THE PRINCIPLE 10 DEBATE
Current Status and Future Prospects in the Caribbean

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OVERVIEW

TAKING OWNERSHIP

POLICY INITIATIVES

JURIDICAL INITIATIVES

PARTICIPATION
1. TAKING OWNERSHIP

KEEP CALM AND TAKE OWNERSHIP
TAKING OWNERSHIP

Caribbean countries have signed the Declaration on the Implementation of Principle 10 of the Rio Declaration on Environment and Development

- Jamaica
- St. Vincent & the Grenadines
- Trinidad & Tobago
OWNERSHIP: ROOT OF TITLE

- Port of Spain Accord 1989
- Port of Spain Consensus 1991
- Rio Declaration Principle 10 1992
- Barbados Programme of Action 1994
Port of Spain Accord 1989

- First Meeting of the Caribbean Ministers of the Environment
- 14 Priority Areas for “urgent” action
- Strategic Approach
  - Public education and awareness to enhance respect for the environment
  - Collect and disseminate environmental information
Port of Spain Consensus 1991

- Caribbean Regional Economic Conference

- Four central pillars for sustainable development

- Democratization and Social Partnership: “The democratic process enshrines the right of all citizens to participate in the formulation of policies which affect them.” (fore-Runner to 1992 Rio Decla.)
Rio Declaration Principle 10

- Caribbean part of G77 which helped formulate Rio Declaration. Principle 10 formulated largely by the G77 and China and the EC.

- Components:
  - Citizen Participation
  - Access to Information
  - Participation
  - Redress
Barbados Programme of Action

- UN SIDS Conference

- Reaffirmed Rio Declaration and Agenda 21

- Public Awareness and Participation:
  - NGOs
  - Women Groups
  - Local community Groups
  - Networks for Information Dissemination
2. CURRENT POLICY INITIATIVES

- St George’s Declaration
  Of Principles for Sustainable Development, 2001
St George’s Declaration 2001

- Signed by OECS Ministers of the Environment
- 21 Key Principles for environmental sustainability
- Implementation through the National Environmental Strategies (NEMS)
St George’s Declaration (SGD)

- **Principles 4 and 5**: Participation by Civil Society and Private Sector:

- **Principles 20, 21**: Reporting requirement to OECS EC:
  - National implementation
  - Environmental education activities
  - Capacity building initiatives

- **Revised Treaty of Basseterre, 2010**
  - Article 24: Environmental Sustainability
Country Reports on Achievements of SGD Goals

- Anguilla 2009 (5)
- Antigua & Barbuda 2008 (4)
- British Virgin Islands 2009 (5)
- Grenada 2006 (8)
- Montserrat 2007 (7)
- St Lucia 2006 (8)
- St. Kitts & Nevis 2009 (5)
- St. Vincent & Grenadines 2008 (6)
Constitution of Guyana, Section 25:

“Every citizen has a duty to participate in activities intended to improve the environment and protect the health of the nation.”
Constitutional Dimension

- Constitution of Guyana, Article 149
- British Virgin Islands Constitution, Article 29
- Jamaican Charter of Fundamental Rights and Freedoms Act, Section 13(3)(l)
- Cayman Islands Constitution Order, Article 18
4. LEGISLATIVE DIMENSION:
   (1) Freedom of Information Acts

- Access to Information Act, 2002 (Jamaica)
- Freedom of Information Act, 1999) (Trinidad & Tobago)
- Freedom of Information Act, 1994 (Belize)
LEGISLATIVE INITIATIVES: (2) Environmental Protection Legislation

- A. Environmental Protection Act, Belize
- B. Environmental Protection Act, Guyana
- C. The Physical Planning and Development Act, St. Lucia
- D. The Physical Planning Act, Antigua and Barbuda
- Trinidad & Tobago
E. Environmental Management Act (Trinidad and Tobago)

- Duty of EMA:
  - compile environmental information
  - preserve administrative records

- Environmental Commission
  - Civil Action: section 69
  - Appellate process re EMA statutory duties
LEGISLATIVE INITIATIVES:
(3) Judicial Review Legislation

- Administrative Justice Act No. 63 (1980), (Barbados)
  - review of government action
  - public interest litigation

- Judicial Review Act No. 60 (2000) (Trinidad and Tobago)
5. THE JUDICIARY
The Old Order

- *Spencer v Canzone Del Mare* (1993): challenge to order by Executive to ignore EIA requirement dismissed for lack of standing.


PARADIGM SHIFT
The Modern Approach

- *Belize Alliance of Conservation NGOs v Dep’t of the Environment* (2004): environmental organizations could challenge Gov’t decision to construct a dam

- *Northern Jamaica Conservation Authority v. NRCA and NEPA* (2006): environmental NGO successfully challenged construction of hotel in ecologically sensitive area; access to information breached

- *Belize Institute for Environmental Law & Policy v Chief Environmental Officer* (2008): Applicant NGO seeking to protect the environment in its totality
The Modern Approach

- *PURE v EMA (2009)*: legality of construction of bauxite smelter to be decided according to “environmental jurisprudence”

- *Virgin Islands Environmental Council v. A.G.: (2007)* NGO lost BUT no costs order

- *Ya’Axche Conservation Trust v. Chief Forest Officer (2014)*: Trust lost BUT no costs order
6. BENEFITS OF PARTICIPATION

IT’S IN OUR HANDS
Benefits of Participation

- Talisman (Trinidad) Petroleum Ltd. v. EMA (2002) (Trinidad & Tobago) per Justice Hosein
  - Improved understanding of issues
  - Identifying common ground
  - Highlights trade-offs
  - Improves overall decision making
7. CONCLUSION

- Cultivate ownership culture
- International commitments
- Good governance
- Linkage to judiciary
CONCLUSION

- Piggy back policy & other initiatives
- Coordination of regional reporting?
- NGO involvement
- Synergies with related initiatives: 30–31 March 2015?
Thank you!

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