommended for preservation.
Hampstead (c)	National Seashore	Significant concentration of coastal ecosystems, turtle nesting beaches. High ecosystem and recreational value.
<p><u>Source:</u> (a) 2006 World Database on Protected Areas; (b) 2003 National Periodic Report; (c) Shanks and Putney, 1979.</p> <p>N/A = not available</p>		

⁷ The 1979 Dominica Forest and Park System Plan recommended more than 30,000 ha of land for protected area designation. Given the current acreage under protected areas designation, approximately 60% of the recommended acreage has been brought under a protected areas management regime.

5.2 Support Systems for Protected Areas Management

There is no policy planning process for protected areas in Dominica currently. However, two areas of operation could easily be re-designed and expanded to start functioning in that manner. The first is the system of monitoring by the wardens of the Forestry, Wildlife and National Parks Division. The wardens are rotated through the national parks primarily because of the staff shortage. However, this situation requires a level of logistical support that lends itself to expansion to a system of sites. The second area is that of the administration of the user fee system. The additional systems required to support this decentralized system of ticket sales and the flexibility to support multiple use, multiple site visitation should not be substantial.

Public participatory process are evolving through the work of the Community Management of Protected Areas Conservation (COMPACT) Project, which is providing financial and technical support to communities that use resources within the protected areas for livelihood purposes.

As previously stated, a data management system is needed to capture and use data generated by the monitoring and research activities. This should include mechanisms to access data and publications produced by external research institutions working in Dominica.

The institution of a programme of national standards for ecotourism should also result in more attention being paid to a variety of issues in protected areas management, from site design to operations and services.

5.3 Current and Planned Initiatives

(a) CREP Amenity Area Demonstration Project

The Caribbean Regional Environment Programme (CREP) Project is funded by the European Union through an agreement with the Caribbean Forum (CARIFORUM). The project, which covers 13 CARIFORUM states and is coordinated from Barbados, is intended to “...demonstrate a micro model for combining the objectives of environmental conservation with promotion of sustainable livelihoods in what are called Amenity Areas – natural sites of high ecological and economic value”.

The demonstration site that was selected for the CREP project in Dominica is the Carib Territory. The Territory comprises approximately 1,629 hectares and provides residence to some 6,000 Caribs. Available information on the project (<http://www.crepnet.net>) indicates that the potential for special designation status for the site is high since the Government and the Carib Council have agreed to integrate the area into the national eco-tourism and heritage initiative.

The objectives of the project were:

- Improve the capacity of Focal Point Stakeholders to participate effectively in the project – Actions included the provision of a Project Manager and Deputy Project Manager, upgrading of the Carib Council office to enable project implementation, maintenance of a vehicle, awareness building activities, and general administration for the project.
- Strengthen participatory management in the Carib Territory – The associated activities were intended to strengthen the Carib governance system, integrate the work of various projects and partners operating in the Carib Territory and foster collaborative planning and management.
- Assess and document key resources.
- Develop income generating opportunities – Activities were designed to promote the development of a Niche Market for Sustainable Signature Certified Products, building on activities already underway in the Carib Territory.

The CREP project was scheduled to be completed in June 2006, but the current status was not verified during this Review.

(b) Restoration of the Cabrits Fort Shirley Complex⁸

The Eco-Tourism Development Programme awarded Island Heritage Initiatives a half a million dollar contract for the conservation of the Cabrits Fort Shirley Complex, the centerpiece of the Cabrits garrison complex. It is a classic Georgian garrison of the 18th century Caribbean and is being considered as one unit in a serial trans-boundary site listing under the World Heritage Convention. However, many parts of the complex are dilapidated and require immediate repair, and the restoration work is aimed at providing emergency stabilization.

As the most visited historic site on Dominica, Fort Shirley, has the potential to become a sustainable resource that will provide income for further restoration in the years ahead.

SHAPE will coordinate the implementation of the restoration project, which will be overseen by an advisory group chaired by the Ministry of Tourism. Work began in February 2006, with completion projected for September 2006.

(c) Community Management of Protected Areas Conservation Project

The Community Management of Protected Areas Project (COMPACT) focuses on enhancing the capacities of community-based organizations to design and implement livelihood projects. The project was designed to work with communities bordering the Morne Trois Pitons National Park/World Heritage Site, particularly those communities that were using the

⁸ <http://tourismdominica.dm/projects.cfm>

sites for livelihood purposes, were impacting on the site, or were impacted by the designation of the site as a protected area.

The project is supported by financing through the Global Environment Facility (GEF) Small Grants Programme. The project, which was launched in 2001, is coordinated by the Dominica Save the Children Fund, under the general guidance of the National Steering Committee. The National Steering Committee is comprised of representatives of non-governmental organizations, community-based organizations, government agencies, and resource persons

Government agencies provide a range of services to the community groups involved in project design and implementation. This is particularly true of the Forest, Wildlife and National Parks Division, which is not only involved in the project, but as the management institution for the protected area, must negotiate permitting agreements with each community group wishing to operate within the park boundaries.

(d) OPAAL Demonstration Project

The implementation of national demonstration activities is one of the components of the OPAAL Project (Appendix 1). The site selected for Dominica is the Cabrits National Park.

6. MAJOR ISSUES

This review of the policy, legal, and institution arrangements for protected areas management in Dominica has identified the following major issues to be addressed:

(a) **Need for a National Protected Areas Policy and Plan**

There is a major focus on protected areas to support national development priorities, while concurrently meeting the needs of adjacent communities and protecting important natural and cultural resources. The increased focus on protected areas to support tourism development has created some concern, as it is perceived that the pace of tourism development is not supported by adequate infrastructure and appropriate management systems in protected areas. Institutional arrangements and resource ownership for tourism and protected areas are also issues being debated.

Perceptions of protected areas as focused on non-consumptive uses of natural still exist, sometimes preventing the resolution of critical issues and reducing the management effectiveness of a particular site.

New issues of intellectual property rights and biopiracy have surfaced, and must be addressed by both policy and legal frameworks. Given these various issues, the time has arrived for the development of a comprehensive national policy and plan for protected areas. It has also been suggested that all environmental policies should be integrated into a single sustainable development policy. While that approach has much to offer, the demand being made of protected areas, and the emerging complexities of the institutional arrangements require guidance provided in a focused policy and plan.

(b) **Inadequate Institutional Coordination**

Instructional coordinating mechanisms exist for other areas of environmental management in Dominica. However, the current legal basis for the Environmental Coordinating Unit hampers its effectiveness in functioning as a coordinating body. Additionally, the demand being placed on protected areas to directly serve a range of sectors and stakeholders makes it necessary to have a coordinated approach to protected areas programming. Certainly the issue of institutional conflicts has to be addressed.

The institutional arrangements for protected areas management have evolved, as the relevant institutions are also being required to support the capacity development of community-based organizations, while themselves experiencing capacity limitations.

(c) **Absence of Data Management Systems**

Some information is being collected in protected areas, and some research and monitoring takes place. However, that information is apparently not being used for the determination of the status of the sites. A data management system is required, especially if damage to protected area resources by use patterns or buffer zone activities is to be mitigated or prevented.

The data management system should assist in reporting to internal constituents and external parties. National protected areas reports can focus only on protected areas or can be part of a larger state of the environment report.

(d) **Inadequate Financing**

The funding for the restoration of Fort Shirley is indicative of the levels of financing that is required for protected areas development, and even in this case, the funds are insufficient for full development and management of the protected area. On the management side of the equation, increased budgetary support is required to employ more staff, support the existing staff levels, and provide the necessary equipment and support systems, including the provision of “extension services” to community groups. Not only are increased levels of financing necessary, but it needs to be more sustained to ensure consistent management support for the system of protected areas.

(e) **Inadequate Institutional Capacity**

The capacity limitations for the protected areas management institutions have been previously discussed (Section 4.4). However, the increased involvement of civil society organizations and community groups has increased demand on the public agencies for technical assistance, primarily from the Fisheries Division and Forestry, Wildlife and National Parks Division. Increased capacity support is required to ensure sustainability of institutions and programming.

6.1 Threats to Protected Areas

Threats to protected areas are derived from both man-made and natural sources. Natural sources in Dominica are primarily associated with development taking place adjacent to protected areas. Minor threats are linked to the uses of the areas themselves, including the production and disposal of solid waste and effluents.

Natural disasters pose more significant threats, as demonstrated by the impacts of an earthquake and flooding in December 2004. Dominica has experienced fewer storms than many other Caribbean islands, with only 5 tropical storms, including one hurricane, affecting

the island since 1989. However, the threat from flooding after major rainfall events is still significant.

With the level of dependence on protected areas to support the national economy and communities, comprehensive disaster management must be a major area of emphasis in protected areas development and management.

7. SUMMARY AND RECOMMENDATIONS

This Review of the protected areas management framework in Dominica reveals that there is significant political and community support for the development of protected areas, resulting primarily from the demand on such areas to provide a range of goods and services to both the national economy and adjacent communities. Additionally, there is increasing participation of civil society and community groups in protected areas development and management activities.

This demand on protected areas is not adequately supported by the current policy, legal, and institutional frameworks, all of which require improvements. The following actions are therefore recommended:

- (a) Undertake a protected areas system planning process to develop a comprehensive management framework.
- (b) Develop guidelines for site design and operation in order to reduce the threats from natural disasters.
- (c) Establish an institutional coordinating mechanism, which should also assist the system planning process.
- (d) Establish a data management system for protected areas. This would incorporate the spatial data generated by the Physical Planning Division and the environmental health data generated by the Environmental Health Unit. Given the emphasis on community livelihoods, socio-economic parameters should be incorporated into the data management system.
- (e) Establish a trust fund for protected areas development and management. Government should be required to contribute to the fund, but not utilize the returns for purposes other than protected areas development and management.
- (f) Expand the COMPACT project to communities adjacent to other protected areas, especially rural communities. In addition to community-based organizations, the targets for capacity support should include non-governmental organizations and government agencies involved in protected areas management.

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Government of Dominica: <http://investdominica.dm>

Marine Reserves in Dominica: <http://dominicamarinereserves.com>

Protected Areas Database: <http://www.unep-wcmc.org/wpda/>

APPENDIX 1: Summary of OPAAL Project

Source: Taken from the OPAAL Project Brief dated December 2004

The Project

The origins of the present project began with a Block B grant awarded to St. Lucia in late 2001 to assist in the preparation of the “St. Lucia Coastal/Wetland Ecosystem Conservation and Sustainable Livelihoods Project.” A draft project brief was prepared by late May 2002. Following an internal Bank review of the project proposal, and further discussions with government officials and prospective co-financiers, consensus was reached on the need to adjust the project’s design toward an OECS-wide regional approach supporting national demonstration activities. This approach would better ensure the sustainable establishment and management of PAs in the OECS.

Factors that prompted this shift from a national to a regional approach included: (i) the need to demonstrate **strategic consistency** with the regional approaches embodied in the OECS Development Charter and the St. George’s Declaration of Principles for Environmental Sustainability in the OECS, the World Bank’s Country Assistance Strategy (CAS), and the other donors’ strategies; (ii) facilitating OECS countries’ efforts to mobilize needed resources to meet **GEF’s co-financing requirements**; (iii) **gains in efficiency and economies of scale** to enhance replicability and sustainability of the project’s objectives; and (iv) addressing the root causes of environmental degradation through **improved coordination**. Finally, a regional approach, channeled through an institution dedicated to the coordination of multi-national efforts, is more likely to ensure that PA project activities are better integrated, complemented and coordinated with other sustainable environmental initiatives in the region.

The Project Development and Global Objective of OPAAL is to contribute to the conservation of biodiversity of global importance in the Participating Member States by removing barriers to the effective management of protected areas (PAs), and increasing the involvement of civil society and the private sector in the planning, management and sustainable use of these areas.

The project intends to achieve this objective firstly by strengthening national and regional capacities in the sound management of PAs. This first component will provide support for a regional and national policy, legal and institutional reform process that will serve as the foundation for PA management at the national level. Included also as critical elements will be the updating of existing or preparation of new national PA system plans, and the support for studies that will provide solutions to the barriers of financial sustainability of PAs. OPAAL will also provide the necessary technical and financial support for the creation of new or strengthening of existing protected areas. The project will also support a regional umbrella programme as well as national elements on education, training and awareness as it relates to the importance of biodiversity and the management of protected areas.

OPAAL is actually geared towards providing global benefits through the conservation of globally significant biodiversity. As a consequence pre-selected sites in each PMS consisting of dry and humid tropical forests, wetlands and tidal flats, sandy and rocky beaches, coral reefs, seagrass beds, mangroves, and offshore islets will be elevated to protected area status. Nesting sites for several endemic species, as well as sea turtles will also be protected. Most importantly these global benefits will be closely linked to demonstrable benefits for local populations including generally improved environmental integrity and natural amenity values such as watershed protection, and protection of the resource base, one of the region's most important source of foreign exchange – tourism. Perhaps the most important benefit will be the newly developed constituencies for biodiversity conservation who will act to promote conservation and sustainable development due to the tangible economic benefits and improved economic opportunities.

The project is also geared to providing benefits to those target groups associated with project-supported PAs, particularly where that association implies a dependency on the resources for livelihood support or where there is a displacement of the livelihoods because of the legal declaration of protection. Where the nature of that dependency is not compliant with the goals of protection for the area, the project will provide for the identification of alternative sources of livelihoods that will ensure equal or greater socioeconomic benefits than previously obtained. The empowerment of target groups/persons will be effected through appropriate capacity building initiatives undertaken by the project, which will be geared towards securing the sustainability of these alternative livelihoods. In the process of providing for the enhancement of existing livelihoods, (where compatible with protection objectives), and/or the provision of alternatives, the project will foster partnerships with appropriate national, regional and community development agencies and organizations.

OPAAL will also support marketing research, consultations and interviews with key governmental and NGO agencies, and on-site visits with local entrepreneurs and businesses where needed. In all cases, the project would address livelihood issues of affected populations in a manner which is fair, just, and in accordance with local laws, as well as consistent with the World Bank's Safeguard Policies on Involuntary Resettlement (OP 4.12) and Natural Habitats (OP 4.04).

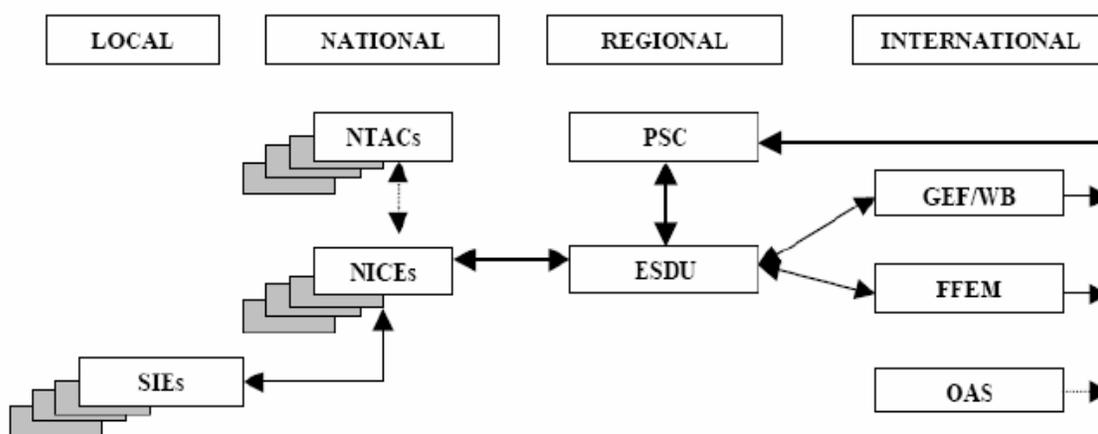
Administration

In order to facilitate implementation at the national level, ESDU will implement the project, in close collaboration with the national implementing entities (see below) for project activities at national and local levels. ESDU's main tasks will be to: (i) administer and manage the project; (ii) ensure coordination of project activities with participating countries, relevant regional and international institutions (such as the CCA, CEHI, CARICOM, UNEP and UNDP, etc.) and other stakeholder (civil society, communities, NGOs and private sector); (iii) work with the participating countries for the implementation of country -level activities; (iv) procure goods, works and services; (v) monitor and evaluate project progress, (vi) ensure proper project accounting and financial management, (vii) contract annual

external auditing of project accounts, and (viii) represent the project before the Project Steering Committee (PSC).

To carry out its responsibilities under the project, ESDU will hire, with grant funds, a protected areas specialist who will also serve as field officer, a communications officer, and an administrative assistant all of whom will be housed at the offices of ESDU. The Project Coordinator who is the Programme Officer responsible for the Biodiversity and Protected Areas functional area will report directly to the Head of ESDU who will serve as Project Director. All ESDU staff and other function managers (Sustainable Livelihoods, Environmental Planning and Management, and Education Training & Awareness) are assigned specific project responsibilities and will assist the Project Coordinator as necessary and appropriate. The Figure below outlines the proposed organizational structure of the project.

Project Organisational Structure



At the national level, each participating country will identify a National Implementation Coordinating Entity (NICE) that will have the responsibility for: (i) preparing national annual work plans and budgets, (ii) day -to-day implementation of project activities at the national level, (iii) managing/supervising the implementation of local site activities in collaboration with the Site Implementing Entities (SIEs) and beneficiaries of livelihoods subprojects, and (iv) liaise directly with the ESDU on matters relating to project implementation. Whenever possible, the PMS intend to use already existing institutional structures (government agencies, NGOs, etc) to serve as NICES.. The NICE will also participate in the PSC on a rotating basis (discussed under PSC below). All NICE will designate a National Coordinator who will be directly responsible for project coordination and implementation at that level. The activities of the National Coordinator will also be supported by other government agencies with relevant mandates.

At the sites of project-supported PAs, Site Implementing Entities (SIEs) will be set up with a PA Manager assisted by relevant staff (including rangers and others) to undertake the day -to-day management of the PA and related site-specific project activities.

Community groups living in and around the PAs, appropriate public and private agencies and relevant local stakeholders will also have representation in the SIE in an advisory capacity to assist the PA Manager. The SIE will participate actively in the implementation of component 2 and 3 of the project. SIEs will also participate in the National Technical Advisory Committees (NTACs) and will advise and/or collaborate closely with the NICEs on the implementation of site activities.

Regional oversight will be provided by the Project Steering Committee (PSC) which will (i) approve the annual work plans and associated budgets, (ii) monitor project progress; (iii) review, analyze and provide guidance to the ESDU on project issues during the course of project implementation in accordance with a project operational manual acceptable to the Bank. The PSC will consist of 2 representatives from 2 PMS, the latter, which will be rotated annually. The representation from each PMS will comprise: (i) the Head of the national agency responsible for parks and protected areas and/or a representative of the NICE where appropriate; and (ii) the ESDU National Technical Focal Point who is also the most senior technical officer in the Ministry of Environment of the relevant PMS. The OECS Secretariat will chair the PSC; ESDU staff will be exofficio members. The PSC will meet twice a year in the first year and annually thereafter.

At the national level, the project will be monitored and guided through a **National Technical Advisory Committee (NTAC)**, an inter-sectoral, inter-agency body that will include representatives from relevant government agencies and public and private institutions, including NGOs, involved in environmental management in general and biodiversity management, in particular. The NTACs will: (i) provide broad technical and policy advice to the National Implementation Coordinating Entities or NICEs and (ii) review national strategies/workplans and associated livelihood subprojects. Participating Member States will be encouraged to use existing National Biodiversity Committees as NTACs for the project.

The OECS OPAAL project is co-financed under parallel funding arrangements by the Organization of American States (OAS) and the Government of France through its Fonds Francais de L'Environnement Mondial (FFEM) with US\$0.35 million and Euro 1.32 million respectively. The Global Environment Facility will provide US \$3.7 million through the World Bank, with the PMSs and the OECS Secretariat US \$ 1.88 in in-kind contributions bringing the total project cost to approximately US \$7.57 million. This five year project which was launched in December 2004 is envisaged as the initial stage of a 15 year programme for the management of Protected Areas in the OECS. This essentially means that post-project activities will aim to secure the sustainability of the protected areas management and hopefully securing the long-term inclusion of the natural environment in general into the sustainable development portfolio of OECS Member States.

APPENDIX 2: Terms of Reference

POLICY, LEGAL AND INSTITUTIONAL REVIEW: OECS PROTECTED AREAS AND ASSOCIATED LIVELIHOODS (OPAAL) PROJECT

1. Background

The OECS Secretariat through its Environment and Sustainable Development Unit (ESDU) has begun implementation of the OECS Protected Areas and Associated Sustainable Livelihoods (OPAAL) Project. This initiative is being executed in partnership with the International Bank for Reconstruction and Development (the World Bank) acting as an Implementing Agency of the GEF; the Fonds Français pour l'Environnement Mondial (FFEM) of the Government of France; and the Organisation of American States (OAS).

Recognizing the importance of the sustainable management of its natural resources and rich biodiversity, the Governments of the OECS Participating Member States (PMS) have made significant commitments to protecting their countries' resources. Some of these include their status as signatories to international conventions, the formulation and adoption of policy statements, legal and institutional instruments, recent environmental programs, and financial support of conservation activities through budget allocations. At the sub-regional level, the OECS Member States in the year 2000 issued and subsequently endorsed the St. George's Declaration of Principles for Environmental Sustainability in the OECS, which includes a commitment to the conservation of biological diversity and the protection of areas of outstanding scientific, cultural, spiritual, ecological, scenic and aesthetic significance. Member States have also begun translating their international and regional commitments into tangible actions at the national level. An example of this is the production of the National Environmental Management Strategy, the outcome of the commitment to the regional OECS Environmental Management Strategy. The international commitment to the SPAW protocol under the Cartagena Convention is of even greater relevance to the context of this TOR. The recognition of the importance of this protocol and national commitment has crystallized in the establishment of protected areas (PAs) as the primary method of preserving biodiversity and conserving valuable natural resources assets.

Despite these positive achievements, significant impediments continue to exist in terms of an effective framework for establishing and managing protected areas (PAs) which can ensure that the integrity of the region's fragile biodiversity is not further compromised. Existing institutional arrangements within PMSs are weakened by gaps in the present policy framework. These include limited incorporation of environmental and social costing into economic decision making and inadequate systems that encourage and promote integrated planning, information sharing and collaboration among agencies and other stakeholders.

The need to upgrade existing laws and institutional arrangement for environmental management in the OECS has been recognized. Presently one initiative is facilitating a review of environmental legislation and development of model OECS environmental frame legislation. A UNEP review of legal and institutional arrangements for biodiversity-related

MEAs is also being undertaken within the OECS. With respect to protected area establishment and management, many existing laws and the have been in existence for a considerable time and as such do not embrace contemporary approaches to environmental management and should therefore be updated. At national levels, present legal structure fails to provide a comprehensive framework for biodiversity conservation and the establishment and management of protected area (PA) at both national and regional levels. Currently, the responsibility for PA management is legally granted to multiple agencies without articulating the strategies by which for collaboration and integration of the assigned responsibilities. In some cases, this has resulted from new legislation being enacted without the amendment or rationalization of existing laws, leading to redundancy and jurisdictional conflict. In other cases, existing laws have yet to yield the promulgation of necessary rules and regulations necessary for effective control and enforcement. Certain laws recently created for the establishment of National Parks and other categories of PAs have demonstrated deficiencies as they have been implemented, and thus require some degree of adjustment. In addition to all these technical aspects, institutional capacity within PMSs remains limited and requires urgent attention. In this regard, legal and institutional frameworks in support of PA establishment and management must be so construed so as to provide for efficient and effective use of available resources.

Component 1 of OPAAL seeks to facilitate more effective institutional framework for conservation management through providing a critical focus on the existing natural resources, legal and institutional frameworks to promote conservation and protected area establishment and management. As such, the project aims to facilitate a harmonised approach to the creation and management of protected areas (PA) in the OECS region Protected Area. There are three sub-components within this project component: (i) policy, legal and institutional arrangements reform; (ii) updating/preparing new national protected areas system plans; and (iii) supporting studies.

2. Objective

The objective of this exercise is to undertake preliminary work towards achieving policy, legislative and institutional arrangement reforms in PMSs. These will facilitate the evolution of a harmonised approach to the creation and management of PAs in the OECS region. The required work falls reflects the Policy, Legal and Institutional Arrangements Reform sub-component of Component 1 of the OPAAL Project.

3. Task Methodology

The Contractor will be required to:

- a. Conduct reviews of existing policy, legal and institutional frameworks in support of PA establishment and management in PMSs;

- b. Undertake a comparative analysis of national frameworks to identify existing weaknesses and strengths in terms of existing policy, legislation and institutional arrangements for PA establishment and management in the region;
- c. Report the outcome of the aforementioned tasks to ESDU, highlighting suitable approaches for enhancing PA establishment and management through improved policy, legal and institutional arrangements at both national and regional levels. Specific detailed recommendations regarding the development of harmonized policy, legislation and institutional arrangements in support of PA establishment and management within the region are to be incorporated and will subsequently inform the development of harmonised policy, legislation and institutional framework for Protected Areas within the OECS.

4. Scope of Services

The Assignment will be divided into the following three phases.

a. National PA Framework Reviews

The first phase of the consultancy will include a review of relevant literature and on-going initiatives related to policy, legal and institutional arrangements within the PMSs that is of relevance to the OECS region (including the work related to the development of environmental frame legislation and legal and institutional arrangements for biodiversity conservation mentioned earlier and the respective National Environmental Policies and National Environmental Management Strategies of the PMSs). This information should be incorporated into the following phases of the work.

b. Consultation with PA establishment and Management Stakeholders

In order to adequately interpret the level of efficacy of existing policy, legal and institutional arrangements and to assess the practical implications of existing measures, the Contractor is to consult with all relevant management agencies and stakeholders at both national and regional levels, including government and non-government agencies which, consequent to existing or proposed laws or policies, are responsible for PA establishment and/or management. All relevant private sector entities, community-based organisations, and resource users who either contribute to PA management or whose livelihoods are affected by the establishment and operation of PAs are to be included.

c. Comparative Analysis for Developing a Harmonised PA Framework

Pursuant to the outputs generated within the first and second phases, the Contractor will, identify existing weaknesses and strengths in terms of existing policy, legislation and institutional arrangements for PA establishment and management at both country and OECS levels, making determinations as to the adequacy of the legal instruments and arrangements in meeting the various obligations re: protected areas under the various MEAs. This phase is also to consider existing policy, legal and institutional

aspects in terms of the degree to which they may promote or impede the development of a harmonised approach. It should also suggest relevant synergies and operational aspects which may be required for such an approach, including the creation of synergies with other relevant initiatives being presently undertaken within PMSs and the region. For this phase of the work the Contractor will collaborate with relevant Staff of OPAAL Project in finalising potential approaches for the way forward and related administrative concepts for the harmonised approach towards PA establishment and management within the OECS.

The Contractor will present the reports of the national reviews and comparative analysis to ESDU for consideration and discussion, prior to their finalisation.

5. Outputs

Using the phased approach identified above, the following outputs will be delivered:

- a. Six reports outlining and critiquing the adequacy/effectiveness of existing policy, legal and institutional frameworks in support of PA establishment and management within each PMS.
- b. A report on the comparative analysis of national frameworks, including specific recommendations for improvements in the policy, legal and institutional systems in place and implications in terms of the establishment of a harmonised framework for the OECS.

6. Project Execution and Administration

The Project Coordinator-OPAAL or any other officer designated by him will administer all aspects of this contract.

This is a fixed price contract. Travel within the six PMSs will be a necessary part of this contract and the cost of other such travel for aspects such as transportation, accommodation, consultation with stakeholders and per diem, etc., is to be incurred by the Contractor as part of this Contract.

All communications between the Contractor and the Project Coordinator-OPAAL for the assigned work should be copied to the Head of Unit - ESDU.

The Project Coordinator-OPAAL will collaborate with the Contractor on the preparation of a brief plan of action that identifies activities necessary to achieve the deliverables identified in this Terms of Reference. This requirement is in order to ensure the deliverables identified in this Terms of Reference are achieved in an effective and efficient manner.

The Contractor will manage his/her time and responsibilities to ensure timely delivery of outputs required under this Terms of Reference.

7. Qualifications and Experience of Contractor

The Contractor is expected to possess skills and at least ten (10) years experience in the following areas:

1. Institutional Analysis (including aspects of national/international environmental policy);
2. Environmental Law.

The Contractor should also have a demonstrated familiarity with theoretical and technical aspects of Protected Areas development and management.

8. Timing

It is anticipated that the Contractor will be selected by the OECS-ESDU and that the contract will commence as of November 1st 2005 and be completed no later than February 28th, 2006. As the first activity, the Contractor will submit for approval of the ESDU a proposed plan of work containing timing for completion of foreseen tasks. The OPAAL staff will facilitate consultation with Governments and other national and regional partners, as and when necessary. The reports on the review of national policy, legal and institutional frameworks for the six PMSs will be due no later than February 15th 2006.

9. Reporting

The Contractor will provide the following:

1. Six country reports detailing and critiquing the existing national policy, legal and institutional frameworks in each PMS;
2. One report on the comparative analysis of national frameworks

All reports will be issued in Word format and will each take the form of one hard copy and one electronic copy, submitted to the Project Coordinator- OPAAL .

APPENDIX 3: Institutions Consulted

Name of Person	Designation	Contact
Forestry, Wildlife and National Parks Division		
Mr. Eric Hypolite	Director of Forestry	767-245-7662 forestry@cwdom.dm
Ms Jacqueline Andre	Assistant Forest Officer	767-448-2401 assistforestofficer@cwdom.dm
Mr. David Williams	Superintendent of National Parks	767-448-2401 nationalparks@cwdom.dm
Ministry of Lands & Housing		
Dr. Colmore Christian	Permanent Secretary	767-448-2401 pscommunications@cwdom.dm
Ministry of Legal Affairs		
Mrs. Roberts	Permanent Secretary	
Environmental Health Unit		
Mr. Scotland		environhealth@cwdom.dm
Mr. Raphael Joseph		Raphael@cwdom.dm
Physical Planning Division		
Mr. Kelvin Rolle		physicalplanning@cwdom.dm
Fisheries Division		
Mr. Andrew Magloire	Chief Fisheries Officer	fisheriesdwsin@cwdom.dm
Ministry of Tourism		
Ms Jeanette Williams	Senior Projects Officer	ndctourism@cwdom.dm
Reform Management Unit		
Mrs. Ruth Allport	Senior Administrative Officer	767-448-2401 rmucoordinator@cwdom.dm
SHAPE		
Mr. Henry Shillingford		
UNDP/GEF Small Grants Programme		
Mr. Albert Bellot	National Coordinator	
Dominica Water and Sewerage Company Limited		
Mrs. Iva DaCosta-James	Operations & Maintenance Manager	767-448-4811 dowasco@cwdom.dm

Name of Person	Designation	Contact
Dominica Electricity Services Limited		
Mr. Rawlins Bruney	Chief Engineer	767-255-6016 rawlins.bruney@domleconline.com
Cockrane Project		
Ms Norma Bonney		Miggs26@yahoo.com
Compact Project		
Mr. Errol Harris	Past Director	
Caribbean Natural Resources Institute		
Ms Betty Perry-Fingal	Consultant	767-449-0859 bfingal@cwdom.dm
W.E.F.		
Mr. Bernard Wiltshire	Director	
Environmental Coordinating Unit		
Mr. Lloyd Pascal	Director	767-448-2401 agriext@cwdom.dm

APPENDIX 4: Profiles of Protected Areas Management Institutions

OECS PROTECTED AREAS AND ASSOCIATED LIVELIHOODS PROJECT

REVIEW OF POLICY, LEGAL, AND INSTITUTIONAL FRAMEWORKS FOR PROTECTED AREAS MANAGEMENT

PROFILE OF PROTECTED AREA MANAGEMENT INSTITUTION FOR COUNTRY REPORT

The OECS Secretariat, through the Environment and Sustainable Development Unit (ESDU), has begun implementation of the OECS Protected Areas and Associated Sustainable Livelihoods (OPAAL) Project. Component 1 of this Project seeks to facilitate the development of a harmonised approach to the creation and management of protected areas in the OECS region. There are three sub-components within this project component: (i) policy, legal and institutional arrangements reform; (ii) updating/preparing new national protected areas system plans; and (iii) supporting studies.

This questionnaire is part of the review of existing policy, legal, and institutional frameworks in support of protected areas establishment and management, and is **to be completed by institutions that have direct management responsibilities for protected areas**.

The completed questionnaire should be submitted in digital form (PDF or Microsoft WORD format) to Lloyd Gardner at: lgardne@uvi.edu. For additional information, call Lloyd Gardner at: 340-513-3562.

NAME OF INSTITUTION:

2. Contact Information:
 - Address:
 - Telephone:
 - Facsimile:
 - E-Mail:
 - Name & Position of Officer in Charge:
3. Legal Basis for Institution (laws providing mandate):
4. State Organisational Mandate and Current Objectives:
5. Staffing Levels (Number and qualifications of professional and technical staff):
 - Number of full-time employees and assigned positions
 - Qualifications relative to job descriptions
 - Number of volunteers

6. Information Systems
 - Available Library/Documentation Facilities:
 - Type of Computerised Data Systems in Place (PC, LAN, etc.):
 - Databases Available:
 - Involvement in Regional Information Network (e.g. SIDSNET, CaMPAM, etc.):
 - Programme/Project Review Procedures:

7. Reporting Mechanisms (receiving institutions, format, frequency):
 - National:
 - Regional:
 - International:

8. Annual Budget:

Budget Head	Fiscal Year				
	2000/01	2001/02	2002/03	2003/04	2004/05
Recurrent					
Capital					
Grants					
Total					

9. Sources of Funds:

10. Activities and Constraints
 - (a) List the types of activities that the institution executes routinely
 - (b) List the type of activities that the institution would like to execute routinely, but does not because of resource constraints
 - (c) List the major resource constraints that affect the execution of the institution's activities
 - (d) List the major government policy constraints that affect the execution of the institution's activities

11. Project Execution History
 - a) Number of projects planned or designed in the last five years.
 - b) Number of projects started in the last five years.
 - c) Number of projects completed in the last five years

11. Public Participation
 - a) Who are the stakeholders with which the organisation interacts?
 - b) How do the stakeholders impact on the efficacy of the organisation in carrying out its functions?
 - c) Describe the external network(s) of which the organisation is a part?
12. List the opportunities and obstacles which exist in the operating environment?
13. List the Major Issues for your Institution (with #1 being the most important).
14. What are the Priority Issues to be addressed for Protected Areas Management in your Country (with #1 having highest priority)?

Name of person completing the questionnaire:

Position:

Date:

NAME OF INSTITUTION: Forestry, Wildlife & National Parks Division

1. Contact Information:

Address: Botanical Gardens
Roseau
Commonwealth of Dominica
Telephone: 767-448-2401, ext. 3817, 3815, 3277
Facsimile: 767-448-7999
E-Mail: forestry@cwdom.dm, and nationalparks@cwdom.dm

Name & Position of Officer in Charge:

Mr. Eric Hypolite
Director of Forestry, Wildlife & National Parks (Ag.)

2. Legal Basis for Institution (laws providing mandate):

- Forests Act (1958)
- Forestry & Wildlife Act (1976)
- National Parks & Protected Areas Act (1975)

3. State Organisational Mandate and Current Objectives:

- **Conservation and sustainable management of Dominica's forest, wildlife and national parks resources.**

4. Staffing Levels (Number and qualifications of professional and technical staff):

- Number of full-time employees and assigned positions
(See attached Organisational Chart)
- Qualifications relative to job descriptions
- Number of volunteers: **Nil**

5. Information Systems

- Available Library/Documentation Facilities:
Library Collection
- Type of Computerised Data Systems in Place (PC, LAN, etc.):
Local Area Network (LAN)
- Databases Available:
Computerised Annotated Bibliography of Library Collection

- Involvement in Regional Information Network (e.g. SIDSNET, CaMPAM, etc.):
Currently not part of any Regional Information Network
- Programme/Project Review Procedures:
 - **Stakeholder Consultations**
 - **In-House Senior Staff Reviews**

6. Reporting Mechanisms (receiving institutions, format, frequency):

- National:
- Regional:
- International:

UNESCO World Heritage Committee Periodic Report on the Application of the World Heritage Convention every six (6) years.

7. Annual Budget:

Budget Head	Fiscal Year				
	2000/01	2001/02	2002/03	2003/04	2004/05
Recurrent	\$3,344,767.00		\$2,479,001.00		\$2,310,595.00
Capital	\$90,000.00				
Grants	????????				
Total					

8. Sources of Funds:

- **Recurrent Revenue**

9. Activities and Constraints

(a) List the types of activities that the institution executes routinely:

- **Resource Monitoring**
- **Revenue Collection**
- **Enforcement of Forestry, Wildlife and National Parks Laws**
- **Site Development**
- **Trail Rehabilitation & Maintenance**
- **Environmental Education & Public Awareness**
- **Monitor Concessions and Permits at Eco-tourism Sites**

- (b) List the type of activities that the institution would like to execute routinely, but does not because of resource constraints:
 - **Carrying Capacity Assessments**
 - **Resource/Site Interpretation**
 - **Trail Construction/Maintenance**
 - **Visitor Surveys**
 - **Biodiversity Surveys**
 - **Park Boundary Demarcation and Maintenance**
 - **In-Service Training**

 - (c) List the major resource constraints that affect the execution of the institution's activities:
 - **Inadequate Budgetary Provisions**
 - **Insufficient Human Resource/Manpower**
 - **Inadequate Office Space**
 - **Lack of Equipment.**

 - (d) List the major government policy constraints that affect the execution of the institution's activities:
 - **Current policy on the management of visitor facilities at some ecotourism sites**
 - **Policy decision not to increase the Ecotourism Site User Fees for a period of three years**
 - **Reduction in budgetary provisions for National parks**
10. Project Execution History
- (a) Number of projects planned or designed in the last five years.
 - (b) Number of projects started in the last five years.
 - (c) Number of projects completed in the last five years
11. Public Participation
- (a) Who are the stakeholders with which the organisation interacts?
 - **Government Departments (Physical Planning, Ministry of Tourism/National Development Corporation (NDC), Ministry of Education, Environmental Co-coordinating Unit (ECU), Fisheries Division**
 - **Tour Operators/Tour Guides/Dive Operators**
 - **Concessionaires/Vendors**
 - **Community Based Organisations**
 - **Dominica Port Authority**
 - **Utility Companies (DOMLEC, DOWASCO)**
 - **International/regional agencies and organizations**
 - **Rural Households**

➤ **General Public**

- (b) How do the stakeholders impact on the efficacy of the organisation in carrying out its functions?

Inter-sectoral competition for financial, physical and human resources made worse by lack of clear guidelines, e.g. tourism promotion not being coordinated with local capacity to accommodate increased tourist flows; Tourism sector competing with Forestry and National Parks for financial management roles, etc.

- (c) Describe the external network(s) of which the organisation is a part?

UNESCO World Heritage Convention/Latin America and the Caribbean Group

12. List the opportunities and obstacles which exist in the operating environment?

Opportunities:

- Enhancement of nature-based tourism
- Facilitate research and educational programmes on the World Heritage Site and biodiversity in Dominica
- To develop and manage national parks for conservation, research, education, recreation and revenue generation, and open spaces for recreation
- To solicit international assistance in the conservation and management of Dominica's biodiversity
- Taking advantage of external financial, technical and other resources
- Systemized data collection on National Park resources
- Influence policy and legislation on environmental issues and on land use
- To increase public awareness of the need to conserve the island's forest, wildlife and national park resources
- Better inter-agency collaboration

Obstacles:

- Lack of inter-sectoral collaboration in the management of Parks
- Lack of understanding by policy makers of the intrinsic value of national parks and protected areas
- Negative public reaction to forestry/national park-related laws and policy
- Insufficient training opportunities
- Lack of/poor coordination/communication among affiliated departments
- Inadequate/inappropriate legislation
- Natural disasters, particularly hurricanes
- Confusion in terms of policy as to the mandate of the Forestry, Wildlife and Parks Division. This is leading to competition from other agencies for managing

resources that are legally the mandate of the Division, as well as impacting on the Division's ability to enforce forestry, wildlife and national parks legislation

13. List the Major Issues for your Institution (with #1 being the most important).

- **Inadequate budgetary provisions to facilitate development**
- **Tourism management within Protected Areas**
- **Specialised staff training at the professional and technical level**
- **Revision of National parks Act and Regulations**
- **Updating/Preparation of management plans for existing National parks**
- **Establishment of buffer zones and maintenance of park boundaries**
- **Development of an applied research programme**
- **Involvement of community based organizations (CBOs/NGOs)**
- **Public education and awareness**
- **Infrastructure development within the National Parks**

14. What are the Priority Issues to be addressed for Protected Areas Management in your Country (with #1 having highest priority)?

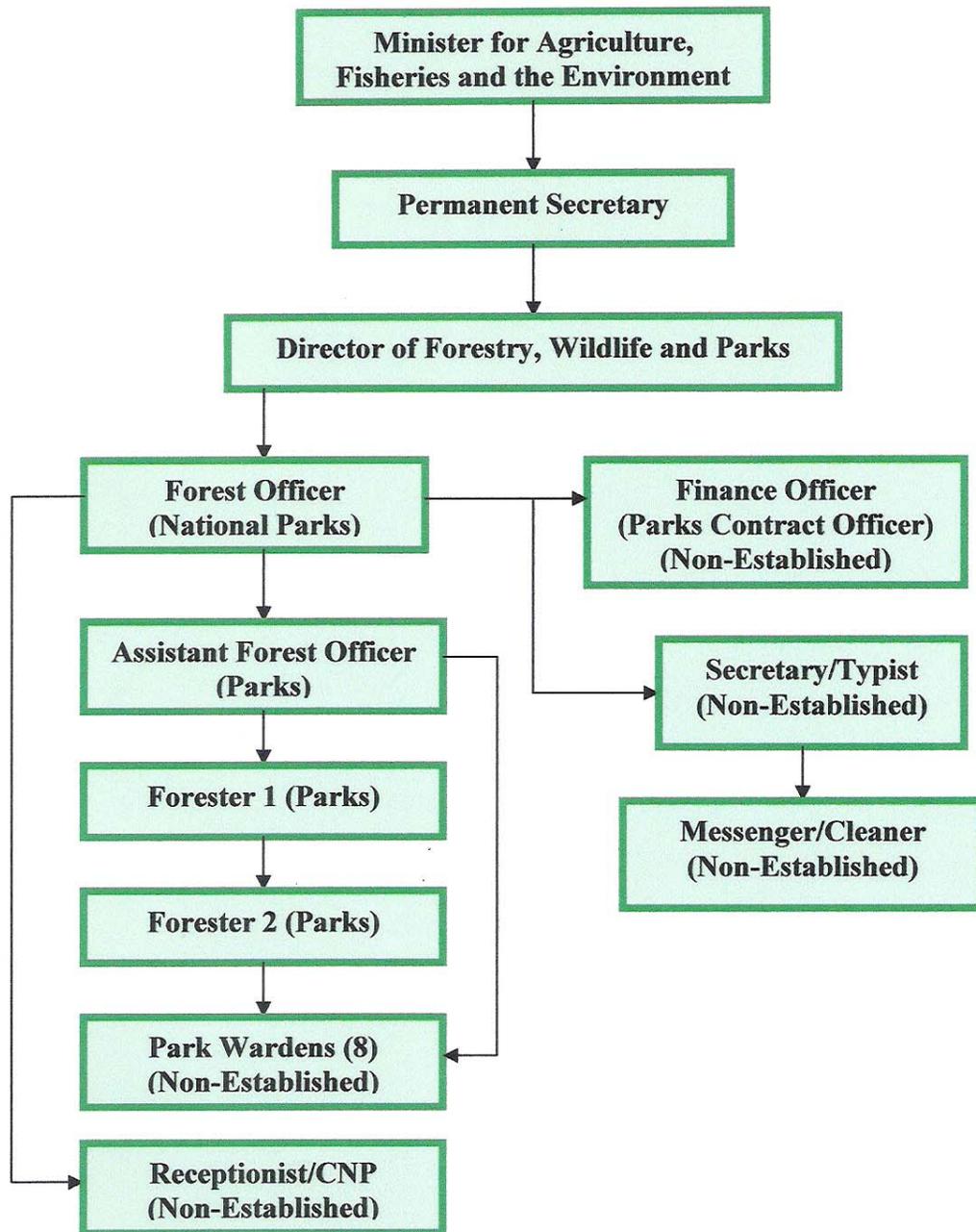
- **Inadequate budgetary provisions to facilitate development**
- **Staff training**
- **Tourism management within Protected Areas**
- **Revision of the National Parks Act and Regulations**
- **Carrying Capacity of ecotourism sites within National Parks**
- **Establishment of buffer zones and maintenance of Park boundaries**
- **Increased Revenue collection**
- **Development of an applied research programme.**

Name of person completing the questionnaire: **David Williams**

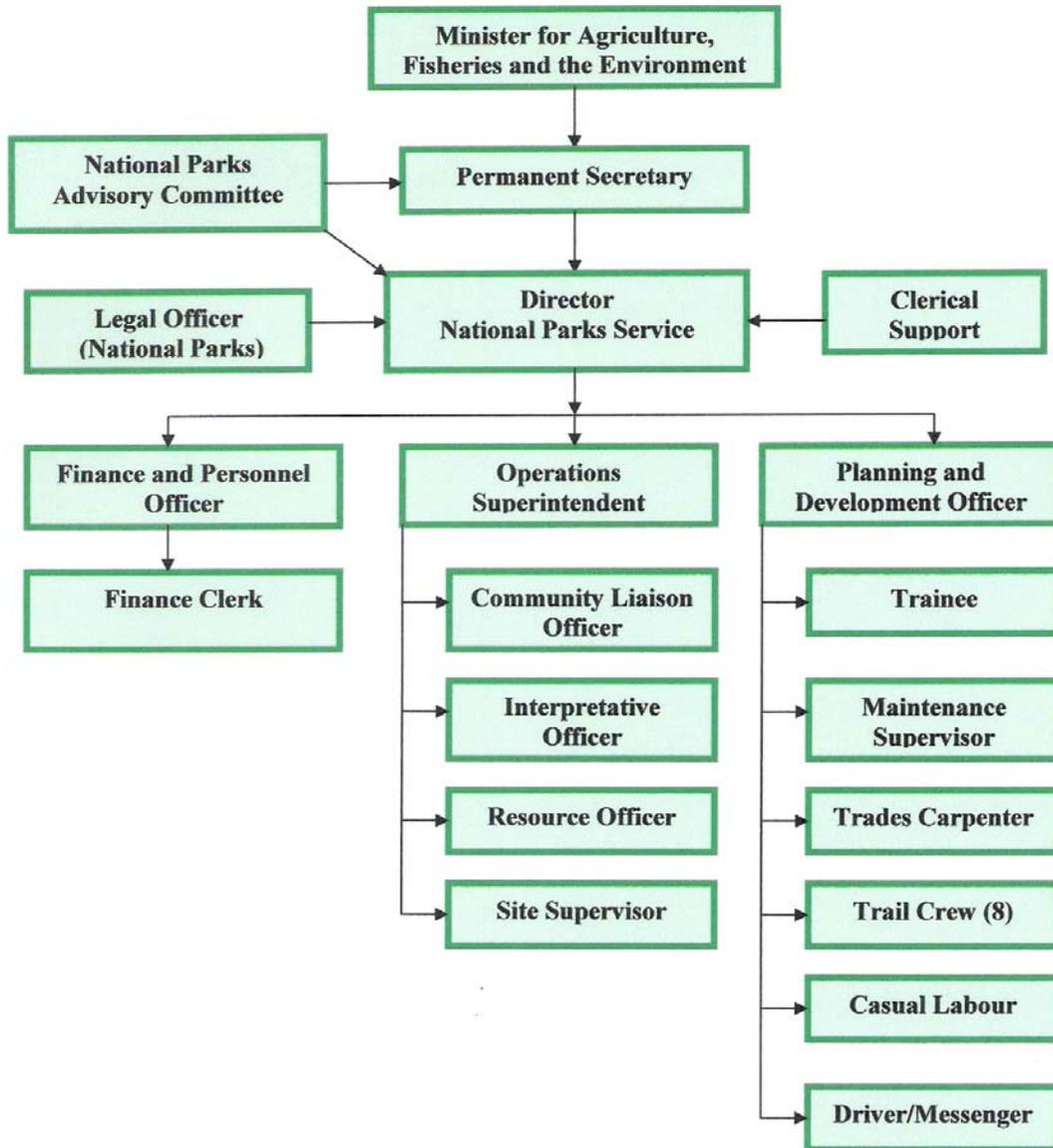
Position: **Superintendent of National Parks**

Date: **24/02/2006**

Current Organisational Structure of the National Parks Unit



Proposed Organisational Structure of Dominica's National Parks Service



OECS PROTECTED AREAS AND ASSOCIATED LIVELIHOODS PROJECT

**REVIEW OF POLICY, LEGAL, AND INSTITUTIONAL FRAMEWORKS
FOR PROTECTED AREAS MANAGEMENT**

**PROFILE OF PROTECTED AREAS PARTNER INSTITUTION
FOR
COUNTRY REPORT**

The OECS Secretariat, through the Environment and Sustainable Development Unit (ESDU), has begun implementation of the OECS Protected Areas and Associated Sustainable Livelihoods (OPAAL) Project. Component 1 of this Project seeks to facilitate the development of a harmonised approach to the creation and management of protected areas in the OECS region. There are three sub-components within this project component: (i) policy, legal and institutional arrangements reform; (ii) updating/preparing new national protected areas system plans; and (iii) supporting studies.

This questionnaire is part of the review of existing policy, legal, and institutional frameworks in support of protected areas establishment and management, and is to be completed by institutions that **do not have direct management responsibilities**, but whose mandates and/or activities affect protected areas programming and management.

The completed questionnaire should be submitted in digital form (PDF or Microsoft WORD format) to Lloyd Gardner at: lgardne@uvi.edu. For additional information, call Lloyd Gardner at: 340-513-3562.

1. Name of Institution:
2. Address:
3. Telephone; Fax; Email:
4. Primary Area of Focus of Institution (one paragraph description):
5. Secondary Area(s) of Focus of Institution (one paragraph description each):
6. Activities of Institution that are Relevant to Protected Areas:

7. Resources Committed to Protected Areas Activities in the past 5 years:

Fiscal Year	Financial Resources (US\$,000)	Human Resources (Person Days)	Other (quantify)
2000/01			
2001/02			
2002/03			
2003/04			
2004/05			
Total			

8. Laws/Regulations of Institution that are Relevant to Protected Areas:

9. List Policies/Mandates of Institution that are Relevant to Protected Areas:

10. Describe the Nature of any Existing Relationship with any Protected Areas Management Institution:

11. What are the Most Relevant Issues for Protected Areas Management in your country (list in order of priority, with 1 being the highest priority):

12. Name and Contact Information for Officer dealing with Protected Area Issues in your Institution:

Name:

Position:

Telephone:

Fax:

Email:

Name of person completing the questionnaire (if different from No. 12):

Post:

Date:

Thank you for taking the time to complete this questionnaire.

**APPENDIX 5:
Legislation Relevant to Protected Areas Management**

1. Environmental Health Services Act (No. 8 of 1997)

- An Act to make provision for the conservation and maintenance of the environment in the interest of health generally and in relation to places frequented by the public.
- Section 1(a) – Requires the Environmental Health Department to “...investigate problems and institute preventive and remedial measures in respect of environmental pollution, the management and disposal of solid, liquid and gaseous wastes, food and drinks management, nuisances, rodents, insect pests and general sanitation”.
- Section 10(1) – Provides for permitting for construction of structures, alteration of physical plant or production processes, and other activities that may result in the discharge or emission of a contaminant or pollutant into any part of the environment.
- Section 30(1) – Provides the authority for the Minister to make regulations for a wide range of matters dealing with disease and pollution prevention and general public health.
- Section 35 – repeals the Public Health Act, 1968.

Implications for Protected Areas:

- (a) The Environmental Health Department provides permitting for the design and placement of sewage treatment and disposal facilities at the sites. They also deal with the issues of solid waste management and food handling for the sites.
 - (b) The Department conducts water quality monitoring, and is generally concerned about public places where there is overcrowding. The Department can therefore set limits to the number of persons using a particular site at the same time. However, there is no indication that such an action is being contemplated for protected areas at this time.
- 2. National Parks and Protected Areas (Eco-Tourist Site) (User Fee) Regulations, 1997 (SRO No. 27 of 1997)**
- Regulations made by the Minister under Section 16 of the National Parks and Protected Areas Act (Chap. 42:02).
 - Section 3 – Subject to Section 4, all persons visiting the eco-tourist sites listed in Schedule I shall pay a user fee as set out in Schedule II before visiting such sites.

- Section 4 – Provides an exemption for residents from paying user fees for visiting eco-tourist sites.
- Schedule I – Lists eleven (11) sites.
- Schedule II – Outlines the fee schedule.

Implications for Protected Areas:

- (a) This regulation supports the current system of user fees. However, the current rates (US\$2.00 for a site visit, US\$5.00 for a day pass to visit any site, and US\$10.00 for a week pass to visit any site) cannot finance the necessary support structure of staff, infrastructure, and services.

3. National Parks and Protected Areas Act (No. 16 of 1975) (Cap. 42:02)

Amended by Acts 54 of 1986, Act 12 of 1990, and Act 8 of 2001.

- *“An Act respecting national parks and protected areas for Dominica”.*
- Section 3(1) – *“All land in the parks and all lands set aside as protected areas shall constitute the national parks system, ...”.*
- Section 4 – The Government may lease land to add to a park.
- Section 5 – The Minister may by Order set aside any state lands as a protected area for the purpose of:
 - 13. preserving the natural beauty of such area, including flora and fauna;
 - 14. creating a recreational area;
 - 15. commemorating a historic event of national importance; or
 - 16. preserving any historic landmark or any object of historic, pre-historic, archeological or scientific importance.
- Section 6 – Prohibits the sale or occupation of lands with the national parks system.
- Section 7 – Provides for the appointment of a Director of National Parks and the creation of a National Parks Service.
- Section 8 – Provides for the establishment of a National Park Advisory Council, to consist of the Director of National Parks, 3 persons appointed by the Minister and 1 person recommended by the Dominica Conservation Society⁹.
- Section 9 – Makes the Director of National Parks the Chairman of the Council.

⁹ The Dominica Conservation Society has been renamed the Dominica Conservation Association.

- Section 10 – Gives the role of the Council as providing advice to the Minister on “... *matters relating to the administrating and control of the National Parks Service and any other matters related to the National Parks Service that he may refer to it*”.
- Section 11 – Mandates the preparation of management plan for areas within the system of protected areas, and includes a requirement for public notification by the Minister of the intention to adopt a management plan (Section 11(4)).
- Sections 14 & 15 - Allows for the continued operation of water works and hydro-electric projects, but under the directions given by the Minister under this Act¹⁰.
- Section 16(1) – Authorises the Minister to make regulations to further the purposes of the national parks system.
- Section 16(3) – No lease or license may be granted in any protected area that is contrary to or inconsistent with a management plan for that area.
- Schedule – Describes the boundaries of the Morne Trios Pitons National Parks and the Cabrits National Park.

Implications for Protected Areas:

- (a) This Act provides not only for the declaration of protected areas, but also for the organization of such sites into a protected areas system.
- (b) The provisions for the Director of National Parks and the National Parks Service have not been utilized. Even with the significant emphasis on protected areas as a central focus to ecotourism in Dominica, the national parks structure is still subsumed within the Forestry, Wildlife, & National Parks Division.
- (c) The provision for the National Parks Advisory Council makes it possible to include a wider range of stakeholders in the process. However, the provision (Section 8) is extremely limiting in its current form. First, it creates a conflict of interest wherein the chair of the Council is also the Director of National Parks. If the Council is to advise the Minister (Section 10(1)), then this institutional arrangement opens the possibility for the advice to be somewhat restricted. A second limitation is having the Dominica Conservation Association recommend one of the 5 Council members. There are a number of non-governmental organizations (NGOs) in Dominica with an interest in protected areas, and as such, opening the process for all of the stakeholders to have an input in the selection of the NGO representative is better governance. Thirdly, one assumes that the Council is advisory because it is intended that the National Parks Service

¹⁰ Section 9 of the Water and Sewerage Act (Cap. 40:40) may affect Section 14 of this Act.

will remain a central government agency. Given the current imperatives for support of the national development priorities, the large sums of funds that will be required to restore the heritage properties, and the increasing role of the private sector, it may be prudent to make the National Parks Service a statutory agency.

- (d) Sections 14 & 15 clearly indicates that infrastructure development and operation must be cognisant of protected areas management objectives.
- (e) The requirement for management planning and public inputs to the plan approval process encourages participation of stakeholder groups and the general public, and can provide a basis for increased public support for protected areas.

4. **Beach Control Act (No. 21 of 1986) (Cap. 42:04)**

Amended by Acts 17 of 1975 and 12 of 1990.

- *“An Act for the control and protection of beaches in Dominica”.*
- Section 3 – Vests the rights to the foreshore and floor of the sea in the State.
- Section 5 – Deals with the granting of licenses for use of the foreshore or floor of sea.
- Section 6(1) – Requires the Minister to determine the needs of the public in relation to use of the foreshore and floor of the sea and to make provisions for acquiring lands to facilitate those purposes.
- Section 10 – Makes exemptions for uses of the foreshore and floor of the sea prior to entry into force of the Act.
- Sections 11 & 12 – Authorises the Chief Technical Officer (Works) to issue permits for sand removal from the foreshore.

Implications for Protected Areas:

- (a) The placement of docks, groynes, and other structures along the foreshore or on the floor of the sea requires a permit from the Department/Ministry of Works.
- (b) Coastal areas are included in a number of the protected areas, and sand mining is a problem in Dominica. As such, the demand for sand could result in sources within protected areas being targeted. The Act should be amended to make special provisions for approval of mining proposals to be handled by the National Parks Service or other relevant protected areas agency.

5. **National Parks and Protected Areas (Morne Diablotin National Park) Order, 2003 (SRO 36 of 2003)**
 - Order made by the President under Section 4(2) of the National Parks and Protected Areas Act, Chapter 42:02.
 - Section 3 – Adds 7.82 acres of land at Syndicate to the Morne Diablotin National Park.

6. **National Park Regulation, 2003 (SRO 54 of 2003)**
 - Section 2 – Includes the Director of National Parks in the list of authorized persons.
 - Section 4 – Sets out prohibitions regarding national parks.
 - Section 5 – Permits the licensed sale of artifacts in national parks.
 - First Schedule – List of articles that can be sold.
 - Second Schedule – Sets the impounding fees for different types of animals found in National Parks.

7. **Salvage of Artifacts and Treasure Board Act (No. 4 of 1980) (Cap. 30:03)**
 - *“An Act to provide for the appointment of a Board for the purpose of supervising salvage operations in the territorial waters of Dominica; the division, storage and sale of artifacts and treasure; the establishment and control of a museum and other related matters”.*
 - The Minister responsible for Finance is the relevant Minister for the implementation of this Act.
 - Section 3 – Provides for the appointment of a Salvage of Artifacts and Treasure Board for Dominica.
 - Section 4 – Sets the duties of the Board including, “to be responsible for the maintenance of the regulation and control over underwater shipwrecks wherever located for tourist purposes” (Section 4(1)).
 - Section 6 – Requires the Board to pay all monies into the Consolidated Funds.

Implications for Protected Areas:

- (e) The provision for control over shipwrecks for tourist purposes (Section 4(1)) can be in conflict with Section 5(d) of the National Parks and Protected Areas Act (1975) if the wreck is of historical value.

8. Finance (Administration) Act, 1994 (No. 4 of 1994)

- *“An Act to repeal and replace the Finance and Audit Act, Chapter 63:01, to provide for the management of public funds of the Commonwealth of Dominica, the appropriation withdrawal and issue of sums therefrom and for the public accounts and matters connected therewith or incidental thereto”.*
- Section 3 – The Minister has responsibility for the management of the Consolidated Funds. This provision also gives the Minister the authority to make regulations for the management of public accounts and funds.
- Section 11 – Permits the establishment of Trust Funds, and allows for such funds to be separate from the Consolidated Funds.
- Section 13 – Requires all public monies to be accounted for in the national accounts.
- Section 17 – Presents a requirement for annual audits of all public funds.
- Schedule 1 – Establishes two Special Funds as Revolving Funds.
- Schedule 2 – Establishes two Trust Funds, the Education Trust Fund and the Princess Margaret Hospital Trust Fund.

Implications for Protected Areas:

- (a) This Act facilitates the establishment of trust funds for a variety of public purposes, and could conceivably include the system of protected areas.
- (b) The Requirement for annual audits means that all non-governmental organizations or community groups receiving public funds for protected areas management will have to ensure that they prepare and submit audited accounts to the Minister of Finance on an annual basis.

9. Audit Act 1994 (No. 5 of 1994)

- *“An Act to revise and consolidate the law relating to the office of the Director of Audit of the Commonwealth of Dominica and to provide for matters related or incidental thereto”.*

- Section 5(2) – Mandates the Director of Audit to examine financial statements required by Section 17 of the Finance Act (1994).

Implications for Protected Areas:

- (a) Civil society groups receiving public funds for protected areas management will have their financial statements examined by the Director of Audits. This places an onus on civil society groups desirous of managing projects using government funds or sites supported by government funds to have appropriate accounting systems in place.

10. Fisheries Act (No. 11 of 1987) (Cap. 61:60)

- *“An Act to make provision for the promotion and regulation of fishing in the fishery water of Dominica and for matters incidental thereto and connected therewith”.*
- Section 2 - Defines fish to mean any aquatic animal (including corals), its young, and its eggs.
- Section 4 – Requires the Chief Fisheries Officer to prepare and keep under review a plan for the management and development of fisheries in the fishery waters.
- Section 20 – The Minister may declare fishing priority areas to ensure fishing in the declared area is not impeded.
- Section 22(1) – The Minister may, by Order, declare marine reserves where he considers special measures necessary:
 - (i) *to afford special protection to the flora and fauna of such areas and to protect and preserve the natural breeding ground and habitats of aquatic life, with particular regard to flora/fauna in danger of extinction;*
 - (ii) *to allow for the natural regeneration of aquatic life in areas where such life has been depleted;*
 - (iii) *to promote scientific study and research in respect of such areas; or*
 - (iv) *to preserve and enhance the natural beauty of such areas.*
- Section 22(2) – Makes it an offense to fish or take flora and fauna or alter the environment, or undertake construction in a marine reserve.
- Section 23 – Provides for the Minister to grant permission for fisheries research, on submission of a fisheries research plan approved by the Chief Fisheries Officer.
- Section 38 – Provides for the Minister to make regulations for management and development of fisheries, including regulations involving conservation measures and regulation of marine reserves.

Implications for Protected Areas:

- (a) The broad definition of fish to mean any aquatic animal implies that the taking of any such animal for commercial or research purposes require a permit from the Fisheries Division.
- (b) The Act restricts the type of marine protected area that can be declared to marine reserves. However, the purpose is not restricted to fisheries, as site designation for preservation of the natural beauty of an area is permissible. As such, marine reserves can be designated for recreational purposes.

11. **Physical Planning Act, 2002 (No. 5 of 2002)**

- *“An Act to make provision for the orderly and progressive development of land in both urban and rural areas and to preserve and improve the amenities thereof; for the grant of permission to develop land and for other powers of control over the use of land; for the regulation of the construction of buildings and related matters;; to confer additional powers in respect of the acquisition and development of land for planning purposes and for other matters connected therewith”.*
- Section 4 – Establishes the Physical Planning and Development Control Authority for Dominica, and sets the functions of the Authority.
- Section 8 – The Authority may submit proposals to Minister for preparation of development plans.
- Section 28 – Environmental impact assessment is required for different types of development, including development in protected areas (Schedule II).
- Part VI (Environmental Protection) – Addresses the protection of historical resources through the use of building preservation with orders (Section 47); landscape features and habits through the use of plant preservation orders (Section 49); and general environmental quality through the use of environmental protection area designations (Sections 56-60).
- Section 89 – Repeals the Town and Country Planning Act, 1975.
- Schedule I – Lists the matters for which provision must be made in development plans. Protected areas are included by virtue of Part IV (3-6).

Implications for Protected Areas:

- (a) This Act is a fairly comprehensive instrument dealing with land use planning and development control. Provision for protected areas is achieved primarily through allocation of land for that purpose.

- (b) Natural and heritage resources protection is also integrated into the development control process through the use of an environmental impact assessment (EIA) process. However, the EIA process treats protected areas no differently from any other area in the country, in that, the process uses the same standards.
- (c) Developments within protected areas will be regulated under this Act, and some levels of development may be subject to the EIA process.

12. **Copyright Act 2003 (No. 5 of 2003)**

- “An Act to provide for the protection of literary and artistic works and for matters related thereto”.

Implications for Protected Areas:

- (a) Protected areas management institutions generally use a range of tools and materials in data management (including computer software), public education, and other management activities. Institutions need to be careful that there is no copyright infringement, especially where sophisticated tools or manuals are being used.
- (b) Many institutions conduct research and produce various forms of publications. The necessary steps should be taken to protect the works produced by staff or the institution. This is especially important when there are collaborative arrangements with other/external institutions.
- (c) Merchandising is a growing source of revenues for protected areas, and copyright and brand management is an important part of merchandising. This is particularly important for Dominica, as the country seeks to differentiate itself as a green destination.

13. **Forest Act 1958 (No. 25 of 1958) (Cap. 60:01)**

Amended by Act 12 of 1980.

- “*An Act to make provision for the conservation and control of forests*”.
- Part II – Provides for the declaration of forest reserves (Section 3) and protected forests (Section 4) for a range of purposes, including disaster mitigation. The Act also addresses the issue of private land within a protected forest regime (Section 5). It provides for liability of owner/occupier of protected forest (Section 7), and compensates said owner/occupier (Section 8). Owners of land may also apply for voluntary protection of forests (Section 9).

Implications for Protected Areas:

- (a) The Act can create protected areas for a number of purposes, including the preservation of health (Section 4(f)). This variety of purposes will require the Forestry, Wildlife and National Parks Division to collaborate effectively with a number of institutions. A more specific relationship with the proposed National Parks Service should be articulated in any amendment to update the law.
- (b) The current situation concerning protected areas in Dominica is one in which the areas support a range of community development activities, and most of those areas are also forest reserves. The law should be amended to facilitate and guide this dynamic.

14. Forest Reserve (Northern Forest) Order (No. 3 of 1977)

- An Order to declare the Northern Forest Reserve, made under Section 3 of the Forest Act (1958).

15. Stewart Hall Catchment Area (Protected Forest) Order (No. 10 of 1975)

- An Order, made under Sections 4 and 5 of the Forest Act (1958), to declare the Stewart Hall Catchment Area for the purposes of protection of water supplies.
- This Order is supplemented by the Stewart Hall Water Catchment Rules (No. 11 of 1975), made under Section 5 of the Forest Act (1958). The Rules prohibit a range of activities, and requires waste treatment from existing dwellings, and permits for new construction activities.

16. Forest Rules (No. 17 of 1972) (amended by No. 12 of 1990)

- Rules made under Section 13 of the Forest Act (1958) to prohibit a range of activities in forest reserves, to establish a permitting system for taking of forest products, and to address the management of forest roads.

17. Forestry and Wildlife Act, 1976 (No. 12 of 1976)

Amended by Act 35 of 1982 and 12 of 1990.

- *“An Act to provide for the protection, conservation and management of wild mammals, freshwater fishes, amphibians, crustaceans and reptiles, and for purposes connected therewith”.*

- Section 22 – The Minister may declare “... *any area, any stream, impoundment or portion thereof to be a wild life reserve ...*”
- Section 24 – Prohibits hunting within the boundaries of any national park or national monument.
- Section 25 – Prohibits the introduction and release of alien species of wildlife without a permit.

Implications for Protected Areas:

- (a) This Act is primarily for wildlife conservation, and as part of that objective, supports the declaration of wildlife reserves. However, the Act seems focused on hunting more than species management. As such, there is need for more language to address issues of habitat protection. Additionally, a requirement for management planning should be added.
- (b) The Act introduces national monument as a category of protected areas. Unfortunately, it fails to define the category and state its purpose.
- (c) The Act implies control over wildlife in other types of protected areas, as well as the possibility of having multiple designations for portions of other types of protected areas.

18. Tourism (Regulations and Standards) Act, 2001 (No. 9 of 2001)

- An Act to provide for the creation of standards for the tourism industry, the regulation and certification of certain tourism services in the Commonwealth of Dominica and for matters connected therewith.
- Section 3 – Sets the general purpose of the Act, which is to create a programme of standards (the Nature Island Standards of Excellence) to be used by persons offering “tourism services”.
- Section 13 – Directs that no person shall offer any tourism services (specified in the First Schedule) with a licence issued for that purpose.

Implications for Protected Areas:

- (a) The protected areas of Dominica form the base of the ecotourism product, and as such, all services offered at such sites will focus primarily on tourists. The provisions of this Act therefore apply to all national parks and marine management areas.

Relevant Laws not Reviewed

Water and Sewerage Act, 1989