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Third Meeting of the Interim Scientific, Technical
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Concerning Pollution from Land-Based Sources
and Activities in the Wider Caribbean (LBS)

Mexico City, Mexico, 22-26 August, 2005

**REPORT OF THE WORKSHOP ON THE LEGAL IMPLEMENTATION OF
REGIONAL SEAS CONVENTIONS AND RELATED MEAS, KINGSTON,
JAMAICA, 4-6 JULY 2005 (ENGLISH ONLY)**

**CAPACITY BUILDING WORKSHOP TO ASSIST CARIBBEAN SIDS IN MEETING THE LEGAL OBLIGATIONS OF THE
CARTAGENA CONVENTION AND RELATED MEAs**

Kingston, Jamaica

4-6 July 2005

Workshop Report

On 4-6 July 2005, UNEP convened a regional workshop to assist small island developing states (SIDS) in the Caribbean in implementing the Cartagena Convention, its protocols, and related multilateral environmental agreements (MEAs). The workshop focused particularly on legal, regulatory, and institutional measures necessary for implementation and enforcement. The workshop included 31 legal and technical officials and experts from government and observers, as well as 8 resource persons and secretariat staff.

The workshop sought to raise awareness of countries in the region regarding the MEAs and to build capacity of these countries to translate the agreements into national laws, policies, and institutions. The various sessions were grouped into three overarching themes: general considerations, pollution, and biodiversity. In each session, participants discussed progress made in implementation, remaining challenges, and key priorities for next steps at the national and regional levels in promoting implementation. The participants shared their experiences regarding what worked in practice and what did not.

Many participants noted that their countries are in the process of developing legislation and regulations, and they were keen to know what worked elsewhere in the region. Considering the limited financial, personnel, and technical resources, participants were particularly interested in approaches that took advantage of thematic synergies (among MEAs) and geographic synergies (where there might be shared interests in the region).

The workshop highlighted a number of needs (and requests) at the national and regional levels. Generally speaking, these related to capacity building, technical and legal assistance, and information sharing. Following is a non-priority-ranked list of these needs and requests, organized by theme. The list should be considered in light of the broader priorities described following the list, as well as national policies and strategies and the Bali Strategic Plan on Technology Support and Capacity-building (which guides UNEP's work on capacity building).

Possible Capacity Building Activities

There was a lot of interest in capacity building for drafting legislation and regulation, for implementation and enforcement, and for raising public awareness. Participants noted the particular need for train-the-trainers programmes, supported by national workshops. The capacity building could train people (a particular priority), but also include equipment and setting up institutions.

- There were repeated requests for in-depth training on legal and regulatory drafting.
- UNEP could help to train experts on how to conduct economic valuation of environmental resources, as well as natural resource damage assessment.
- There were requests for training the judiciary and prosecutor's offices (including development of a prosecutor's manual).
- It was suggested that as the countries prepare their national capacity self-assessments (NCSAs) that the NCSAs could address capacity building to implement the regional agreements.
- There were many requests for capacity building on environmental impact assessment (EIA), including:
 - o training and certification courses for EIA experts to prepare EIAs;
 - o capacity building for governments to review and comment on draft EIAs;
 - o developing checklists for what should be included in EIAs;
 - o improving capacity to draft terms of reference for EIA consultants; and
 - o raising public awareness on EIA (why necessary, how done, ...).

- In addition, it was suggested that UNEP could facilitate a small grants program (\$100 or \$200 for student research) that would strengthen education and help to determine baseline environmental data for use in EIAs. Another need is the provision of education and training grants.
- In addition to the above-mentioned activities, many of the technical assistance activities (described below) could have an element of capacity building.

Possible Technical Assistance Activities

The workshop participants identified different needs for technical assistance on law and policy matters:

- There is a need to better identify the benefits of being a party to an MEA, including the regional agreements. Cost-benefit analysis of being a party will be important for some countries in determining whether to ratify MEAs to which they are not yet a party.
- There was a lot of interest in technical assistance in developing legislation to implement MEAs, particularly in legislation that clustered related MEAs. This could be done on an ad hoc basis (country by country), or sub-regionally or regionally, for example through model laws or harmonized legislation. At the same time, there were mixed opinions regarding the desirability of model laws, and any activity involving a model law would need to consult closely with the countries to determine the potential scope and support of such an initiative. Participants discussed:
 - a variety of topics, such as:
 - legislation on chemicals and waste (many countries interested, some starting to consider the options);
 - umbrella environmental legislation (e.g., for the Cartagena Convention and related MEAs);
 - coastal and marine issues (including coastal zone management, marine biodiversity, marine sanctuaries, and pollution from ships);
 - biodiversity; and
 - agriculture (forestry, sugar, rice, etc.).
 - general considerations, such as:
 - development of model legislation could facilitate harmonization within the region;
 - concern about model legislation that it might not be feasible for the wider Caribbean region, but might be feasible and appropriate at a subregional level;
 - a model law would not necessarily be a priority for all countries, as some have most of the legislation that they need; and
 - need to be careful to avoid establishing a new bureaucratic overlay.
- It was suggested that UNEP as a GEF implementing agency could design a GEF project for countries in the region to analyze their needs and perspectives regarding land-based sources of pollution (LBS), exchange national perspectives, and develop a common action plan on LBS.
- There was significant interest in information and guidance on penalty regimes, including determining and applying effective penalties, models for assessing environmental damage (esp. for biodiversity), and training for judges on fines and penalties.
- On EIA, participants noted the following possible activities:
 - conducting national assessments of gaps and needs for EIA;
 - review and harmonization of EIA legislation;
 - development of EIA regulations (most countries have legislation, but many lack implementing regulations, standards, and procedures);
 - develop a regional center or directory/registry of EIA experts (oceanographers, hydrologists, etc.), and otherwise facilitate networking among EIA practitioners and other regional experts;
 - developing and strengthening national and subregional centers to monitor EIAs;
 - provide expert review and comment on EIA studies, especially those which may have transboundary effects;
 - facilitating information exchange relating to EIAs for specific projects and sectors (including collecting examples and information on EIA); and

- developing procedures for identifying and addressing cumulative impacts.
- It was suggested that UNEP could help in identifying good technologies for water treatment and raise awareness about that (many private sector companies are coming in and trying to sell their technologies, and there is a lot of confusion regarding what technologies are most appropriate or affordable).

Possible Information Sharing Activities

In addition to the public awareness and education activities and EIA registry or directory described above, participants noted that they needed a better system for sharing information, lessons learned, best management practices, and appropriate technologies. Possible information-sharing activities include development of internet-based forums for sharing information, networking (e.g., through a listserv), and a clearinghouse mechanism for policies, laws and regulations related to the Cartagena Convention and its protocols.

There was also interest in facilitating data collection, especially at regional level. This could be, for example, on regional water quality data.

Other Possible Activities

In addition to the three general categories outlined above, workshop participants noted the need to improve public participation in environmental management. Participants observed that public participation was important, but not always emphasized enough in the region.

The other need that was frequently mentioned was the need to take advantage of synergies among the various MEAs. This was emphasized in the context of legislative development (clustering related agreements), and there may be other areas where synergies may play a role (e.g., in capacity building).

Participants expressed the desire for UNEP to become more service oriented and responsive to national needs and priorities, possibly through a Small Grants Programme

Priorities

At the end of the workshop, the participants were informally polled regarding what they saw as the relative priority of next steps. It was noted that this was not a formal priority-setting exercise with duly-authorized representatives, but it could assist UNEP when reviewing the various needs and requests that were mentioned during the course of the workshop.

The participants were asked to rank their top three types of activities. The participants unanimously stated that capacity building was their top priority. With respect to the next priorities, there was a roughly even split between those seeking to focus on law and policy (technical assistance) and those wishing to focus on public awareness and information sharing.

Participants were then asked to rank their top two substantive priorities. Almost everyone indicated that their top priority was on the LBS Protocol, some interest also in the Protocol on Specially Protected Areas and Wildlife (SPAW). The next top priority was split fairly evenly between three topics: SPAW, the Oil Spill Protocol, and synergies among MEAs.

Agenda for
Capacity Building Workshop to Assist Caribbean SIDS in Meeting the
Legal Obligations of the Cartagena Convention and Related MEAs
Kingston Jamaica
4-6 July 2005

Monday, 4 July 2005	
9:00 – 9:30	Welcome, Objectives, and Methodology <ul style="list-style-type: none"> - <i>Mr. Chris Corbin</i> - <i>Ms. Isabel Martinez</i> - <i>Mr. Carl Bruch</i> <p style="text-align: center;">Introductions</p>
9:30 – 10:30	<i>Session 1</i> Survey of the Regional Sea Convention and Regional Context <i>by Mr. Chris Corbin</i>
10:30 – 11:00	Tea break
11:00 – 12:30	Session 2 <hr/> Overview of Tools and Approaches for Implementing Regional Seas Conventions and Related MEAs, including UNEP Guidelines <i>by Ms. Isabel Martinez and Mr. Carl Bruch</i>
12:30 – 14:00	Lunch
14:00 – 15:30	Session 3 <hr/> General Obligations and Cross-Cutting Principles <i>by Mr. Chris Corbin</i>
15:30 – 16:00	Tea break
16:00 – 17:30	Session 4 <hr/> Environmental Impact Assessment <i>by Mr. Carl Bruch</i>
Tuesday, 5 July 2005	
9:00 – 10:30	<i>Session 5</i> Marine Pollution from Land-Based Sources and Activities <i>by Ms. Isabel Martinez</i>
10:30 – 11:00	Tea break
11:00 – 12:30	Session 6 <hr/> Hazardous Wastes, POPs, and Toxics <i>by Mr. Chris Corbin</i>
12:30 – 14:00	Lunch
14:00 – 15:30	Session 7 <hr/> Pollution and Dumping from Ships and Airplanes <i>by Prof. Ann Powers</i>
15:30 – 16:00	Tea break
16:00 – 17:00	Session 8 <hr/> Emergency Response, Oil Spills, and Other Pollution Issues <i>by Prof. Ann Powers</i>
17:00 – 18:00	Working Group Discussions on: <hr/> <ul style="list-style-type: none"> - Capacity Building - Synergies - Regional Organizations and Financing

<i>Wednesday, 6 July 2005</i>	
9:00 – 9:30	Reporting from Working Groups
9:30 – 10:30	<i>Session 9</i> Measures to Protect and Preserve Biological Diversity and Protected Areas <i>by Mr. Chris Corbin</i>
10:30 – 11:00	Tea break
11:00 – 12:30	Session 10 Integrated Coastal Zone Management <i>by Prof. Ann Powers</i>
12:30 – 14:00	Lunch
14:00 – 15:00	Session 11 <i>Priorities for Next Steps, including Legislative and Regulatory Development</i> facilitated by Mr. Carl Bruch
15:00 – 15:30	Closing Session - <i>Mr. Nelson Andrade</i> - <i>Ms. Isabel Martinez</i> - <i>Mr. Carl Bruch</i>

LIST OF PARTICIPANTS

WORKSHOP ON THE LEGAL IMPLEMENTATION OF REGIONAL SEAS
CONVENTIONS AND RELATED MEAS

4-6 JULY 2005, KINGSTON, JAMAICA

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