

PROTECTED AREA INSTITUTIONAL STRUCTURE FOR THE MANAGEMENT OF  
THE FEDERATION OF ST. KITTS AND NEVIS PROTECTED AREAS

REPORT #3 IMPLEMENTING SELECTED INSTITUTIONAL OPTION



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## 1. Introduction

This is the third and final report prepared by the Global Parks consultancy to provide details on the recommended institutional arrangements for protected areas management in the Federation of St Kitts and Nevis. The establishment of an institutional structure for protected area management is part of the 2015 agreement between Government of Saint Kitts and Nevis, represented by the Department of Environment, and the United Nations Development Programme, to deliver a Project designed to achieve a long-term conservation initiative: *Conserving Biodiversity and Reducing Habitat Degradation in Protected Areas and their Areas of Influence* (Hereafter referred to as The Project). The Project will enable support for improved ecosystem representation in the protected areas system through the strengthening of the institutional, policy and legal/regulatory framework, the development of sustainable finance mechanisms and establishing and strengthening protected areas management operations at key sites.

The first report by Global Parks<sup>1</sup> documented the current institutional arrangements for protected areas in the Federation; the current legal framework for protected areas management, presented the rationale for change and identified a proposed Bill to create the *National Conservation and Environmental Management Act* (NCEMA) that the Government is considering. The report then summarized comments from a set of meetings with government staff and stakeholders that examined their interests in institutional structures. Their comments lead to development of three institutional scenarios. The pros and cons for each of the scenarios as identified by the government staff and stakeholders were also presented.

The second report by Global Parks formally examined the three options. It presented a set of pros and cons, based on the consultant's experience and knowledge with best practice internationally, and arrived at a set of recommendations for consideration by Government.

Those recommendations proposed adoption of a multi-agency model (Option 3), passage of legislation to establish a strengthened *National Conservation and Environmental Management Act* as well as, announcement of policies designed to improve marine management areas designated primarily for conservation.

This third and final report of the consultancy deals with implementation of the selected institutional model including recommended organisational charts, staffing requirements for the short and long term, identification of the necessary related legislative changes and policy clarifications and, possible partnership and co-management arrangements.

## 2. Summary of Institutional Options, Recommendations and Government Direction

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<sup>1</sup> Protected Area Institutional Structure for the Management of the Federation of St. Kitts and Nevis Protected Areas: Report #1, Summary Report on Stakeholder engagement; Global Parks April 3 2018

In an effort to fully understand the issues, the consultancy held a series of meetings on both St. Kitts and on Nevis, with senior government staff charged with managing protected areas as well as with stakeholders who originally participated in the Project's identification and, more recently, in the overall Project.

As documented in Report 1. the participants were asked for their comments on the institutional situation in the Federation with regard to protected areas. During the meetings, three "scenarios" became evident from the comments of the participants:

- a) Retain the Status Quo
- b) Proceed with the *NCEMA* Bill
- c) Move to a Status Quo+ that included an amended *NCEMA* Bill.

A set of participant's pros and cons were drawn up and presented in Report 1.

Following the government and stakeholder meetings, the consultancy met with senior government officials to present and discuss the comments of the stakeholders and government officials. The consultancy was subsequently requested to prepare an options analysis and recommendations based on those scenarios, for consideration by Government.

Report 2 presented that analysis and recommended Option 3: Status Quo Plus with an amended *NMCEA* Bill and a number of suggested policy and related initiatives.

Senior Government officials have advised that this is the Preferred Option <sup>2</sup> which now becomes the basis for what follows in this report: the development of advice on specific agency functions, structural elements, organisation charts and further policy and legislative work.

### 3. Organisational Functions

Considering international best practices, most protected areas organisations exhibit a number of common functions and structural components relating to planning for and operationally managing designated sites. (see Table 1).

Table 1 Common Organisational Components of Protected Areas

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<sup>2</sup> May 14 communication from Project Office.

**Policy & Planning:** National & international legislation & agreements, national policy, agency-specific policy & planning, protected areas system planning, site designation and establishment process, management and site planning for individual units, coordination & liaison with other agencies, non-government organizations & public bodies.

**Knowledge, Data & Information:** National data on biodiversity, coordination of research, inventory & assessment, information storage and retrieval capacity, assessment and reporting on status of the system, research and biodiversity assessments and policy and practice for working with scientists & researchers.

**Operations:** Operating the system of designated protected areas including all aspects of environmental protection, visitor services and management of the designated units, developing and delivering management regulations, compliance & enforcement of regulations, developing and managing contracts and agreements for management, capital development proposals and budgets, operational staff recruitment, training and management and liaison with other agencies, non-government organizations and public bodies.

**Communications & Outreach:** Partnership development, national and site level communications plans and delivery (internal & external).

**Finance & Administration:** Human resources management, special capacity development and training, financial and budget management and administration including records of park development, plans, partnership contracts, agreements and public letters of enquiry.

**Legal services:** Internal capacity and expertise in legal implications of policy and operations management.

### 3.1 Developing the Organisational Model for St. Kitts and Nevis

Among the key considerations that determine the specific organisational form and function of particular protected area agencies in specific countries are the roles of the agency. For example, is the agency responsible for broad national policy; does it manage both recreation and conservation, and; is service provision by government staff directly and/or through contracted service provision or co-management?

Government policy with regard to the respective roles of the public service as contrasted to the private sector or the voluntary sector is also a consideration as is the size of the protected areas system as well as the available budget.

These considerations (and more), impact both the detailed organisational structures and the responsibilities and job descriptions of the individuals employed within those organisations.

The specific organisational components and consequent agency structural models and job descriptions for St Kitts will be based on the following considerations:

- 1) As a small island state, both the size of the system and the budgets for the various units in the system will be modest. Specifically, the Government has committed to establish seven new terrestrial and marine protected areas. It is also noted that, as part of the Project agreement, the Government of Saint Kitts and Nevis committed that, at the end of the Project, it will continue the staff and budgets that the Project has initiated to manage the existing as well as the new protected and conservation areas.
- 2) The approved structural option involves sharing of roles and responsibilities between two national level protected and management areas agencies and two Nevis based agencies. This will require some form of structure and process for coordination at the national level.
- 3) The new institutional arrangements need to be legally established and a set of policy directions developed, to formally empower and implement the selected direction. Specifically, the *NCEMA* Bill will need to be amended and passed and a Fisheries Act policy for marine management and conservation established.
- 4) Planning and management accountability remains with each agency but there will continue to be delegated or contracted agreements with civil society organisations for management of specific protected areas and potentially specific aspects of management responsibility or service provision.

This short-term (5-10 years) structure will be sufficient for both the existing system and the immediate priority, additional proposed seven protected areas. For the longer term, the structure will need to be reviewed if either the system of sites for which the agencies are responsible is significantly expanded or government decides to pursue the option to create a new single, comprehensive and stand-alone agency either inside or outside government.

**Based on these considerations and addressing the organizational components in Table 1, the Federation's model should include:**

**Policy & Planning:** Oversight of National & International Legislation and Agreements concerning protected areas and development of national protected areas policy and plans should be the responsibility of the Ministry of Environment, Protected Areas Unit which will be charged with liaison with the newly established Marine Management Areas Unit in Department of Marine Resources and the Nevis Island Administration.

Policy, and planning for protected area or conservation area establishment as well as management plans and site plans for individual units will be the responsibility of the new Parks and Protected Areas Units and Marine Management Areas Units. These Units are also

responsible for coordination and liaison with other agencies, NGOs and public bodies. This planning requires working with the public.

**Knowledge, Data & Information:** research, inventory and assessment; reporting the status of the protected areas system, site research, biodiversity assessments; working with scientists and researchers, etc. etc.

Within the 5-10 year timeframe it is recommended that this will be the function of each of the new Branches/Units. In the longer timeframe a stand alone National Biodiversity Information Centre may be warranted.

**Communications & Outreach:** Partnership development; communications plans and delivery (internal & external).

Within the 5-10 year time frame it is recommended this will be the responsibility of each of the new Branches/Units and all sections within those units.

**Operations:** Operating the system of designated protected areas and marine management areas including- all aspects of environmental protection, visitor services and management of the designated units, developing and delivering management regulations, compliance and enforcement of regulations, developing and managing contracts and partnership agreements for management (or co-management) of individual sites; capital development proposals and budgets, operational staff recruitment, training and management, liaison with other agencies, non-government organisations and public bodies.

Within the 5-10 year time frame it is recommended this will be the responsibility of each of the new Branches/Units

**Finance & Administration:** This includes Human Resources eg. special capacity development & training, Financial budget eg. capital works and expenditure, Administration-eg. records of park development/management plans etc. partnership contracts and agreements

It is recommended that each Department provide this service to their new branches as a central agency responsibility within that Department recognising that these new branches/Units will have some specialised needs as well as immediate requirements for action on staffing

**Legal Services:** This will require specific expertise in protected areas legislation, policy & management.

It is recommended that the existing legal services Departments on St Kitts and on Nevis be charged with this responsibility.

**To deliver these components and provide coordination, the Federation will require** either i) a small (2 person) Secretariat serving a Committee of Permanent Secretaries or the National Environment Council proposed in current *NCEMA* Bill or ii) one of the newly recognised protected areas entities should be charged to undertake secretariat and coordination duties on behalf of the Council and/or the Permanent Secretaries. This latter option would require that the specified agency staff take a wider perspective than the

particular Branch or Unit mandate and provide a national leadership example on coordination within and beyond government.

The consultancy recommends this latter option for the immediate future, at least until passage of the *NCEMA Bill*, and possibly longer, while the new system “settles” into place. The new Protected Areas Branch or Unit in the national Department of Environment should be given this responsibility.

#### **4. Organisational Charts and Staffing Requirements**

The essentials of each agency’s responsibilities under the preferred option are briefly outlined below along with the organisation chart and staffing requirements for the short term. For the longer term, the structure will need to be reviewed if either the system of sites for which the agencies are responsible is significantly expanded or government decides to pursue the option to create a new single, comprehensive and stand-alone agency either inside or outside government.

##### **St. Kitts Department of the Environment Parks and Protected Areas Unit**

Within the Department of Environment, there will be a Parks and Protected Areas Unit. The structural elements and job responsibilities of the unit include:

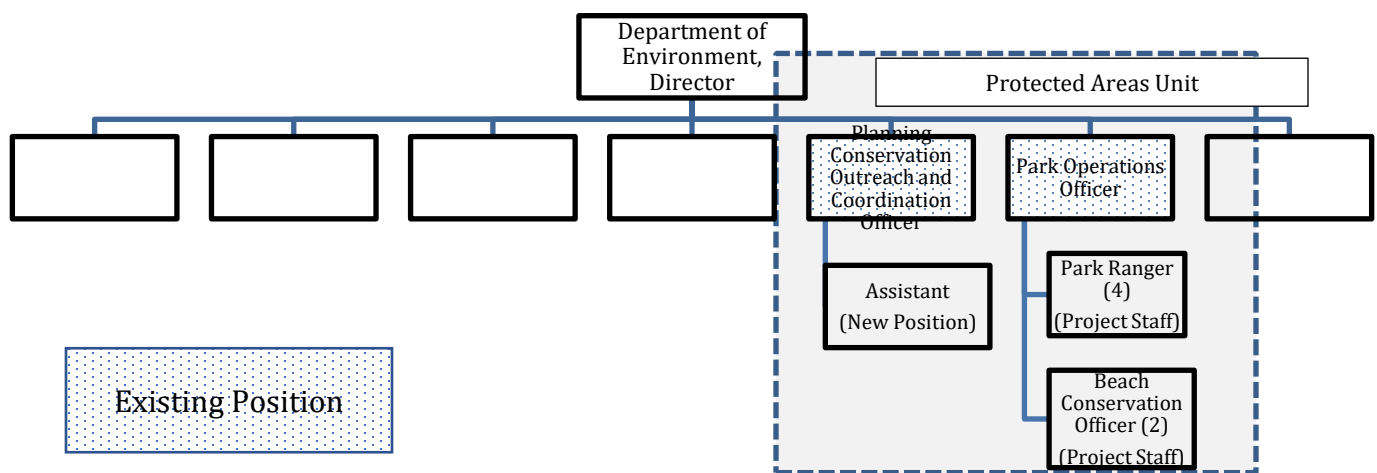
- 1) The Director of Environment is responsible to the Permanent Secretary of the Ministry for the direction and management of the Parks and Protected Areas Unit and for liaison and coordination with other agencies including the Nevis Island Administration.
- 2) The Parks and Protected Areas Unit assumes responsibility for all parks and terrestrial protected areas planning and management in the Federation.
- 3) The policy, planning and outreach/communications, team are responsible for national legislation, national protected areas systems planning and establishment of sites falling within the Unit’s mandate, and for management plans and site development plans for those sites.  
This team will (in the short term) include a Planning and Outreach Officer (it is recommended that the current government funded Officer position be converted to this role). This team also includes responsibility for national protected areas policy and work on international issues including the inter-ministry coordination function (and potentially, depending on decisions on the structure of *NMCEA Bill*, working with the National Environment Council and/or the Council of Permanent Secretaries). This latter function involves an extra staff person that is over and above the number of staff already committed to in the Project. The Officer position supervises this extra position.
- 4) The Parks and Protected Areas Operations team is responsible for all aspects of site operations and management for those sites falling within the Unit’s mandate. This team includes a Park Operations Officer that is team leader who is both the supervisor of the operations staff and responsible for development and delivery of national operations policy and regulations; working with civil society stakeholders



to develop the co-management policy and approach, etc. (It is suggested that the current Forestry Officer position be converted to this role).

The team will include 4 Rangers and 2 Beach Conservation Officers (current Project funded staff) who will be responsible for day-to-day operations including compliance and enforcement of the operational policies and the Regulations, working with park visitors, contractors, stakeholders, researchers and community partners.

Figure 1  
St Kitts and Nevis Department of the Environment: Protected Areas Unit  
Organisation chart: Short Term.



### St Kitts Department of Marine Resources Marine Conservation Unit

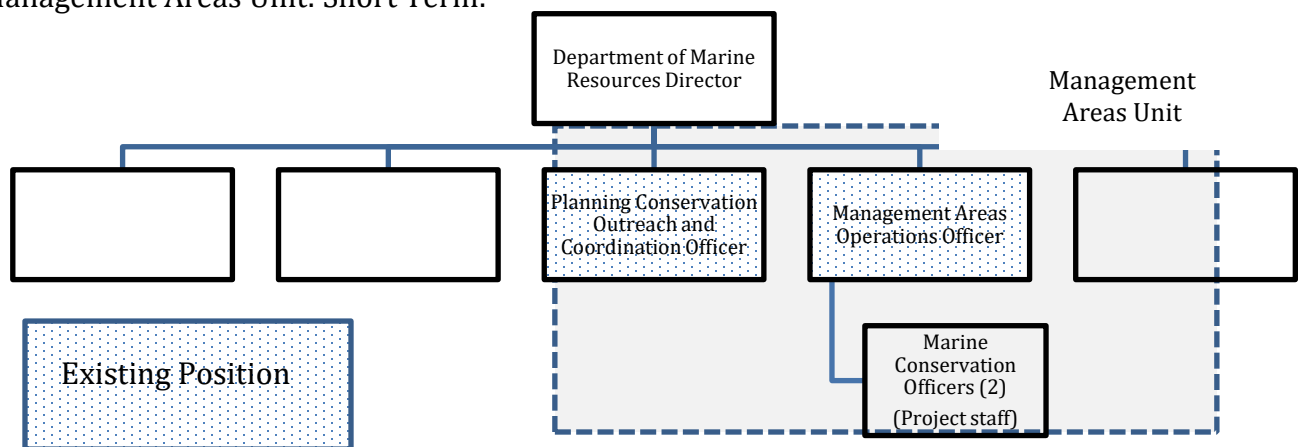
Within the Department of Marine Resources, there will be dedicated staff for the Marine Management Areas Unit. Structural elements and job responsibilities will include;

- 1) The Director of Marine Resources is responsible to the Permanent Secretary of the Ministry for the direction and management of the Marine Management Areas Unit and for liaison and coordination with other agencies including the Nevis Island Administration.
- 2) The Marine Management Areas Unit assumes responsibility for all Marine Management Areas planning and management
- 3) The planning and systems policy and outreach team works collaboratively with other government organisations in particular the Department of Environment's Parks and Protected Areas Unit as well as the Nevis Island Administration. This team will (in the short term) be a single Planning and Outreach Officer (it is recommended that the current government funded Officer position be converted to this role)
- 4) The Marine Management Areas Operations team is responsible for all aspects of operations policy and day-to-day Area management.

This team includes (in the short term) a Marine Management Areas Operations Officer that is team leader who is both the supervisor of the operations staff and responsible for development and delivery of operations policy and regulations; working with civil society stakeholders to develop the co-management policy and approach, etc. (It is suggested that the current Government funded Officer position be converted to this role)

The team will include 2 (existing project funded) Marine Conservation Officers who will be responsible for day-to-day operations including compliance and enforcement of the operational policies and Regulations, working with visitors, contractors, stakeholders, researchers and community partners.

Figure 2 St Kitts and Nevis Department of Marine Resources Organisation chart: Marine Management Areas Unit: Short Term:



### Nevis island Administration; Nevis Parks and Protected Areas Unit

As with St. Kitts, Nevis will also have a Parks and Protected Areas Unit. Structural elements and job responsibilities will include<sup>3</sup>:

- 1) The Director of Physical Planning in the Nevis Island Administration is responsible to the Permanent Secretary for delivery of protected areas planning and management on the island of Nevis in close coordination with the national Parks and Protected Areas Unit and the national Marine Management Unit.
- 2) The Nevis Protected Area Unit is responsible for protected areas planning and management on Nevis
- 3) The Planning and Outreach function is responsible on Nevis for delivery of protected areas management planning, protected areas designation process and outreach working collaboratively with other government organisations in particular

<sup>3</sup> Since Nevis does not currently have any staff capacity responsible for Marine Management Area management the consultancy has not recommended a separate unit since this would be an additional organizational requirement

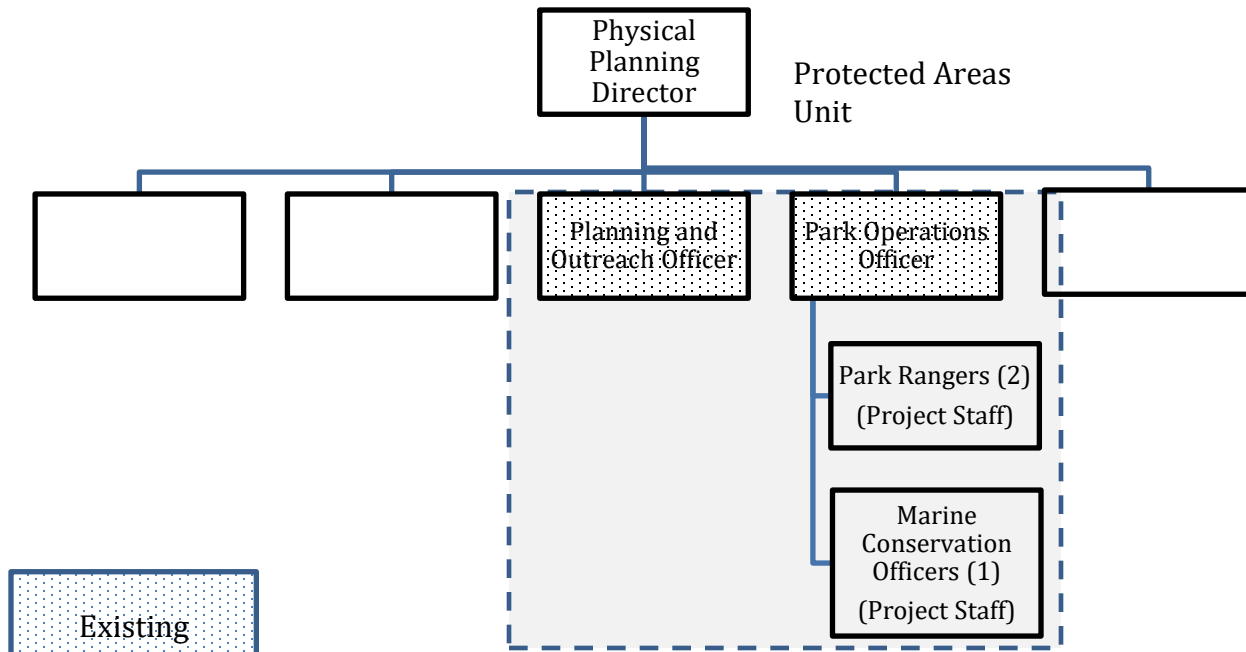
the national Department of Environment Parks and Protected Areas Unit, the national Marine Management Areas Unit and with Nevis civil society organisations. This will be a single Planning and Outreach Officer (it is recommended that the current government funded position be converted to this role)

- 4) The Nevis Parks Operations team is responsible on Nevis for all aspects of day-to-day area management.

This team includes a Parks Operations Officer that is team leader who is both the supervisor of the operations staff and responsible for delivery of operations policy and regulations; working with civil society stakeholders and the national government to develop the co-management policy and approach, etc. (It is suggested that the current government funded Officer position be converted to this role)

The team will include 2 (existing Project funded) Park Rangers and 1 (existing project funded) Marine Conservation Officer who will be responsible for day-to-day operations including compliance and enforcement of the operational policies and Regulations, working with visitors, contractors, stakeholders, researchers and community partners.

Figure 3  
Nevis island Administration: Organisation chart Protected Areas Unit: Short Term;



See also in Annex 1 an Organisation Functional Chart for the three agencies

## 5. Recommended Legislation and Policy Change

To both effectively empower the organisation proposed above and to achieve international standards the proposed NMCEA Bill needs some amendments. Comments here deal only with the protected areas aspect of the draft. They are based on a Nov 2017 Draft Bill provided to the consultants. Furthermore these comments are not the result of comprehensive analysis or of discussion with legal counsel but rather they are offered as illustrative of applicable issues and concerns based on forty years dealing with protected areas management and an awareness of state of the art protected areas legislation in other Commonwealth countries; they are intended as examples of areas for improvement if this legislation is to meet IUCN criteria and standards.

### Part I: Preliminary to the Act:

Provision to “protect” and ensure conservation:

Legislative preambles are not as strongly binding as are specific provisions within the body of the legislation when presented to the courts for enforcement. While the preamble here states various intentions concerning protection in the body of the draft Act there are very limited and quite weak enforceable provisions to clearly give the Minister or the Department enforceable powers to ensure protection. Most importantly the powers of Minister here do not say anything other than “Minister has overall responsibility for parks and protected areas within the Federation” and “shall be guided by the Department of Environment”. A clear and unambiguous statement of what protection actually means is

not stated anywhere. Perhaps most important of all, while a national park is described here these designations are not specifically mentioned or detailed anywhere else in the Bill.

## **Part II: Administration**

Section 4 Powers and Duties of the Minister: subsection (f) merely gives the Minister overall responsibility for parks and protected areas. It fails to delimit those powers.

Section 5; National Environmental Council: This is a good intent but the legislation is focused on procedural matters and is very vague as to expected outcomes and standards or clear functions; there are no clear powers, no sense of exact purpose. It has limited effect, only within Department of Environment, and not at all clear how such a Council relates to such normal functions of government as the Permanent Secretaries or in fact minister & cabinet.

Furthermore in this section there is no legislated vision with measureable targets such as to establish a particular percentage of land and waters as either national park or protected areas.

Section 14 Powers of Director are imprecise at best, for example 14 (2)(i) surely the Director has to be in charge of the Protected Areas agency or unit not a mere collaborator with it as stated here And 14 2 (j) the Director is to Advise on policy & regulations but is nowhere made responsible for preparing and submitting or for implementation when approved by the Minister.

## **Part IV: Establishment and management of protected areas**

This fails to clarify or differentiate national parks in context of protected areas.

Section 22 (4) is good in laying out purpose of protected areas and 31 (2) and (3) are good provisions to ensure lands remain in system but nowhere is there any clarity on guarantee of “protection of key values”, in fact rather the opposite in sections 32 and 33 and nothing prescribes or limits the power of Minister or describes any “test” against which a Minister’s decisions may be legally judged. Even more problematic is Section 39 (1) that gives the Director unconstrained power to undertake or authorise removals of critical natural resources.

Section 23 is also a good idea but does not provide any clarity or vision on what are intended as the goals or general direction for a System Plan. It also gives unclear direction on the role of the Council which elsewhere is described as advisory but here appears to be directive. The wording in 23 (5) is ambiguous in this regard.

Section 27, Temporary protected areas is another very good idea but nowhere does the draft clarify how or to what standards they will be managed and in particular how key values will be protected in the interim.

Section 34 Responsibility for management.

The relationship between the new agency and the Director is (as noted earlier) unclear. Subsection (5) should be removed at this time since it does not constrain the minister to return to cabinet before making a fundamental change in public policy and organisational responsibility from what has been decided previously.

Section 35, Vesting, provides no legally enforceable standards of conduct against which the actions of the “Agency” so identified might be judged.

## **Part V ; Brimstone Fortress national Park**

**This** is good and is the only time that national parks receive specific reference.

Furthermore it is an opportunity lost because this only provides for continuation of the very successful model of “delegation” of the Brimstone Hill Fortress National Park whereas

a broad enablement of other potential such delegations and arrangements could have been made here too.

As noted these comments are offered as a very preliminary set only. The global Parks consultancy has significant experience with this elsewhere in the Caribbean and beyond and could offer further specific advice if requested

The Fisheries Act likewise represents considerable progress in management of the marine realm. However, the provisions for recognition and management of significant conservation values inside the “Management Areas and zones” requires both clarification and strengthening if the government wishes some or all of these “zones” to be recognised internationally as de-facto protected areas. For the long term Government should consider enabling these as Conservation Areas with their own legislative amendments, however, in the short term another path might be followed

**Recommendation:** Government produce a clarification of the purpose and intent of the Marine Management Areas and, in particular, of the conservation zones and no-take zones within them. This might be achieved through passage, proclamation and effective delivery of a strong Ministerial policy statement. and a set of Regulations. Such a Policy should unambiguously address the purpose and management intent of Marine Management Areas and in particular clearly demonstrate that there will be no take zones within them. The Minister must also deliver regulations that properly enable enforcement of such provisions.

## **6. Partnerships and Co-management Potential**

Most protected areas agencies around the world now have various degrees of formal and informal service delivery arrangements with civil society groups, private entities and local governments. These ‘partnerships’ and ‘contracts’ are particularly important in countries where there are fiscal constraints and government capacity limitations.

St. Kitts and Nevis already has some very successful such models at both the site level for example Brimstone Hill Fortress National Park and, the heritage and conservation programs of the St. Christopher National Trust and the Nevis Historical and Conservation Trust. The consultancy heard various and contrasting opinions about the efficacy and current capacities of these organisations and their potential roles with government. What is clear to the consultancy is that financial constraints make it very unlikely that the Government of St Kitts and Nevis will develop sufficient internal capacity to fully implement, the intended Protected Areas System Plan at the level of quality that the public desires. Furthermore, experience elsewhere amply demonstrates that civil society and the private sector can very effectively deliver innovations and work more closely with local groups to ensure a diverse and quality recreation and conservation service. Thus, pursuit of expertise in policy and practice of partnerships is both a prudent and desirable path to follow.

The government should review emerging co-management practices in a number of Caribbean nations such as The Bahamas and the Bahamas National Trust and in Jamaica where the Fisheries Division is partnering with local fishers' cooperatives for the management of designated marine sanctuaries.

## **7. Next Steps**

Presentation of the structure for the relevant Permanent Secretaries approval  
Presentation to the Ministers for approval  
Formal reorganization of the relevant Departments  
Preparation of Job descriptions and performance plans  
Revisions to the NCEMA Bill to ensure adequate direction and intent, reflect structural changes and ensure coordination  
Preparation of public policy statement and regulations for zones in the Marine Managed Areas, particularly no-take zones and conservation zones as well as the multi-purpose zones

## **8 Decisions of Government**

The consultancy has been advised that on June 1 2018 a meeting of Permanent Secretaries and departmental Directors received the above Recommendations and made the following decisions relating to Institutional structures and responsibilities. No advice or decisions have been received on amendments to the NCEMA Bill or with regard to policies under the St Kitts Fisheries and Marine Resources Act or with regard to partnerships and co-management potential.

### ***Approved Protected Area & Marine Managed Area Institutional Structure***

New Units:

1. Department of Environment - Parks and Protected Area Unit
2. Department of Marine Resources - Marine Sustainable Use Unit
3. Department of Physical Planning and Environment – Parks and Protected Area Unit
4. Department of Fisheries - Marine Sustainable Use Unit

### ***Organizational Components***

**Policy & Planning** - National & International Legislation and Agreements - responsibility of the Department of Environment, Parks and Protected Area Unit

Duties:

- Oversight of National & International Legislation and Agreements concerning protected areas and development of national protected areas policy and plans
- Liaison with the newly established Marine Conservation Unit in Department of Marine Resources and the Nevis Island Administration.

**Policy, and planning** site base - responsibility of the new Parks and Protected Areas Units and Marine Sustainable Use Units.

Duties:

- Protected area or conservation area establishment
- Management plans

**Knowledge, Data & Information** - responsibility of each of the new Branches/Units

Duties

- Research, inventory and assessment
- Reporting the status of the protected areas system
- Site research
- Biodiversity assessments
- Working with scientists and researchers, etc. -the.

(In the longer timeframe a stand alone National Biodiversity Information Centre may be warranted.)

**Communications & Outreach** - responsibility of each of the new Branches/Units and all sections within those units.

Duties

- Partnership development
- Communications plans and delivery (internal & external).

**Operations** - responsibility of each of the new Branches/Units

Duties

- Operating the system of designated protected areas and conservation areas including- all aspects of environmental protection
- Visitor services and management of the designated units
- Developing and delivering management regulations
- Compliance and enforcement of regulations
- Developing and managing contracts and partnership agreements for management (or co-management) of individual sites
- Capital development proposals and budgets
- Operational staff recruitment
- Training and management
- Liaison with other agencies, non-government organisations and public bodies.

**Finance & Administration** - each Department provide this service to their new branches

Duties:

- Human Resources
- Special capacity development & training
- Financial budget- capital works and expenditure
- Administration- records of park development/management plans etc.
- Partnership contracts and agreements



**Legal Services** - legal services Departments on St Kitts and on Nevis be charged with this responsibility.

Duties:

- Protected areas legislation, policy & management.

**Coordination** - The new four (4) Units will form the Coordinating Unit:

1. Department of Environment - Parks and Protected Area Unit – Director: June Hughes
  2. Department of Marine Resources - Marine Sustainable Use Unit – Director: Marc Williams
  3. Department of Physical Planning and Environment – Parks and Protected Area Unit – Director: Joel Williams
  4. Department of Fisheries - Marine Sustainable Use Unit –Director: Lemuel Pemberton
- Secretariat for the Coordinating Team - Department of Environment - Parks and Protected Area Unit – Director: June Hughes

Duties

- Secretariat and coordination

<b>Organizational Component Summary</b>			
<b>Function</b>	<b>St. Kitts, Dept. of Environment, Protected Areas Branch</b>	<b>St. Kitts, Dept. of Marine Resources, Conservation Unit</b>	<b>Nevis Island Administration, Protected Areas Unit</b>
Accountability	Director of Environment Responsible to Permanent Secretary, Ministry	Director, Marine Resources Responsible to Permanent Secretary, Ministry	Director, Physical Planning Responsible to Permanent Secretary, Ministry
Policy & Planning: National & International Legislation & Agreements related to Protected areas, policy; Agency specific policy & planning; PA System planning;	Secretariat coordination duties Oversight for national & international legislation, national PA policy Terrestrial PA planning, site plans Policy and practice for working with scientists & researchers		
Policy & Planning - site designation and establishment process; Management and Site planning for individual units;	Terrestrial PA planning, site plans	MCA planning and policy, site plans	Planning and policy, site plans
Coordination & liaison with other PA & MMA Units	Secretariat coordination duties Coordination Team	Coordination Team	Coordination Team
Coordination & liaison with other agencies, NGOs & public bodies,	Liaison with other agencies	Liaison with other agencies	Liaison with other agencies
Knowledge, Data & Information: National data on biodiversity, coordination of research, inventory & assessment projects; information storage and retrieval capacity, assessment and reporting on status of the system. Site level research and biodiversity	Unit specific	Unit specific	Unit specific

assessments, policy and practice for working with scientists & researchers.			
Operations: Operating the system of designated PAs: all aspects of environmental protection, visitor services and management, developing and delivering regulations, compliance and enforcement of regulations, developing and managing contracts and agreements for management of individual PAs, capital development proposals and budgets, operational staff recruitment, training and management.	Unit specific	Unit specific	Unit specific
Communications & Outreach: Partnership development	Federation / National PA information		
Communications & Outreach: Partnership development; National and site level communications plans and delivery (internal and external).	Unit specific communications	Unit specific communications	Unit specific communications
Finance & Administration: Human Resources management, special capacity development and training, financial and budget management, administration, partnership contracts and agreements, public letters of enquiry.	Ministry Central agency responsibility	Ministry Central agency responsibility	Ministry Central agency responsibility

## Organisational Charts and Staffing

### St. Kitts Department of the Environment Parks and Protected Areas Unit

Within the Department of Environment, there will be a **Parks and Protected Areas Unit**.

#### Position & Responsibilities

##### 5) The Director of Environment

###### Responsibilities:

- a) The direction and management of the Parks and Protected Areas Unit
- b) Liaison and coordination with other agencies including the NIA.

##### The Parks and Protected Areas Unit

###### Responsibilities:

All parks and terrestrial protected areas planning and management in the Federation.

##### 6) The policy, planning, outreach/communications and operations team – Planning, Outreach and Operations Officer – Current Park Rangers Supervisor

###### Responsibilities

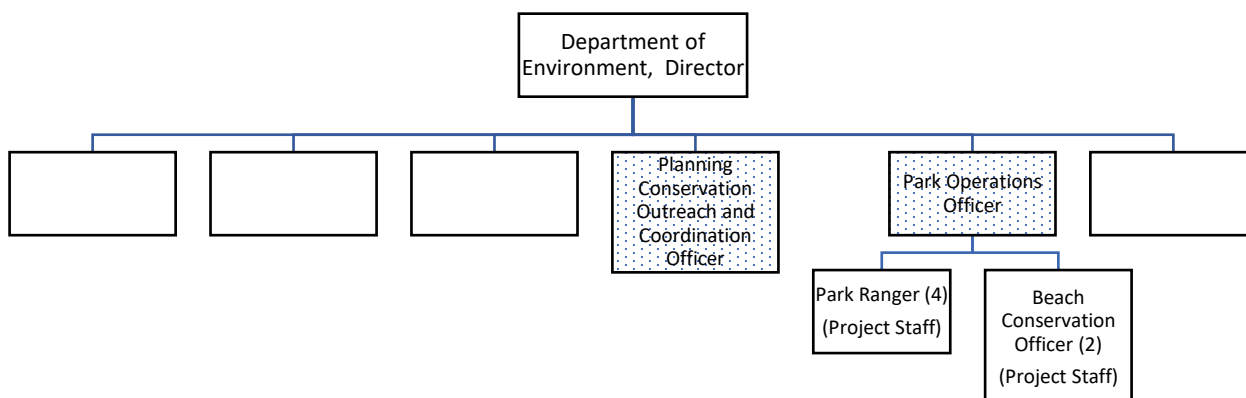
- a) National legislation
- b) National protected areas systems planning
- c) Establishment of sites falling within the Unit's mandate
- d) Management plans and site development plans for those sites.
- e) National protected areas policy
- f) Work on international issues including the inter-ministry coordination function
- g) All aspects of site operations and management terrestrial sites
- h) Supervisor of the operations staff
- i) Responsible for development and delivery of national operations policy and regulations
- j) Working with civil society stakeholders to develop the co-management policy and approach, etc.

##### 7) 4 Rangers - Current Project funded staff

##### 2 Beach Conservation Officers -

###### Responsibilities

- A) Day-to-day operations
- B) Compliance and enforcement of the operational policies and the Regulations
- C) Working with park visitors, contractors, stakeholders, researchers and community partners.



### St Kitts Department of Marine Resources - Marine Sustainable Use Unit

#### 5) The Director of Marine Resources

##### Responsibilities

- i. The direction and management of the Marine Sustainable Use Unit
- ii. Liaison and coordination with other agencies including the NIA.

The Marine Sustainable Use Unit assumes responsibility for  
all marine conservation areas planning and management

#### 6) The planning and systems policy, outreach and operations team Planning, Outreach Officer - current Marine & Beach Conservation

##### Officer Supervisor.

##### Responsibilities

- I. National legislation
- II. national protected areas systems planning
- III. establishment of sites falling within the Unit's mandate
- IV. management plans and site development plans for those sites.
- V. national protected areas policy
- VI. work on international issues including the inter-ministry coordination function

#### 7) The Parks and Protected Areas Operations team - Park Operations Officer - current Park Ranger Supervisor Position.

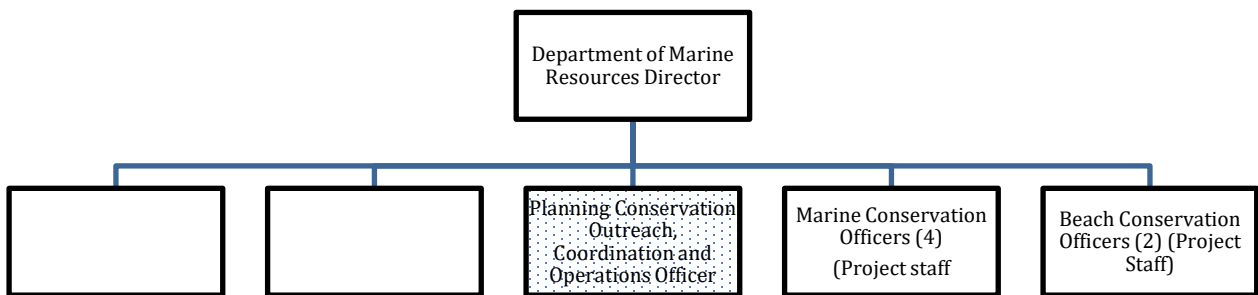
##### Responsibilities

- i. all aspects of site operations and management terrestrial sites
- ii. supervisor of the operations staff
- iii. responsible for development and delivery of national operations policy and regulations
- iv. working with civil society stakeholders to develop the co-management policy and approach, etc.

- 8) 4 Marine Conservation Officers - (existing project funded)  
2 Beach Conservation Officers (existing project funded)

**Responsibilities**

- I. Day-to-day operations
- II. Compliance and enforcement of the operational policies and Regulations
- III. Working with visitors, contractors, stakeholders, researchers and community partners.



**Department of Physical Planning & Environment: Physical Planning - Parks and Protected Areas Unit**

responsible for protected areas planning and management on Nevis

- 5) The Director of Physical Planning in the Nevis Island Administration

**Responsibilities**

- I. delivery of protected areas planning and management on the island of Nevis
- II. coordination with the national Parks and Protected Areas Unit and the national Marine Conservation Zone Unit.

- 6) The Planning, Outreach and Operations function - single Planning and Outreach and Operations Officer - current Park Rangers Supervisor

**Responsibilities:**

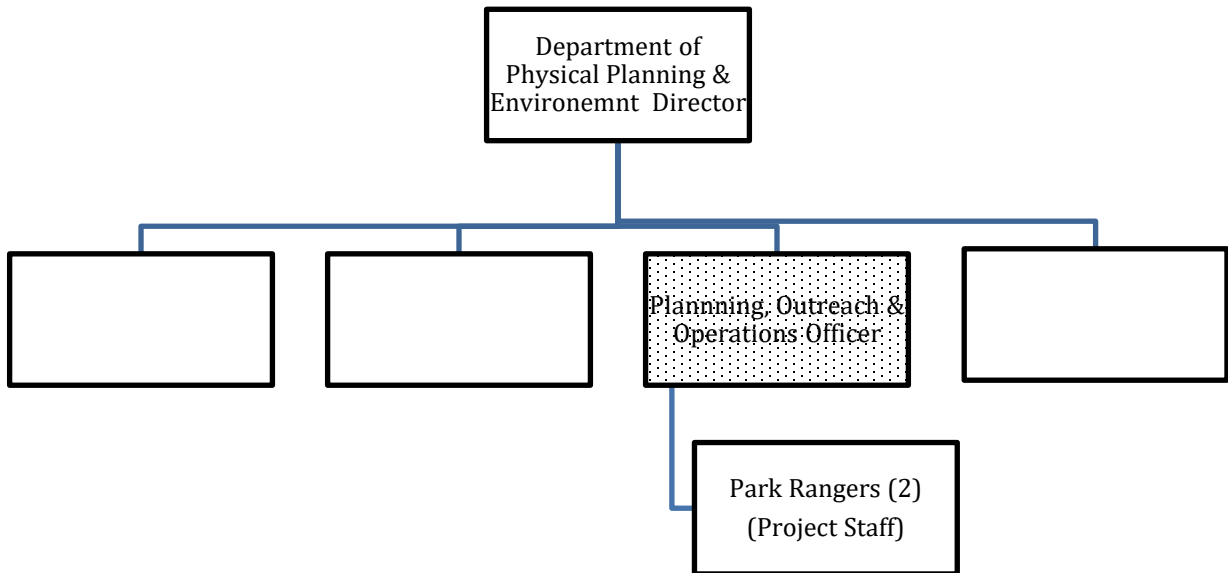
- I. Protected areas management planning
- II. Protected designation process and outreach working collaboratively with other government organisations in particular the national Department of Environment Parks and Protected Areas Unit

- III. The national Marine Resources Conservation Unit and with Nevis civil society organisations.
- IV. All aspects of day-to-day area management.
- V. Supervisor of the operations staff
- VI. Responsible for delivery of operations policy and regulations; working with civil society stakeholders and the national government to develop the co-management policy and approach, etc.

7) 2 Park Rangers - (existing Project funded)

Responsibilities

- i. Day-to-day operations
- ii. Compliance and enforcement of the operational policies and Regulations,
- iii. Working with visitors, contractors, stakeholders, researchers and community partners.



**Nevis Department of Fisheries - Marine Sustainable Use Unit**

1) Director of Fisheries Resources

Responsibilities

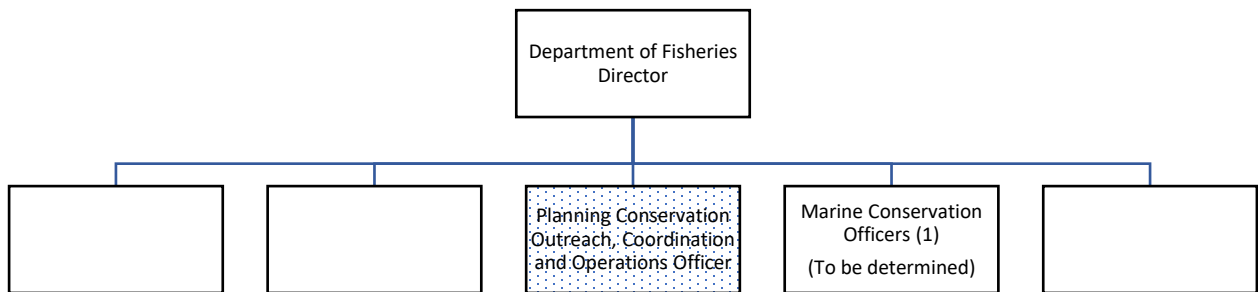
- iii. The direction and management of the Marine Sustainable Use Unit
- iv. Liaison and coordination with other agencies including the DMR.

The Marine Sustainable Use Unit assumes responsibility for all marine conservation areas planning and management on Nevis

- 2) The planning and systems policy, outreach and operations team
  - single Planning, Outreach and operations Officer – To be determined
    - i. Responsibilities
    - ii. Collaboratively with other government organisations
    - iii. All aspects of operations policy and day-to-day Area management.
    - iv. Team leader who is both the supervisor of the operations staff
    - v. Development and delivery of operations policy and regulations
    - vi. Working with civil society stakeholders to develop the co-management policy and approach, etc.
- 3) 1 Marine Conservation Officers - (existing staff or a new Project Staff)
 

Responsibilities

  - IV. Day-to-day operations
  - V. Compliance and enforcement of the operational policies and Regulations
  - VI. Working with visitors, contractors, stakeholders, researchers and community partners.



## Other Discussions

- Data and information management within the departments must be improved. The department must develop a culture of collecting proper data with efficient management. Department of Marine Resources currently has no fiberoptic connection hence it is unsure how the new database management system from the Conserving Biodiversity Project will be implemented at their department.
- Financing mechanisms – All Funds raised will be go into one overall system plan.
- Nevis Department of Fisheries currently has no designated Marine Managed Area conservation staff. All the marine staff from the Conserving Biodiversity Project are at Department of Marine Resources. – It was proposed that since the project only hired one boat captain instead



of two (2) as proposed by the project document, that another marine staff be hired or a current Fisheries staff be seconded.

- Nevis Fisheries Department requires a container – It was proposed that the Conserving Biodiversity Project should try to purchase a 40 Ft container to house sea turtle monitoring and other marine conservation work being undertaken in Nevis – Estimated Cost - US\$2,000.00.

## Annex 1: Function Table

Function	St. Kitts, Dept. of Environment, Protected Areas Branch	St. Kitts, Dept. of Marine Resources, Conservation Unit	Nevis Island Administration, Protected Areas Unit
Accountability	Director of Env. Responsible to Permanent Secretary, Ministry	Director, Marine Resources Responsible to Permanent Secretary, Ministry	Director, Physical Planning Responsible to Permanent Secretary, Ministry
Policy & Planning: National & International Legislation & Agreements related to Protected areas, policy; Agency specific policy & planning; PA System planning; site designation and establishment process; Management and Site planning for individual units;	Secretariat coordination duties Oversight for national & international legislation, national PA policy Terrestrial PA planning, site plans <b>Policy and practice for working with scientists &amp; researchers</b>	MCA planning and policy, site plans	Planning and policy, site plans
Coordination & liaison with other agencies, NGOs & public bodies,	Liaison with MCU and Nevis PA Unit Liaison with other agencies	Liaison with other agencies	Liaison with other agencies
Knowledge, Data & Information: National data on biodiversity, coordination of research, inventory & assessment projects; information storage and retrieval capacity, assessment and reporting on status of the system. Site level research and biodiversity assessments, policy and practice for working with scientists & researchers.	Unit specific	Unit specific	Unit specific
Operations: Operating the system of designated PAs: all aspects of environmental protection, visitor services and management, developing and delivering regulations, compliance and enforcement of regulations, developing and managing contracts and agreements for management of individual PAs, capital development proposals and budgets, operational staff recruitment, training and management.	Unit specific	Unit specific	Unit specific

Communications & Outreach: Partnership development; National and site level communications plans and delivery (internal and external).	Federation / National PA information Unit specific communications	Unit specific communications	Unit specific communications
Finance & Administration: Human Resources management, special capacity development and training, financial and budget management, administration, partnership contracts and agreements, public letters of enquiry.	Ministry Central agency responsibility	Ministry Central agency responsibility	Ministry Central agency responsibility

## **Annex 2: Report #2 on Institutional structures**

### **PROTECTED AREA INSTITUTIONAL STRUCTURE FOR THE MANAGEMENT OF THE FEDERATION OF ST. KITTS AND NEVIS PROTECTED AREAS**

#### **REPORT #2 REVIEW OF INSTITUTIONAL OPTIONS**



Prepared for: Claudia Drew  
National Project Coordinator  
SKN Biodiversity Project  
Basseterre, St. Kitts and Nevis

Prepared by: Derek Thompson  
Global Parks  
Victoria, British Columbia  
Canada

April, 2018

## 1. Introduction

This is the second report in a series of three prepared by the Global Parks consultancy to develop recommendations on the institutional arrangements for protected areas management in the Federation of St. Kitts and Nevis. The establishment of an institutional structure for protected area management is part of the 2015 agreement between Government, represented by the Department of Environment, and the United Nations Development Programme to deliver a Project designed to achieve a long-term conservation initiative: *Conserving Biodiversity and Reducing Habitat Degradation in Protected Areas and their Areas of Influence* (hereafter referred to as The Project). The Project will enable support for improved ecosystem representation in the protected areas system through the strengthening of the institutional, policy and legal/regulatory framework, the development of sustainable finance mechanisms and establishing and strengthening protected areas management operations at key sites in the Federation.

The first report by Global Parks<sup>4</sup> documented the current institutional arrangements for protected areas in the Federation and the current legal framework for protected areas management, presented the rationale for change and identified a proposed Bill to create the *National Conservation and Environment Management Act* (NCEMA Bill 2017) that the Government is considering. The report then summarized comments from a set of meetings with government staff and stakeholders that examined their interests in institutional structures. Their comments lead to development of three institutional scenarios. The pros and cons for each of the scenarios as identified by the government staff and stakeholders were also presented.

This second report by Global Parks takes those institutional structure scenarios and formally examines them. It presents a set of pros and cons, based on the consultant's experience and knowledge with best practice internationally, and arrives at a set of recommendations for consideration by Government.

Based on the direction of Government following receipt and review of this report, it is anticipated that a third and final report of the Consultancy will present a recommended institutional structure including, recommended organisational charts, staffing requirements for the short and long term, co-management arrangements and any necessary related legislative changes.

## 2. Summary of Stakeholder Comments

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<sup>1</sup> *Protected Area Institutional Structure for the Management of the Federation of St. Kitts and Nevis Protected Areas: Report #1, Summary Report on Stakeholder engagement*. Global Parks April 1, 2018.

In an effort to fully understand the issues, the Consultancy held a series of meetings, on both St. Kitts and on Nevis, with senior government staff charged with managing protected areas as well as with stakeholders who originally participated in the Project's identification and, more recently, in the overall Project.

As documented in Report 1. the participants were asked for their comments on the institutional situation in the Federation with regard to protected areas. During the meetings three scenarios became evident from the comments of the participants:

1. Retain the Status Quo
2. Proceed with the *NCEMA* Bill
3. Move to a Status Quo+ that included an amended *NCEMA* Bill.

A set of participant's pros and cons on each scenario were drawn up and presented in Report 1.

Following the government and stakeholder meetings, the Consultancy met with senior government officials to present and discuss the comments of the stakeholders and government officials. The Consultancy was subsequently requested to consider the three scenarios and prepare an options analysis and recommendations based on those scenarios, for consideration by Government.

### **3. Analysis of Three Institutional Options**

The essential characteristics of each option, as interpreted by the consultants, are briefly outlined below along with the Consultancy's observations on the pros and the cons of each.

#### **Option 1. Retain the Status Quo**

At present, the principle legislation governing protected areas in the Federation includes the 1987 *National Conservation and Environment Protection Act (NCEPA)*, the *Saint Christopher National Trust Act*, the *Nevis Heritage Conservation Trust Ordinance* and, the 2016 *Fisheries Aquaculture and Marine Resources Act (FAMRA)*.

In this option, all those existing Acts and institutional arrangements would remain unchanged. Specifically:-

- The DOE manages terrestrial protected areas and can (in theory) manage marine protected areas under *NCEPA*- but there is no protected area unit in DOE.
- The DMR, under *FAMRA*, does not establish protected areas by name but , if established by Order in the Gazette within Marine Management Areas , conservation zones and no-take zones and with explicit conservation provisions, may be considered de facto MPAs. There is no protected area unit in the Department.

- The NIA manages Nevis terrestrial protected areas under Ordinances.

The St. Christopher National Trust, the Brimstone Hill Fortress National Park Society and the Nevis Historical and Conservation Trust would continue to manage the sites assigned to them by Government.

In the expert opinion of the Consultancy, retaining this status quo has the following implications:-

Pros:

- Will not disrupt the current protected area institutional arrangements
- Brimstone Hill Society continues under successful and effective management
- The two National Trusts continue as effective and valued institutions
- Low costs for management of other protected areas
- New protected areas identified in the St. Kitts and Nevis Protected Area System Plan can be established
- Marine conservation zones are enabled and can become de facto marine protected areas if Government passes and enacts effective regulation and policy
- Enables flexibility in management
- Nevis and Federal Governments continue to evolve effective roles & authorities for protected areas

Cons:

- Insufficient funds and human resources for effective protected area management and support for related tourism and other services
- Growing public concern about loss of terrestrial and marine values due to delay in protected area establishment
- Lack of effective on-site management of essential marine and land resources
- Parks and protected areas fail to generate full benefits and value to society
- Continuing public distrust of Government environmental management and commitment to protected areas
- Potential for significant negative impact or loss of nationally important ecosystems
- No engagement of public and stakeholders in protected areas management
- Legal risks to government due to imprecise protected area legislation
- Legal concerns about unclear roles on Nevis
- No new national marine parks or no-take fisheries zones established but marine conservation actions likely would not be “recognised or certified” by IUCN
- No public advisory body for terrestrial protected areas
- Significant political risk for the government due to unresolved public concern
- Continued lack of co-ordination of protected areas at the national level



## Option 2. Proceed with *NCEMA* Bill

This option retains the *Saint Christopher National Trust Act*, the *Nevis Heritage Conservation Trust Ordinance* and the 2016 *Fisheries, Aquaculture and Marine Resources Act (FAMRA)* and adds the proposed *National Conservation and Environment Management Act (NCEMA 2017)*<sup>5</sup>

In this option, the most significant steps are modernization of all aspects of protected area governance and establishment of a single protected areas agency with future intent to incorporate the agency as an external Authority. Specifically:

- The DOE, under *NCEMA Bill*, would manage terrestrial protected areas and marine protected areas with marine regulations- a protected area unit established immediately under DOE with future Authority legislatively enabled for a future date.
- The DMR under *FAMRA* establishes regulations over *NCEMA* marine protected areas-but no protected area unit.
- The Nevis Department of Physical Planning Natural Resources and Environment manages Nevis terrestrial and marine protected areas under *NCEMA*.

The St. Christopher National Trust, the Brimstone Hill Fortress National Park Society and the Nevis Historical and Conservation Trust would continue to manage the sites assigned to them by Government.

In the expert opinion of the Consultancy, moving to this institutional arrangement and structure has the following implications:

Pros:

- Fully implements the recommendations of the GEF/Project
- The Act includes a number of important new provisions to establish and more effectively manage protected areas
- The Government has experience with the Authority model in other initiatives
- Potential flexible management and funding mechanisms outside government may increase and diversify services at lower cost than inside
- More direct public and private sector engagement in management of service provision may be possible

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<sup>5</sup> replacing the 1987 National Conservation and Environment Protection Act (NCEPA,)

- Marine regulations and enhanced policy for conservation can be announced
- Brimstone Hill Society and the St. Christopher and the Nevis Trusts remain unchanged and further delegation may be more likely than in a government model
- *FAMRA* responsibilities on establishment of conservation zones continue
- The National Environmental Council (identified in draft the *NCEMA Bill*) or other mechanism could provide effective coordination and oversight of the PA system

Cons:

- Creating a central agency reduces flexibility in management of different protected areas and creates uncertainty for existing institutions
- Accountability for all protected areas moves to an unelected body that is not necessarily accountable to the public interest
- Will likely discourage internal government innovation and responsible resource management
- Society risks loss of control of public lands and resources to private interests
- May not solve financial pressures and may increase pressure on government
- Stakeholders criticise proposed board structure and lack of transparency
- No other jurisdiction globally has successfully implemented a singular protected areas governance regime for lands and marine areas and placed it outside government
- Insufficient public consultation on this institutional shift. Both the public and agency staff have significant concerns about this model
- Potential to increase public distrust due to misunderstanding and conflict
- Disagreement on whether Non Government Organisations have ability and capacity to run entire system
- The *NCEMA* Bill has many values but is unclear on several issues including: responsibility for international conventions, responsibility for national protected areas policy, delegation of authority, authority to regulate, clarity on how to protect temporary protected areas and Buffer areas, transparency of Council decision making
- Marine management and regulation remains an issue for international certification of protection mechanisms

### Option 3. Move to Status Quo+

This option retains the *Saint Christopher National Trust Act*, the *Nevis Heritage Conservation Trust Ordinance* and, the 2016 *Fisheries, Aquaculture and Marine Resources Act (FAMRA)* and adds an amended *NCEMA* Bill that does not include immediate establishment of a single central agency under the Department of Environment or Statutory Authority but does continue protected areas establishment and management through improved support and clarity on roles of existing agencies.

This option formalises and officially enables the existing institutions that have grown up inside and around the two governments. It improves the legislative base for protected areas through revision of *NCEMA* and encourages development of co-operative mechanisms through delegated authority, an emerging trend in protected area management world-wide. Establishment in the future of a Protected Areas Authority remains an option for future governments to consider but is not legislatively enabled now.

Specifically:-

- The DOE will manage terrestrial protected areas under a revised *NCEMA* with an established protected areas unit.
- The DMR will manage Marine Management Areas with an established marine conservation unit
- The Nevis Department of Physical Planning Natural Resources and Environment will manage Nevis terrestrial and marine protected areas under revised *NCEMA* with a small team.
- A suitable coordination mechanism will be proposed

The St. Christopher National Trust, the Brimstone Hill Fortress National Park Society and the Nevis Historical and Conservation Trust would continue to manage the sites assigned to them by Government.

In the expert opinion of the Consultancy, moving to this institutional arrangement has the following implications:-

Pros:

- Retains government accountability and control and financial responsibility
- Retains clear government responsibility for public lands and resources
- Amends the current *NCEMA* Bill to, confirm a set of protected areas government bodies and address public and staff concerns about ensuring responsive management by enabling formal establishment of a protected areas unit in the Department of Environment, the Nevis Physical Planning Natural Resources and Environment organisation and a marine conservation unit in Marine Resources.
- An amended *NCEMA* Bill will also clarify responsibility for international conventions, assign responsibility for national protected areas policy, properly enable delegation of authority where warranted, clearly establish authority to regulate, provide clarity on how to protect temporary protected areas and Buffer areas, ensure transparency of Council decision making.
- Immediate staffing requirements should be no more than previously agreed positions currently funded by the GEF/Project
- Marine regulations and enhanced policy for ocean conservation can be announced
- Future flexibility of organizational structures is retained while also potentially benefiting from a diversity of approaches now.

- National Environmental Council, established under the *NCEMA* Bill, will provide co-ordination and oversight of the establishment and management of protected areas

Cons:

- Does not implement the GEF/Project recommendations to establish a single protected areas agency or an authority
- Will not satisfy those who support a central agency or an authority model that would move accountability outside government
- Risks continuing public concerns about lack of government commitment to retaining protected area values and addressing current enforcement problems
- Will incur unknown financial costs in future if effective public financing mechanisms are not established

#### 4. Recommendations

In the considered opinion of the Consultancy, government should pursue **Option 3**.

The key reasons are that this option:-

- Recognises that governance of these issues on St Kitts and Nevis is in a relatively early stage; this option enables the Government to “evolve” institutions and work on improving cooperative models of management.
- Enables building the institutions while protecting core values and providing new benefits to society from more organized and effective management.
- Ensures that government retains full accountability and control of financial and legal liabilities and all policy as the system evolves.
- Retains opportunity for flexible organizational adaptation as necessary by optimising flexibility in evolving management of a system of nationally significant ecological, cultural and recreational assets including but not limited to formal protected areas.
- Does not preclude the future option to establish an authority but requires public transparency and debate.
- Enables the Federal and Nevis government agencies to assume effective management and protection of the values while also encouraging them to work together to improve the governance systems on both islands.
- Encourages a diversity of institutional responses that reflect the Federation’s diverse needs and interests.

Crucially, this Option also requires several associated actions if government accepts this recommendation. It has the ability to publicly put forward a compelling Action Plan in a package of actions and announcements that would include:

- Passage of the amended *NCEMA Bill*.
- Establishment of several new national parks and protected areas.

- Announcement of Marine Management Area regulations and an Oceans Management and Conservation Policy statement that commits the government to manage marine resources for both conservation and development values and specifically includes provisions for no-take zones.
- Affirmation of formal transfer of staff from the Project to new organisations.
- Approval of “Boots on the Ground” initiative to have rangers in all areas to respond to growing public concerns about environmental damage.
- Establish formal pilots of public discussion of management and discussion of cooperative management for key terrestrial and marine interface sites (Narrows, Sandy Point) that will be put under Reserve status in the interim.
- Formal process to investigate creative future funding options for the system including pre-payment of entry fees for all international air passenger arrivals.

## **5. Next Step**

If this recommendation is accepted by Government, the next and final step in the consultancy, which will be reflected in the third report, will be the preparation of a detailed, overall institutional structure for the management of the Federation’s marine and terrestrial protected areas including organizational charts, staffing requirements for both a 5 year and 10 year time horizon, proposed amendments to legislation, a coordination mechanism, co-management arrangements and any other relevant information requested by the Project and the Government.

Should the recommendation not be accepted by the Project, it is expected that one of the other options, or perhaps an alternative option, will be selected and discussed with the Consultancy in an effort to complete the task of selecting an institutional structure that works for the Federation