

# FINAL REPORT

## THEMATIC ASSESSMENT UNITED NATIONS CONVENTION ON BIOLOGICAL DIVERSITY AND THE CARTAGENA PROTOCOL ON BIOSAFETY



Prepared for National Environment  
and Planning Agency The National Capacity  
Self Assessment Project (NCSA) - Jamaica  
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Kingston 5 Jamaica, W.I.



Prepared by Elaine Fisher, Ph. D Natural Resource Management Specialist  
May 2005

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**Convention on Biological Diversity  
and the Cartagena Protocol on Biosafety**

**Prepared for**

**National Environment and Planning Agency  
The National Capacity Self Assessment Project (NCSA) - Jamaica  
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**May 2005**



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## LIST OF ACRONYMS

BCH	Biosafety Clearing House
CBD	Convention on Biological Diversity
CHM	Clearing House Mechanism
CIDA	Canadian International Development Agency
CITES	Convention on the International Trade in Endangered Species of Wild Fauna & Flora
COP	Conference of the Parties
COP-MOP	Conference of the Parties Meeting of the
CWIP	Jamaica Coastal Water Quality Improvement Project
EESD	Environmental Education for Sustainable Development
EFJ	Environmental Foundation of Jamaica
EIA	Environmental Impact Assessment
ENACT	Environmental Action Programme
GEF	Global Environment Facility
GOJ	Government of Jamaica
IABIN	Inter American Biodiversity Information Network
JaNEAP	Jamaica National Environment Action Plan
J-PAN	Jamaica Protected Areas Network
LMOs	Living Modified Organisms
LSDP	Local Sustainable Development Planning
M LE	Ministry of Land and Environment
MOEYC	Ministry of Education Youth & Culture
MOU	Memorandum of Understanding
NBC	National Biosafety Committee
NBSAP	National Biodiversity Strategies and Action Plan
NCST	National Commission on Science and Technology
NEEC	National Environment Education Council

NEPA	National Environmental and Planning Agency
NEST	National Environmental Societies Trust
NHD/IOJ	Natural History Department of the Institute of Jamaica
NICU	National Implementation Coordination Unit
NISP	National Implementation Support Partnership
NRCA	Natural Resources Conservation Authority
R2RW	Ridge to Reef Watershed Project
RIA	Regulatory Impact Analysis
SBSTTA	Subsidiary Body on Scientific, Technical and Technological Advice
SIDS	Small Island Developing States
SRC	Scientific Research Council
TNC	The Nature Conservancy
UNDP	United Nations Development Programme
UNEP	United Nations Environment Programme
USAID	United States Agency for International Development



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## **EXECUTIVE SUMMARY**

### **The Convention on Biological Diversity**

#### **Background**

The Convention on Biological Diversity (CBD) is one of the so called three “Rio Conventions” which opened for signature on June 5, 1992 at the United Nations Conference on Environment and Development, held in Rio de Janeiro, Brazil. Jamaica was one of the many countries which signed the Convention at that time, indicating its commitment to the Convention’s objectives. The Convention entered into force in December 1993 and Jamaica ratified it in January 1995. Currently there are 188 Parties to the Convention and 108 to its Cartagena Protocol on Biosafety.

#### **Purpose**

This National Capacity Self-Assessment within the thematic area of Biodiversity seeks to review Jamaica’s implementation of the CBD with a view to identifying priority areas for action to facilitate better implementation. In an earlier phase of the project a stocktaking exercise was conducted, providing a “baseline situation” of the country’s implementation of the Convention<sup>1</sup>. Information was gathered from *inter alia*, the two National Reports, the National Biodiversity Strategy and Action Plan, (NBSAP), and existing capacity building related projects, such as the Ridge to Reef Watershed Project (R2RW), and the Environmental Action Programme (ENACT).

The objectives of the thematic profile are to identify:

- priority issues;
- capacity constraints for these issues at various levels (systemic, institutional and individual); and
- opportunities for capacity building to address the identified constraints.

#### **National Implementation of the Convention**

Since the entry into force of the Convention, the Conference of the Parties (COP) has held 7 meetings and adopted approximately 176 decisions on a number of thematic areas and cross-cutting issues related to implementation of the Articles of the Convention. Detailed work programmes have been developed for the seven thematic areas and periodic reviews of their implementation are provided for by the COP. The cross cutting issues relate to the Convention’s provisions in Articles 6-19. In addition to implementing the decisions relating to the various thematic areas and cross-cutting issues, Parties are obligated to submit national reports and develop National Biodiversity Strategies and Action Plans.

Since ratifying the Convention in 1995, Jamaica has implemented a number of the Convention’s decisions. These include:

- submission of its first (interim report) and second National Reports to the CBD Secretariat;

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<sup>1</sup>Draft Stocktaking Report prepared for the National Capacity Self Assessment Project (NCSA/UNDP/GEF/GOJ), June 2004.

- establishment of the National Clearing House Mechanism with connections to CBD Central Portal;
- establishment of an Alien Invasive Species Working Group;
- completion and distribution of a National Biodiversity Strategy and Action; and
- establishment of a “National Implementation Support Partnership” (primarily with the Nature Conservancy), to better implement the programme of work on protected areas.

The first National Report is a rather brief report which contains a number of CBD related activities taken from the first Jamaica National Environmental Plan (JaNEAP) which was prepared in 1995. The second National Report is a comprehensive report prepared in the required CBD format. A review of this report shows that while there has been some implementation for almost all of the Convention’s substantive articles, (Articles 5-19), the degree of implementation has not been significant for most articles, with adequacy of resources being described as “severely limiting” for the majority of articles.

Recognising the broad scope of the Convention and the need for a “focused approach” for effective implementation, the COP adopted a Strategic Plan at its sixth meeting. Goal 3 of the plan places emphasis on the development of National Biodiversity Strategies and Action Plans, (NBSAPs), the integration of biodiversity concerns into relevant sectors, and active implementation of identified priorities in the NBSAPs as an effective framework for the implementation of the objectives of the Convention.

Jamaica’s NBSAP, the *National Strategy and Action Plan on Biological Diversity in Jamaica*, was developed under the guidance of a multi-sectoral National Biodiversity Steering Committee with funding from the Global Environment Facility (GEF). It was implemented by United Nations Development Programme (UNDP) and executed by the National Environment Planning Agency (NEPA), and completed in July 2003. Its contents include:

- an assessment of Jamaica’s Biodiversity;
- legal and policy framework for the conservation and sustainable use of biodiversity;
- the major gaps and challenges affecting the conservation and sustainable use of Jamaica’s biodiversity;
- a national biodiversity strategy with defined goals; and
- an Action Plan in which there is a list of 37 suggested projects which relate to the goals outlined in the Strategy.

Priority issues have already been identified at the national level as the projects concepts have been ranked, 8 as highest priority and 10 as priority. (Appendix II).

### **Implementation of the National Biodiversity Strategy and Action**

In March 2003, the first of the highest priority project concepts was partially implemented, that is, the establishment of a National Biodiversity Secretariat, “as a supporting mechanism to implement and Monitor the NBSAP”. This was established at NEPA, within its Biodiversity Branch and funded by the NRCA. However, while the project concept called for a supporting mechanism for the duration of 3 years and a staff complement of 5, due to limited availability of funds, the Secretariat was established for a period of one year initially (which was later extended by the NRCA Board for an additional 6

months), and the staff complement was 2. During its period of existence, the Secretariat staff developed 12 project proposals from 7 of the of the project concepts of the action plan. Three are ranked priority, 4 highest priority and 2 other. (Some of the projects concepts were broken down into smaller projects). These proposals are in varying stages of preparation and some have already been submitted to various funding agencies and are awaiting responses. Part funding has been obtained for one project: the Expansion of the Clearing House Mechanism the focal point of which is the Natural History Department of the Institute of Jamaica (NHD/IOJ).

Also established, in keeping with project concept 1, was a Biodiversity Committee, a committee of the NRCA. The terms of reference (TORs) include *inter alia*: the monitoring of the implementation of the NBSAP in Jamaica and to evaluate and advise on the NBSAP.

The output of the Secretariat shows limited success in the implementation of the Action Plan. It is difficult to determine the reason(s) for the perceived low success rate of the Secretariat as there may be number factors involved which include:

- too early to assess the performance of the Secretariat as funding of projects can take 1-2 years and sometimes 3 years ; and
- inadequate staffing of the Secretariat - (the full staff complement was not in place).

If the Secretariat is to be re-established, these factors would have to be examined and addressed.

A review of a table prepared by the Secretariat on the status of the major gaps and challenges affecting the conservation and sustainable use of biological diversity as identified in the NBSAP, gives an alternate picture of its implementation. Of the 86 gaps and challenges identified, no action has been taken in 20 areas, in 14 areas no information was available and in many areas issues were only partially addressed. Many of these projects/activities can be viewed only as interventions as they do not address some of the challenges/gaps at the systemic level and others are pilot projects in selected parts of the island. In the area of national legislation a number of constraints have been identified. Most, if not all of these are expected to be addressed in the proposed NEPA Act which is still being developed. However, Regulations will have to be developed to implement the Act in these areas.

There have been a number of biodiversity related initiatives which have contributed in some measure towards implementation of the Convention in areas such as: Public Education and Awareness (Article 13), and Impact assessment and Minimizing adverse impacts (Article 14). These include the Jamaica Coastal Water Quality Improvement Project (CWIP), Jamaica Ridge to Reef Watershed (R2RW) Project 2000-2005 the Environmental Action (ENACT) Programme. A more recent initiative which is intended to support a number of protected-areas-related projects identified in the NBSAP, is the National Implementation Support Partnership (NISP), a collaborative Partnership agreement with the Government of Jamaica, and the Nature Conservancy, the Jamaica Conservation Development Trust and Heritage Design, (an enterprise unit of the USDA).

## Capacity Constraints

An assessment of the implementing Agency (NEPA) and partner institutions including the National Focal Point<sup>2</sup> showed that there was widespread awareness of the CBD and the NBSAP within the implementing agency and its partners. There is also a fair amount of institutionalisation of the CBD within these agencies, however, there was clear need in all agencies for human and financial resources to adequately implement the Convention. Another concern cited by the national focal point is the perception that biodiversity issues per se, are not given high national priority, as the link with poverty reduction or development is not readily appreciated or understood at the national level.

## Areas for Action

While there is widespread knowledge of CBD and NBSAP and implementing the NBSAP is considered a priority, a number of obstacles to implementation were identified and in some cases ranked. Obstacles most frequently cited and with the highest ranking were:

- lack of human and financial resources;
- dissemination of information at the national level not efficient;
- loss of biodiversity and the corresponding goods and services it provides not properly understood and documented;
- existing scientific and traditional knowledge not fully utilized; and
- lack of public education and awareness at all levels.

In reviewing the implementation of the NBSAP capacity issues include:

- lack of human and financial resources
- insufficient biological information on flora and fauna
- insufficient coordination among and within the relevant agencies
- lack of appropriate skills in project writing;
- insufficient cooperation from partners in developing the projects; and
- lack of or insufficient skills in financial resource identification and negotiation.

## Recommendations

The following are the recommendations:

- NBSAP is the country's primary response to its obligations under UNCBD;
- NEPA must be strengthened to more effectively implement the NBSAP;
- aggressive funding programme must be launched taking into consideration all the available sources both internal and external;

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<sup>2</sup> This was done by way of questionnaires and interviews (See Appendices V & VI)

- the NISP opportunities should be integrated into any projects/programmes which are developed to implement the NBSAP. Administrative mechanism should be put in place to ensure that there is integration of these efforts and avoidance of duplication;
- the Clearing House Mechanism should be strengthened;
- the current legal framework requires strengthening particularly with regard to access to biological resources and benefit sharing; and
- public education efforts must continue and mechanisms found to ensure its sustainability and coordination and integration with the other Rio Conventions. Special emphasis to be placed on the judiciary, police, local government organizations and communities in protected areas.

## THE CARTAGENA PROTOCOL ON BIOSAFETY

The Conference of the Parties to the Convention adopted a supplementary agreement to the Convention known as the Cartagena Protocol on Biosafety in 2000, which seeks to protect biological diversity from the potential risks posed by living modified organisms (LMOs) resulting from modern biotechnology. The Protocol entered into force in September 2003.

### National Implementation

Although not yet a Party to the Protocol, Jamaica has conducted a number of activities which will assist it in its preparations to ratify the Protocol. These include:

- establishment of a National Biosafety Committee;
- review by the Attorney General's Department of the legal requirements to implement the Protocol;
- implementation of a Public Education Programme on Biosafety;
- designation of a national Focal Point on Biosafety;
- designation of a National Focal Point for the Biosafety Clearing House (BCH);
- participation in the pilot phase of the BCH; and
- development of National Biosafety Frameworks, (a UNEP/GEF/GOJ Project).

### Areas for Action

Adopted at the first Meeting of the Parties (COP-MOP), was an "Action Plan for Building Capacities for the Effective Implementation of the Cartagena Protocol on Biosafety".

Key elements requiring concrete action for effective implementation have been identified and include:

1. Institutional capacity-building:
  - a. Legislative and regulatory framework;
  - b. Administrative framework;
  - c. Technical, scientific and telecommunications infrastructures;
  - d. Funding and resource management; and
  - e. Mechanisms for follow-up, monitoring and assessment.
2. Human-resources development and training.
3. Risk assessment, Risk management and other scientific and technical expertise.
4. Awareness, participation and education at all levels.
5. Information exchange and data management including full participation in the Biosafety Clearing-House.
6. Identification of living modified organisms.

While some progress has been made by Jamaica in addressing some of these issues much still needs to be done. In particular, there needs to be follow-up action to the Frameworks Project as the outputs (a draft Biosafety Policy, proposed administrative arrangements for implementation, and draft Drafting Instructions for a Biosafety Act) need to be finalized.

Two Focus Group discussions were held along with a National Workshop to widen the participation in the assessment process. The main outcomes were:

- the NBSAP was perceived as the primary instrument to guide Jamaica's implementation of the CBD;
- there was a need for an implementation mechanism for the NBSAP and this should be in the form of a Secretariat as previously described in the Action Plan of the NBSAP and as was previously the case;
- the need to seek external sources of funding to implement the Action Plan; and
- the incorporation of the relevant projects/project concepts as identified in the NBSAP into the Corporate Plans of the lead and partner agencies.

Also, a number of steps were identified in the National Workshop to effectively implement the NBSAP. These include:

- identify and engage a Lead Agency (MLE);
- establish NBSAP as a policy priority;
- projectise NBSAP with a view to it becoming a mainstream programme within NEPA's (the implementing agency) corporate and operational plans; and
- develop a monitoring mechanism for the three conventions (MLE).

It is clear for the assessment that while there is broad based knowledge of the Convention and an appreciation of its importance, Jamaica does not have the financial resources to adequately implement the Convention. A course of action to compensate for the lack of financial resources would be to aggressively seek funding to implement the Action Plan. This would suggest the need for a coordinating mechanism with a focus on the NBSAP, working with the various partner agencies, institutions and non government organisations.

## **Recommendations**

The following are the recommendations:

- funds be found to continue work commenced under the UNEP Biosafety Framework Project;
- determine the best organization to be the competent National Authority and a programme to strengthen the organization be put in place as a matter of priority; and
- the legislative framework be completed and implemented as a matter of priority.





# The Convention on Biological Diversity



## 1. INTRODUCTION

The Convention on Biological Diversity (CBD) is one of the so called three “Rio Conventions” which opened for signature on June 5, 1992 at the United Nations Conference on Environment and Development, held in Rio de Janeiro, Brazil. Jamaica was one of the many countries which signed the Convention at that time, indicating its commitment to the objectives of the Convention. The Convention entered into force in December 1993 and Jamaica ratified it in January 1995. Currently there are 188 Parties to the Convention<sup>3</sup> and 108 to its Cartagena Protocol on Biosafety.

This National Capacity Self-Assessment within the thematic area of Biodiversity seeks to review Jamaica’s implementation of the CBD with a view to identifying priority areas for action to facilitate better implementation. In an earlier phase of the project a stocktaking exercise was conducted, providing a “baseline situation” with regards to the country’s implementation of the Convention<sup>4</sup>. Information was gathered from *inter alia*, the two National Reports, the National Biodiversity Strategy and Action Plan, (NBSAP), and existing related projects, such as the Ridge to Reef Watershed Project (R2RW), and the Environmental Action Programme (ENACT). The objectives of the thematic profile are to identify:

- priority issues;
- capacity constraints for these issues at various levels (systemic, institutional and individual); and
- opportunities for capacity building to address the identified constraints.

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<sup>3</sup> For additional information on the Convention, please refer to Draft Stock taking Report.

<sup>4</sup> Stocktaking Report prepared for the National Capacity Self Assessment Project June 2004, (NCSA/UNDP/GEF/GOJ).

## 2. REVIEW OF IMPLEMENTATION

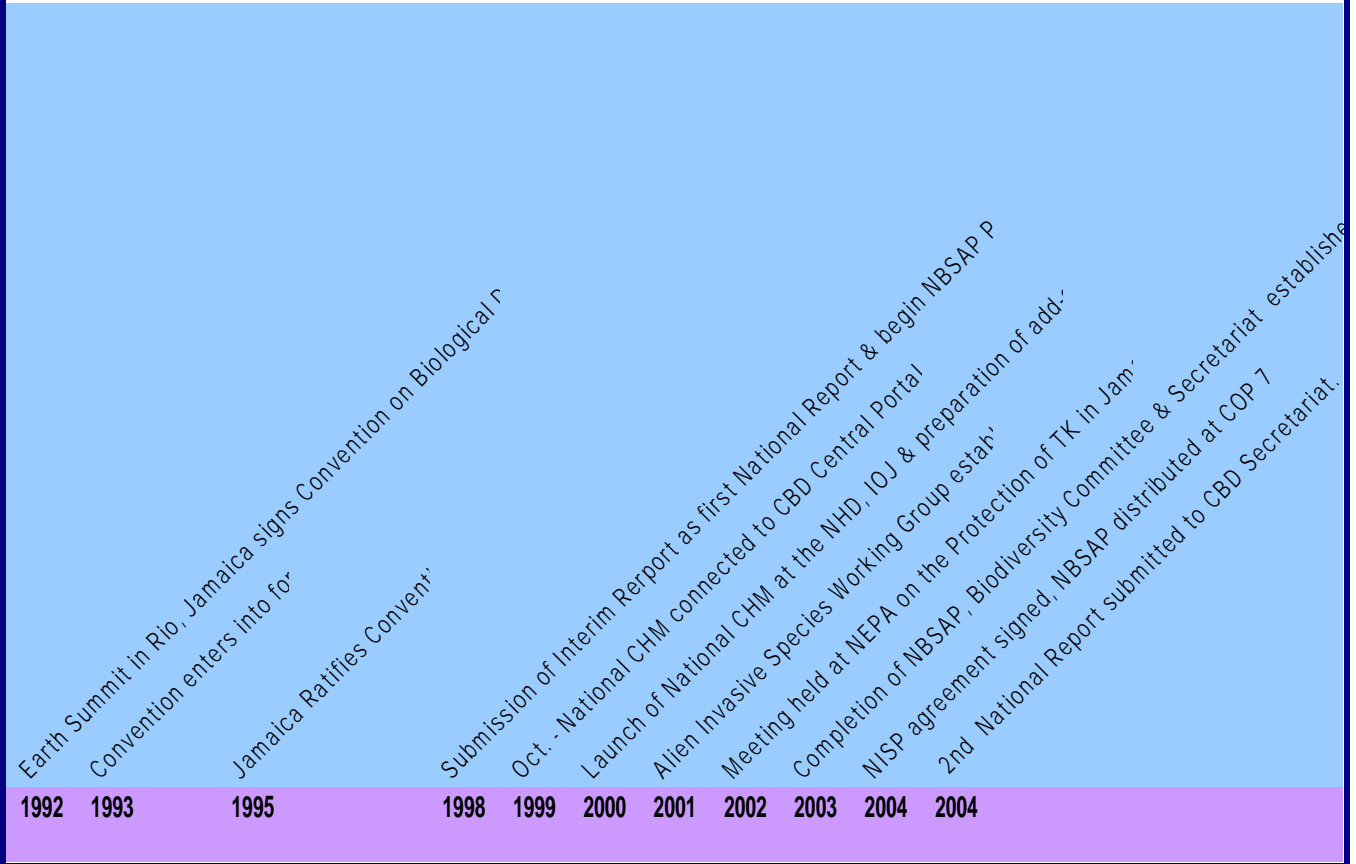
Since the entry into force of the Convention, the Conference of the Parties (COP) has held 7 meetings and adopted approximately **176** decisions on a number of thematic areas and cross-cutting issues related to implementation of the Articles of the Convention (Table 1). Detailed work programmes have been developed for the seven thematic areas and periodic reviews of their implementation are provided for by the COP. The cross cutting issues relate to the Convention's provisions in Articles 6-19. While some of these issues are developing discrete products, for example the protocol on Biosafety, they are for the most part, relevant to the thematic work programmes, such as the work on indicators, impact assessments and incentives. In addition to implementing the decisions relating to the various thematic areas and cross-cutting issues, Parties are obligated to submit national reports and develop National Biodiversity Strategies and Action Plans. To date Parties have been required to submit two national reports, and this Jamaica has done. Jamaica has also developed its National Biodiversity Strategy and Acton Plan (NBSAP) as required under Article 6a.of the Convention. Diagram 1 illustrates the main activities carried out to date, by Jamaica.

**Table 1. Thematic areas and Cross-cutting Issues of the CBD**

Thematic Areas	Cross-Cutting Issues
<ul style="list-style-type: none"> <li>• Marine and coastal biodiversity</li> <li>• Agricultural biodiversity</li> <li>• Forest biodiversity</li> <li>• Island biodiversity</li> <li>• The biodiversity of inland waters</li> <li>• Dry and sub-humid lands</li> <li>• Mountain biodiversity</li> </ul>	<ul style="list-style-type: none"> <li>• Access to genetic resources</li> <li>• Traditional knowledge innovations and practices (Article 8(j))</li> <li>• Indicators</li> <li>• Goal Taxonomy Initiative</li> <li>• Public education and awareness</li> <li>• Incentives</li> <li>• Alien species</li> <li>• 2010 Biodiversity target</li> <li>• Biodiversity &amp; Tourism</li> <li>• Climate Change and Biological Diversity</li> <li>• Economics, trade &amp; incentive measures</li> <li>• Ecosystem Approach</li> <li>• Global Strategy for Plant Conservation</li> <li>• Impact Assessments</li> <li>• Sustainable use of biodiversity</li> <li>• Technology transfer &amp; cooperation</li> <li>• Protected areas</li> <li>Liability &amp; redress</li> </ul>

Diagram 1.

## Convention on Biological Diversity Jamaica's Implementation



### 2.1 Review of Second National Report

A review of the second National Report shows that there has been some implementation for almost all the substantive articles, (Articles 5-19). However the degree of implementation has not been significant for most articles and adequacy of resources has been described as “severely limiting” for the majority, (Table 2). The broad scope of the Convention, resulting in numerous decisions and work areas, presents almost insurmountable challenges for developing countries, particularly small island developing states such as Jamaica and this is why the focus of implementation must lie in the implementation of NBSAPs

## 2.2 National Biodiversity Strategy and Action Plan for Jamaica: “*National Strategy and Action Plan on Biological Diversity in Jamaica*”

Recognising the broad scope of the Convention and its attendant thematic programmes of work and cross-cutting issues, the need for adequate resources for their implementation, particularly for developing countries, and the need for a “focused approach” for effective implementation, the COP adopted a Strategic Plan<sup>5</sup> at its sixth meeting to bring about a “convergence of actions around agreed goals and collective objectives”. The goals of the Strategic Plan are:

1. The Convention is fulfilling its leadership role in international biodiversity issues.
2. Parties have improved financial, human, scientific, technical, and technological capacity to implement the Convention.
3. National biodiversity strategies and action plans and the integration of biodiversity concerns into relevant sectors serve as an effective framework for the implementation of the objectives of the Convention.
4. There is a better understanding of the importance of biodiversity and of the Convention, and this should lead to broader engagement across society in implementation.

Further details of these goals can be found in **Appendix I**.

Goal 3 places emphasis on the development of National Biodiversity Strategies and Action Plans, (NBSAPs), the integration of biodiversity concerns into relevant sectors, **and active implementation of identified priorities in the NBSAPs as an effective framework for the implementation of the objectives of the Convention**. At the seventh meeting of the COP, held earlier this year, it was emphasized that NBSAPs **were the primary mechanisms for the implementation of the Convention**, and should be developed or reviewed with due regard to the relevant aspects of the four goals of the Strategic Plan, “to enable greater contribution to the achievement of the 2010 target, consistent with national needs and priorities; and invites Parties to incorporate the goals, as appropriate, into the national biodiversity strategies and action plans when these are revised.”

Jamaica, mindful of its limited resources (human and financial) has focused on implementation of its NBSAP as the most effective method to implement the Convention and to contribute to the 2010 target (as stated in the mission of the Strategic Plan), of halting biodiversity loss at the global, regional and national levels. The *National Strategy and Action Plan on Biological Diversity in Jamaica*, was developed under the guidance of a multi-sectoral National Biodiversity Steering Committee with funding from the Global Environment Facility (GEF), it was implemented by UNDP and executed by the National

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<sup>5</sup> **Mission:** “Parties commit themselves to a more effective and coherent implementation of the three objectives of the Convention, to achieve by 2010 a significant reduction of the current rate of biodiversity loss at the global, regional and national level as a contribution to poverty alleviation and to the benefit of all life on earth”.

Environment and Planning Agency (NEPA). It was completed in July 2003. Its contents include:

- an assessment of Jamaica's Biodiversity;
- legal and policy framework for the conservation and sustainable use of biodiversity;
- the major gaps and challenges affecting the conservation and sustainable use of Jamaica's biodiversity;<sup>6</sup>
- a national biodiversity strategy with defined goals; and
- an Action Plan in which there is a list of 37 suggested projects which relate to the goals outlined in the Strategy.

Priority issues have already been identified at the national level as the projects concepts have been ranked, 8 as highest priority and 10 as priority, (**Appendix II**). The review period for the NBSAP is not yet fully decided.

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<sup>6</sup> The areas addressed are: 1. Socio-economic, 2. Public awareness, 3. Legislation, 4. Land use planning and environmental assessment, 5. Agricultural sustainability, 6. Mining, 7. Sustainable tourism, 8. Freshwater resources, 9. Parks & protected areas, 10. Coastal & marine resources, 11. Forest biodiversity, 12. Conservation and sustainable use of Jamaica's wild flora and fauna 13. Access to genetic resources and benefit sharing, 14. Alien species, 15. National biosafety legislation, and 16. Water pollution control.



**Table 2.** Degree of Implementation for Substantive Articles UNCBD

Obligations under the Convention	Status	Priority	Adequacy of resources
1. Article 5 Cooperation	On going	Medium	Severely limiting
2. Article 6 General measures for conservation and sustainable use	On going	Medium	Limiting
3. Article 7 Identification and monitoring Decisions on Taxonomy	On going	Medium	Severely limiting,
4. Article 8 In situ conservation [excluding Articles 8h and 8j]	On going	Medium	Severely limiting
5. Article 8h Alien species	On going	Medium	Severely limiting
6. Article 8j Traditional knowledge and related provisions	On going	Medium	Severely limiting
7. Article 9 Ex situ conservation	On going	Low	Severely limiting
8. Article 10 Sustainable use of components of biological diversity	On going	High	Severely limiting
9. Article 11 Incentive measures	On going	Medium	Severely limiting
10. Article 12 Research and training	On going	Medium	Severely limiting
11. Article 13 Public education and awareness	On going	High	Severely limiting
12. Article 14 Impact assessment and minimizing adverse impacts	On going	Medium	Severely limiting
13. Article 15 Access to genetic resources	On going	Medium	Severely limiting
14. Article 16 Access to and transfer of technology	On going	High	Severely limiting
15. Article 17 Exchange of information	On going	High	Severely limiting
16. Article 18 Technical & scientific cooperation	On going	High	Severely limiting
17. Article 19 Handling of biotechnology and distribution of its benefits	On going	High	Severely limiting
18. Article 26 Reports	On going	No ranking	
19. Ecosystem approach	On going	No ranking	
20. Inland water ecosystems	On going	High	Severely limiting
23. Forest biological diversity	On going	Medium	Limiting
24. Biological diversity of dry and sub-humid lands	On going	Medium	Limiting

## 2.3 Status of High Priority and Priority Project Concepts

### 2.3.1 Biodiversity Secretariat

In March 2003, (in anticipation of the NBSAP becoming policy), the first of the highest priority project concepts was partially implemented, that is, the establishment of a National Biodiversity Secretariat, “as a supporting mechanism to implement and Monitor the NBSAP”. The full project can be seen in **Appendix III**). This was established at NEPA, within its Biodiversity Branch and funded by the NRCA. The NBSAP subsequently became national policy in late 2003. However, while the project concept called for a supporting mechanism for the duration of 3 years and a staff complement of 5, due to limited availability of funds, the Secretariat was established for a period of one year initially (which was later extended by the NRCA Board for an additional 6 months), and the staff complement was 2. The contracts of the Secretariat’s staff ended August 31, 2004.

The Secretariat staff provided a detailed final report (August 2004), for its eighteen months of operation. **It states that the purpose of the report is to provide an update of the status of implementation of the NBSAP.** The report contains:

- a list of the project proposals prepared or revised;
- a table of the status of these project proposals;
- detailed information on completed projects proposals;
- an update on the status of the major gaps and challenges affecting the conservation and sustainable use of biological diversity as identified in the NBSAP; and
- copies of Memoranda of Understanding between NEPA and 3 government agencies (one of the gaps identified in the NBSAP in the area of legislation) to clarify roles and responsibilities in the management of biodiversity.

Twelve project proposals have been written, and one has been revised (Table 3). Three are priority, 4 highest priority and 2 other. (Some of the projects have been broken down into smaller projects).

As can be seen from the table, the majority of the projects are part of, or relate to the proposed project concepts of the Action Plan and have the ranking of priority or highest priority. Others have been in response to immediate needs of other biodiversity related Conventions such as the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). These proposals are in varying stages of preparation and some have already been submitted to various funding agencies and are awaiting responses. Part funding has been obtained for the Expansion of the Clearing House Mechanism the focal point of which is the Natural History Department of the Institute of Jamaica (NHD/IOJ). **However, there is still no Steering Committee for the CHM and this should be addressed, in keeping with the decisions of the CBD COP.** Some preliminary

work has been done by the focal point in identifying persons/organizations and developing draft TORs for the Committee, (**Appendix IV**), but the establishment of the Committee needs to be finalised. The CHM focal point does not agree with the statement in the stocktaking report that consideration should be given to a single CHM, that is, for the 3 Conventions, which would act as a gateway to information on the activities carried out under the 3 'Rio' Conventions. However, the CBD Secretariat has scheduled an Informal Meeting in Montreal, 2-3 November 2005 on Interoperability of Information among the Three Rio and Other Environmental Conventions.

### **2.3.2 Biodiversity Committee**

Also established, in keeping with project concept 1, was a Biodiversity Committee, a committee of the NRCA. The terms of reference (TORs) are:

- monitor the implementation of the National Strategy and Action Plan on Biological Diversity (NBSAP) in Jamaica;
- address the gaps and challenges in the Biodiversity Strategy;
- identify research needs for Jamaica;
- evaluate and advise on the NBSAP; and
- any other terms to be agreed by the Committee.

It is noteworthy that the first TOR of the Committee is to monitor the implementation of the NBSAP. Also two of the other 3 substantive TORs address the NBSAP. The Biodiversity Committee clearly has a major role to play in the implementation of the NBSAP. One would therefore need to examine the ability of the Committee to monitor the NBSAP implementation. In doing so a number of issues would have to be considered. Does the Committee have the right mix of persons/institutions? Are all members pulling their weight? Do all members attend meetings regularly and if so is his/her contribution significant? Should the Committee meet more frequently? This matter will be further examined in the cross cutting institutional report.

Another important issue is: what will the Committee now do? Will it continue to monitor the implementation of the NBSAP and if so who will be responsible for its implementation? Discussions with senior staff in NEPA suggest that the Biodiversity Branch will now be responsible for the implementation of the NBSAP. This begs the question: what has changed within the Biodiversity Branch before the establishment of the Secretariat and since its closure? Has it been given additional resources? Clearly the Biodiversity Branch would have to be provided with additional resources to take on the task. Does the institution have the resources available? In discussions with the management staff and from the response from questionnaires, it is clear that the environmental agency does not have sufficient resources to implement the NBSAP.

### 2.3.3 *Review of the Implementation of the Action Plan*

The Action Plan states that a review of the implementation of all projects will be carried out every two years and a National Evaluation Report of the Action Plan will be submitted to Cabinet every two years. It can be assumed that the Biodiversity Committee would be responsible for the evaluation of the implementation of the Action Plan as one of its TORs is to monitor the implementation of the NBSAP. Also, discussions with the Director of Projects and Programmes of NEPA indicate that the actions within the NBSAP (along with those of all the Biodiversity related Conventions), will be incorporated within the Jamaica National Environment Action Plan (JaNEAP) at its next review, which is scheduled for the last quarter of this financial year. However, all projects must be included in the organisation's Corporate Plan. **This would suggest that there should be some mechanism for including all the highest priority projects in the relevant organisations' Corporate Plans over time.** Would it be the responsibility of line Managers, Directors, or the Director of Programmes and Projects? Where there is collaboration among agencies, which one(s) will be responsible for the inclusion? Would it be the lead agency? Who will ensure that the other agencies include elements of the projects or projects in their Corporate Plans? However, there is yet another hurdle. In some instances, the inclusion of projects in a Corporate Plan does not mean that funding will be made available. These projects must be included in Operational Plans of agencies such as NEPA, otherwise they must be funded by sources outside of the regular budget. **There still is no clear vision and hence no mechanism to ensure that the implementation of the Action Plan is perceived by the lead agencies as a part of their core function.** Some additional information provided by the Director of Projects and Programmes of NEPA on the agency's role with regards to Jamaica fulfilling its obligations can be found in **Appendix V**. The CBD Focal Point also shares concerns regarding the issue of implementation. Her comments are reflected in the footnote<sup>7</sup>.

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<sup>7</sup> The lead agency could be that as stated in the project concepts, but there would still be the challenge of some one entity overseeing, with the authority so to do, ensuring that all stakeholders do play their part. This is a perennial problem in my opinion. Lack of resources is often given as the reason for lack of action, but actions are taken in the absence of funds when there is a high level of interest and agreement that the action is indeed a priority. I suggest some kind of national sign-off on the environmental priorities for Jamaica may be necessary. I do not see this as JaNEAP. There are plans to have national fore sighting exercises to look ahead and attempt to plan for Jamaica's future. In this case, there would be the opportunity to outline the social, economic, and environmental priorities for Jamaica. This will take time, probably a year or so.

**Table 3. Project Proposals written by Secretariat**

Project Proposals	Related Project Concepts in NBSAP	Priority status
1. Expansion of the National Clearing House Mechanism	<ul style="list-style-type: none"> <li>Expansion of the National Clearing House Mechanism</li> </ul>	Priority
2. Alien Invasive Species Management Strategy	<ul style="list-style-type: none"> <li>Preparation of an Alien Invasive Species Management Strategy</li> </ul>	Highest priority
3. Management of the White-tailed Deer	<ul style="list-style-type: none"> <li>Development of Sustainable Fisheries &amp; Rehabilitation of Coral Reef Ecosystems &amp; Reduction of Pollutants in Freshwater and Marine Environments</li> </ul>	Priority & highest priority
5. Coral Reef Rehabilitation (Rehabilitation of Coral Reef Ecosystems, Reduction of Pollutants in Freshwater and Marine Environments, Development of Sustainable Fisheries)	<ul style="list-style-type: none"> <li>Development of sustainable forestry<sup>9</sup></li> <li>as above</li> <li>Implementation/preparation of recovery strategies for critically endangered species</li> </ul>	Priority Highest priority Other
6. Orchid Survey Proposal	<ul style="list-style-type: none"> <li>Sustainable Management of Bat and Dolphin Species</li> </ul>	Highest Priority &
7. Lignum vitae Survey	<ul style="list-style-type: none"> <li>Preparation of Policies and Legislation to Facilitate Access to Biological Resources and Equitable Benefit Sharing &amp; Protection of Traditional Knowledge and Creation of a Traditional Knowledge Register/Library</li> </ul>	Other
8. Completion of Queen Conch Survey		
9. Implementation/Preparation of Recovery Strategies for Critically Endangered Species		
10. Dolphin Stranding Network Proposal		
11. Dolphin Photo-Identification Survey		Other
12. Enabling Activities Add- on (Access to genetic resources and equitable benefit sharing, Preservation and maintenance of biodiversity related knowledge of indigenous and local communities embodying traditional lifestyles, Initial Assessment and Monitoring Programmes, including Taxonomy, Completion of the CHM Process) <sup>8</sup> .	<ul style="list-style-type: none"> <li>Implementation of the Ocho Rios Marine Park Management Plan</li> </ul>	
13. Implementation of the Ocho Rios Marine Park Management Plan		

<sup>8</sup> This project was revised by the Secretariat. It is an Add-on project to the Enabling Activities GEF funded project which produced the NBSAP. This project was written as early as 1999-2000.

<sup>9</sup> In part

The Action Plan also states that the overall success of the Plan will be measured by the following performance indices:

- Number of projects successfully developed for submission to funding agencies;
- Number of project applications which attract international/regional/local funding;
- Timely implementation of projects;
- Timely completion of projects; and
- Successful implementation of each project based on objectives and outputs achieved.

From the stated output of the Secretariat it appears that there has been limited success. It is difficult to ascertain the reason(s) for the perceived low success rate of the Secretariat as there may be many factors involved. These include:

- too early to assess the performance of the Secretariat as funding of projects can take 1-2 years and sometimes 3 years ;
- the type of projects proposed may not be a good fit for the agencies approached;
- the project proposals may need to be endorsed by a higher level of bureaucracy within the government;
- inadequate staffing of the Secretariat - (the full staff complement was not in place);
- lack of appropriate skills in project writing;
- insufficient cooperation from partners in developing the projects; and
- lack of or insufficient skills in financial resource identification and negotiation.

**If the Secretariat or some kind of administrative and coordinating mechanism is to be re-established, these factors would have to be examined and addressed. However any review of the effectiveness of the Secretariat must take into consideration, not only the above mentioned factors, but also the enabling environment in which the Secretariat operated, that is, its status within the organization, its relationship with other divisions/sections. At the same time there has to be some well-defined mechanism for the implementation of the NBSAP if it is to be more than another policy document with a long shelf life.**

**The institutional arrangements best suited for the implementation of the NBSAP will be dealt with in the Institutional Cross Cutting Report.**

#### **2.4 Review of the status of the major gaps and challenges**

A review of the Table prepared by the Secretariat on the status of the major gaps and challenges affecting the conservation and sustainable use of biological diversity as identified in the NBSAP, gives an alternate picture of its implementation. Of the 86 gaps and challenges identified, no action has been taken in 20 areas, in 14 areas no information was available and in many areas issues were only partially addressed. This exercise provides some very useful information on the various activities that have been or are being carried out

which address some of the gaps and challenges, particularly from related activities/projects and can serve as a very useful reference point in identifying needs. Many of these projects/activities can be viewed only as interventions as they do not address some of the challenges/gaps at the systemic level and others are pilot projects in selected parts of the island. It is however, extremely difficult to evaluate implementation of the NBSAP from this table.

## 2.5 Legislation

The Attorney General review of the country's legislation showed that the legislative framework was sufficient to allow the country to ratify the Convention. Since that time there has been a recognition that certain laws will need to be strengthened to facilitate more effective implementation of the NBSAP. The matter of legislative framework is more fully addressed in the Policy and Legal Cross Cutting Reports.

In the NBSAP, gaps in national legislation have been identified as constraints in implementing the CBD in particular areas. These include:

- Conservation and Sustainable Use of Jamaica's Wild Flora and Fauna;
- Access to Genetic Resources and Benefit Sharing – currently Material Transfer Agreements are being used by NEPA, but the necessary legislation is not in place;
- Alien Species;
- Water Pollution Control;
- Agricultural Sustainability (re importation of alien species);
- Ensuring adequate protection for various ecosystems; and
- Traditional Knowledge – in 2002 two meetings were held under the auspices of NEPA to address the issue with respect to biodiversity.

Most, if not all of these areas are expected to be addressed in the proposed NEPA Act. However, Regulations will have to be developed to implement the Act in these areas. The CBD Focal Point has expressed concerns that “the NEPA Act may take several years (5-7 yrs is not unheard of), as do other major pieces of legislation, such as the Fisheries Bill” and questions what will be done in the interim. She also notes that significant work has been done on proposed amendments to the Wild Life Protection and that these amendments would help in biodiversity protection. May be a better course of action would be to “amend the relevant pieces of legislation and then have the changed legislation amalgamated into the NEPA Act”.

## 2.6 National Focal Point

The national CBD Focal Point has cited human resources to deal with CBD issues as the greatest need. She also cites the need for personnel to “actually do the work of reviewing each COP decision, translating it into national action and needs, where appropriate, conveying this information and then following up on its implementation, once funds are available to do so”. Some of the day to day activities would include: keeping abreast of the correspondence from the CBD Secretariat includes noting case studies requested, the requests for other kinds of information, the transmission of information to other interested parties etc, follow-up with person who may have information, and collating any information provided from stakeholders for preparation of reports. On specific issues such as the preparation of the annual national reports, she sees NEPA as critical in leading the process as is currently the practice. The question being asked here is: is the issue of human resources really a lack of financial resources to hire the human resources needed?

Another concern cited by the national Focal Point is the perception that biodiversity issues per se, are not given high national priority as the link with poverty reduction or development is not readily appreciated or understood at the national level. She states that: “There is much work to be done on getting the value of biodiversity and its impact on national development understood by the majority of Jamaicans.”

Poor coordination among the biodiversity stakeholders was cited as another issue, also the need for a mechanism for information sharing among entities that would be regularly updated. While clearly there may be a role for E-NGOs in this area there are issues of capacity and sustainability of these organizations which would need to be significantly strengthened to play this role.

## 2.7 National Implementation Support Partnership (NISP)

A collaborative Partnership agreement with the Government of Jamaica, (through the Ministry of Land and Environment, the National Environment and Planning Agency, Institute of Jamaica, Forestry Department,), and the Nature Conservancy, the Jamaica Conservation Development Trust and Heritage Design, (an enterprise unit of the USDA). The NISP is intended to support a number of protected-areas-related projects identified in the NBSAP. The projects are:

- Preparation of an Ecological Zonation Plan;
- Establishment of Protected Areas Database;
- Preparation of an Alien Invasive Species Management Strategy;
- Preparation for the Declaration of Protected Areas;
- Declaration of Forest Reserves;



- Rehabilitation of Degraded Forests;
- Development of Sustainable Forestry;
- Rehabilitation of Coral Reef Ecosystems;
- Recovery Strategies for Critically Endangered Species;
- Protected Areas Public Education;
- Involvement of Private Land Owners in Protected Areas Management;
- Building Management Capacity of the Jamaica Protected Areas Network (J-PAN);
- Development of Increased Resource Management Capacity;
- Financial Sustainability of Protected Areas;
- Extension of the Biodiversity Secretariat; and
- Expansion of Clearing House Mechanism (CHM).

Some of these Projects are already being supported in part by the Nature Conservancy (TNC). TNC committed earlier this year (2004) to provide a sum of US\$200,000 per year for 5 years towards the NISP. These funds are considered leverage for other resources that are available locally and internationally, and therefore it is anticipated that the resources made available to implement the NISP will be much larger. Some action, independent of the NISP, has already begun with regards to some of the projects identified here, such as:

- The expansion of the CHM;
- Financial Sustainability of Protected Areas;
- Rehabilitation of Coral Reef Ecosystems; and
- Preparation of an Alien Invasive Species Management Strategy.

Interestingly, one project identified in the NISP is the Extension of the Biodiversity Secretariat. Clearly some assessment will have to be made as to the optimum method for implementing the NBSAP, whether by a Secretariat or by using existing institutional structures. However, this partnership is still not finalized, therefore it is not possible to assess its potential impact on the implementation of the NBSAP, suffice to say it will make a significant contribution.

Discussions regarding finalization of the arrangements for the NISP were ongoing at the time of the completion of this report. However, the monitoring of this activity will part of the Action Plan and monitoring period following the completion of the assessment.

### 3. RELATED BIODIVERSITY INITIATIVES

#### 3.1 The Jamaica Coastal Water Quality Improvement Project (CWIP)

This is a USAID-funded activity designed to protect and improve the environmental quality of the country's coastal resources. It has supported community-based environmental initiatives in Negril and Ocho Rios and has disbursed grants to NGOs and community groups. The project conceptualised and facilitated the formation of a public participation model for the management of municipal wastewater facilities. At the same time, coastal communities established solid waste recycling programmes using an Environmental Management System (EMS) model. A sustainable community-based water quality-monitoring program has been created. CWIP has also helped develop coastal zone management policies to meet the requirements of international regulatory organizations and the government of Jamaica.<sup>10</sup>

While this project has contributed to the implementation of the NBSAP particularly in partially addressing some of the gaps and challenges in the area of sustainable tourism, **there needs to be a systemic approach to these challenges, particularly in addressing the disposal of solid waste.** This has been very evident since the passage of hurricane Ivan.

#### 3.2 Jamaica Ridge to Reef Watershed (R2RW) Project 2000-2005

R2RW is designed to build upon the achievements of CWIP, in terms of both establishing strong community partners to improve environmental management in selected watersheds and expanding the coastal mandate of CWIP into upland areas. The project seeks to address the degradation of watersheds in Jamaica by improving and sustaining the management of natural resources in targeted watershed areas that are both environmentally and economically significant.<sup>11</sup> Again this is an important initiative in partially addressing some of the gaps and challenges identified in the areas of sustainable tourism and coastal and marine resources.

#### 3.3 The Environmental Action (ENACT) Programme

The Environmental Action (ENACT) Programme was jointly funded by the Government of Jamaica (GOJ) and the Canada International Development Agency (CIDA). It began in 1994 and ended in March 2004. An extension of ENACT Programme was signed in April 2004 and should end in mid 2005. It has focused its capacity development initiatives around the following five main components:

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<sup>10</sup> Taken in part from the NRCA website

<sup>11</sup> Taken in part from the NRCA website

1. Greening of Government.
2. Capacity Development for NEPA;
3. Local Sustainable Development Planning (LSDP);
4. Environmental Education for Sustainable Development (EESD); and
5. Environmental management in the private Sector.

Under the Environmental Education component, the support provided by ENACT has resulted, *inter alia*, in the inputs listed below:<sup>12</sup>

- Increased NEEC membership to approximately 50 organisations, including a 20-member Executive; meetings are occurring on regular, established dates;
- Conducted EE sessions during teacher workshops to introduce Grade 3 and 6 teachers to the Revised Primary Curriculum under the MOEYC Primary Education Support Project (PESP);
- A cadre of fifteen facilitators (teacher college tutors and NGO members) have taken the materials used in the PESP workshops and are using them in other learning settings;
- Produced “Enhancing Environmental Education in the Curriculum: A Workshop Session for Teachers in Jamaican Primary Schools” for MOEYC based on the PESP training;
- Produced and disseminated “Proceedings of the National Consultation on Environmental Education for Sustainable Development”;
- Produced 1,500 copies of “Guidelines for Environmental Clubs” and “An Environmental Steward’s Handbook”;
- Produced final teacher education syllabus documents for 12 Early Childhood Education courses, 6 science courses and 1 Environmental Education course;
- Outreach: Conducted EE sessions/workshops for the Scientific Research Council Camp LIFE (Living In Favour of the Environment), Peace Corps Volunteers, and several schools;
- Provided copies of the “LifeLine” Kit for Jamaica Hotel and Tourist Association (JHTA) to sensitize and train community leaders in the Portland to manage the process of Green Globe Destination Certification; and
- Course “Environmental Education for Sustainable Colleges and Schools” conducted in Montego Bay and Mandeville, in collaboration with ENACT Component 2000;

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<sup>12</sup> Taken from: Annual Progress Report 2003-04 (Quarterly Progress Report # 30) Jamaica Environmental Action Programme (Enact), (CIDA Project # 504/16747), Covering The Period April 1, 2003 – June 30, 2004

While these initiatives have focused mainly on sustainable development they do contribute, in part, to addressing some of the gaps and challenges identified in the NBSAP. **There is however the need to broaden the scope of these initiatives to include biodiversity related issues, and to developed focused community programmes on the value of biodiversity, including the value of Protected Areas, also informal programmes for both students and civil society as stated in the Action Plan.**

Under the NEPA capacity development component, the strengthening of NEPA includes:

- Completed the Regulatory Analysis (RIA) Manual;
- Stakeholder consultations on amendments to the Wildlife Protection Act and recommendations for amendment to Wildlife Protection Act in final stages for submission to CPC;
- Supported the development of drafting instructions for the Trade Effluent and Industrial Sludge
- Regulations including three Public consultations as part of RIA approach to regulations development;
- Completed the Training Strategy for compliance and Enforcement Training Programme; which was presented to the Permanent Secretary - MLE and the NRCA Board; NRCA Board and the Ridge to Reef Watershed Project (USAID funded) committed funds for implementing this training in enforcement and compliance strategy;
- Prepared training course materials for four training courses in Compliance and Enforcement and a first set of three pilot courses were delivered through MIND;
- Completed, printed, launched and distributed the Pocket Guide to Environmental and Planning Laws of Jamaica;
- Procured and presented to NEPA nineteen (19) Tool Kits for Enforcement Officers;
- Developed draft Code of Practice for Sugar Industry;
- Completed Procedures Manual for NEPA Applications Process;
- Developed draft manual for Review of EIA;
- Developed generic TORs for 24 categories of projects that may require EIA;
- Training in EIA conducted;
- Convened training workshop in Civil Procedure Rules;
- Supported three symposia for Resident Magistrates, Supreme Court Judges and Clerks of the Court to increase the awareness of the Jamaican Judiciary on environment and planning laws and natural resource management issues;
- Prepared and distributed a CD on Judicial Symposia proceeding; and
- Procured resources for the legal division.

These initiatives are very useful in biodiversity management and in addressing some of the areas of the Convention, such as, Public Education and Awareness (Article 13); and Impact assessment and Minimizing adverse impacts (Article 14).

#### 4. CAPACITY ASSESSMENT OF THE IMPLEMENTING AGENCY AND PARTNER INSTITUTIONS

Two questionnaires were circulated to members of the Steering Committee, some Managers/Directors of NEPA, the former CEO of NEPA<sup>13</sup>, the Senior Director of Environment, Ministry of Land and Environment; Forestry Department, Fisheries Division the National CHM Focal Point and the CBD national Focal Point. (For samples see **Appendix VI & VII**.) Responses were received from almost all persons sent independently of the Steering Committee (**Appendix VIII**), (8/9) with 6 of 13 persons responding from the Steering Committee. Interviews were held with two Directors of NEPA and a brief discussion was held with another<sup>14</sup>.

##### 4.1 National Environment and Planning Agency

**Knowledge of the Convention:** All persons indicated knowledge of the Convention, its work programmes and the NBSAP.

**Institutional level:** Here results were mixed. While the work programmes and cross cutting issues of the CBD were taken into account when developing projects and policy, this was not always the case when preparing Corporate Plans. No clear policy emerged with regards to the review of the decisions of the COP, follow up actions after the COP or in the filing and distribution of reports. In fact, in one instance the Biodiversity Committee was cited as the entity responsible for follow up actions after meetings of the COP. This is an interesting idea, but again there would have to be support from NEPA to do this, that is there would have to be significant administrative support to the Committee. Nevertheless, there is clear commitment from NEPA to the implementation of the Convention as the organization did establish the Secretariat and continues to have a Biodiversity Committee responsible for implementing the NBSAP. All considered implementation of the CBD a priority. Also, the role of implementing the NBSAP has now been given to the Biodiversity Branch.

There is broad based knowledge of the NBSAP and the project concepts within the organization. Also, it is considered important in guiding the environmental programmes of the country.

**Individual level:** Lack of trained persons or the opportunity for training was not identified as a capacity issue within the organization. However, there appears to be the need for additional

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<sup>13</sup> Only questionnaire 2 was sent to the CEO

<sup>14</sup> The list of persons sent questionnaires and interviewed can be seen in Appendix 7.

staff to monitor the implementation of the Convention as from discussions with staff, implementation of the CBD was seen as **an addition to an already heavy workload**.

**Capacity Constraints:** A major capacity constraint identified was one of resources: human and financial. The lack of an integrated approach was also cited as a constraint. NEPA has recently re-structured, and the new structure is expected to allow a more integrated approach among its Divisions. Another capacity constraint was the collection of information, particularly with regards to:

- biology of species (particularly relate to country needs);
- water quality; and
- air quality.

Plans are in motion to develop a water quality database and plans are a foot to develop formal linkages with the University of the West Indies and STATIN to provide scientific and other information related, in particular, to Protected Areas and Watersheds.

#### **4.2 Partner Organizations/Institutions**

**Knowledge:** Again there was wide spread knowledge of the Convention, its work programmes and the NBSAP.

**Institutional level:** While the Ministry of Land and Environment (MLE) and the Natural History Division of the Institute of Jamaica (NHD/IOJ) include CBD work programmes and cross cutting issues and the NBSAP priority Project Concepts in their corporate plans, this was not the case for others. In some instances, CBD issues were taken into consideration for policy and often for projects. The Forestry Department stated that its Corporate Plan was linked to its own Plan; however, it noted that there were linkages between the National Forest Management and Conservation Plan and the NBSAP.

**Capacity Constraints:** Again, human and financial resources were seen as major capacity constraints. The national CBD Focal Point cited human resources to deal with CBD issues as the greatest need. Coordination and cooperation among relevant agencies was cited as another constraint. Also, it appears that coordination within agencies also needs to be addressed. Training was cited as a capacity constraint by the CHM Focal Point.

Overall it is clear that there is widespread awareness of the CBD and the NBSAP within the implementing agency and its partners. There is also a fair amount of institutionalisation of the CBD within these agencies, but there is a clear need for human and financial resources to adequately implement the Convention. A capacity constraint matrix of the High Priority and Priority Project Concepts can be seen in Table 4.

**Table 4. Capacity Constraints Matrix**

Priority Project Concepts	Related CBD Issues	Individual Capacity Constraints	Institutional Capacity Constraints	Systemic Capacity Constraints
<p><b><u>Highest Priority Projects</u></b></p> <p>1. Establishment of the National Biodiversity Secretariat as a Supporting Mechanism to Implement and Monitor the National Biodiversity Strategy and Action Plan</p>	<p>General Measures for Conservation and Sustainable use of biodiversity.</p>	<p>Lack of sufficient persons trained in Project Proposal Preparation and implementation and financial resource management, identification and negotiation.</p>	<p>Insufficient financial &amp; human resources to effectively staff the Secretariat, the absence of an effective monitoring mechanism and integrated approach to the implementation of the NBSAP.</p>	<p>Insufficient financial resources. No mechanism for setting priorities at the national level – this is currently being looked at by the PSMU.</p>
<p>2. Preparation for the Declaration of Protected areas: Black River, Mason River, Port Antonio, Dolphin Head, Cockpit Country and Rozelle/Rozelle Falls.</p>	<p>In situ conservation of Biodiversity &amp; Protected areas.<sup>15</sup></p>	<p>Insufficient persons with skills in environmental management, particularly in Environmental Non Government Organisations.</p>	<p>Insufficient financial and human resources to effectively monitor declared areas and some required information unavailable.</p>	<p>Legal and regulatory framework not in place for some categories of protected areas. Ownership of lands in some areas to be designated under dispute and or information on ownership is difficult to obtain.</p>
<p>3. Rehabilitation of Coral Reef Ecosystems</p>	<p>Identification and Monitoring &amp; Marine and Coastal biological diversity.</p>		<p>Financial and human resources to carry out some of the required assessments and interventions such reduction in land based pollutants.</p>	
<p>4. Reduction of Pollutants in Freshwater and Marine Environments.</p>	<p>Identification and Monitoring , Marine and Coastal biological diversity &amp; Inland water ecosystems.</p>		<p>Financial and human resources to carry out some of the required interventions such reduction in land based pollutants.</p>	<p>Laws which govern disposal of solid waste not adequately enforced, run off of untreated sewage into the marine environment not properly addressed, polluter pay principle not being applied, particularly with regard to packaging materials. Social mores</p>

<sup>15</sup> TNC is doing some work in this area and the NISP is expected to address some of the issues, such as financial sustainability.

5. Preparation of an Alien Invasive Species Management Plan	Alien species & Forest biological diversity.		Financial & human resources inadequate. Some assistance expected from TNC.	with regards to waste disposal wanting.
6. Implementation /Preparation of Recovery Strategies for Critically Endangered Species	Ex situ and In situ conservation.		Financial & human resources inadequate.	Lack of appropriate legislation to control import of alien invasive and their control or eradication. The proposed NEPA Act is expected to address this gap.
7. Preparation of Policies and Legislation to Facilitate Access to Biological Resources and Equitable Benefit Sharing	Access to genetic Resources, benefit sharing & Traditional knowledge.	Trained persons in the area of Intellectual Property Rights as it relates to biodiversity.	Human Resources inadequate and required information not available.	Legal and regulatory framework for access to genetic resources and benefit sharing not in place. The proposed NEPA Act is expected to cover these areas, however the required data to inform the relevant Regulations will need to be collected.
8. Sensitization of the Judiciary and Training for Customs and Immigration Officers and the Constabulary.	Public Awareness and Education.	Insufficient trained persons to carry out workshops such as in the areas of valuation of natural resources.	Financial & human Resources inadequate and some required information not available.	
<b><u>Priority Projects</u></b>				
1. Financial Sustainability of Protected Areas	In situ Conservation of biodiversity & Protected Areas		Financial & human resources inadequate particularly for ENGOs involved in managing Protected Areas. Some assistance expected from TNC.	
2. Rehabilitate Degraded Forests	Forest Biological Diversity		Human and Financial Resources	Lack of knowledge/understanding of the importance of sustainable use.



3. Development of Sustainable Fisheries	Identification and Monitoring & Marine and Coastal biological diversity.		Insufficient human, financial resources and infrastructure inadequate, such as, equipment for monitoring.	Lack of knowledge/understanding of the importance of sustainable use.
4. Development of Sustainable Forestry	Forest Biological Diversity		Human and Financial Resources. Recently concluded debt –for- nature swap establishing Forest Trust Fund will mainly assist ENGOs and community-based organizations.	
5. Preparation of Ecological Zonation Plan and Land Use Plans for Declared Protected Areas	In situ Conservation & In situ Conservation & Protected Areas			
6. Development of Natural Products Industry, Sustainable Use of Medicinal and Aromatic Plants and the Establishment of <i>In-situ</i> and <i>Ex-situ</i> Collections	In situ & Ex situ Conservation		Human and Financial Resources	Financial Resources
7. Establishment of <i>In-situ</i> and <i>Ex-situ</i> Collections			Human and Financial Resources	
8. Development of Regulatory and Administrative Measures to Control the Safe Handling and Transfer of Living Modified Organisms (LMOs)	Biosafety	Insufficient required skills	Insufficient human, financial resources and infrastructure inadequate, such as, equipment for identification.	Legislative process incomplete & lack of knowledge/understanding of the importance of having the capacity to administer and manage LMOs
9. Expansion of the National Clearing-House Mechanism	Technical & Scientific Cooperation, Clearing House Mechanism	Insufficient required skills	Infrastructure inadequate.	Financial Resources and issue of prioritization
10. Development of Increased Resource Management Capacity	Implementation of the Convention		Financial Resources	Financial Resources

## 5. AREAS FOR ACTION

From the responses on questionnaires and the interviews, as well as the stakeholder response during the Focus Group meetings (**Appendix IX**) it is clear that there is widespread knowledge of CBD and NBSAP and implementing the NBSAP is considered a priority. However, a number of obstacles to implementation were identified and in some cases ranked. Obstacles most frequently cited and with the highest ranking were:

- Lack of human and financial resources;
- Dissemination of information at the national level not efficient;
- Loss of biodiversity and the corresponding goods and services it provides not properly understood and documented;
- Existing scientific and traditional knowledge not fully utilized; and
- Lack of public education and awareness at all levels.

In reviewing the implementation of the NBSAP capacity issues include:

- Lack of human and financial resources
- Insufficient biological information on flora and fauna
- Insufficient coordination among and within the relevant agencies
- Lack of appropriate skills in project writing;
- Insufficient cooperation from partners in developing the projects; and
- Lack of or insufficient skills in financial resource identification and negotiation.

**A clearly defined mechanism for implementation of the NBSAP needs to be developed along with the role of the Secretariat. While it is important that the project concepts are included in the relevant institutions' Corporate Plans, there is no guarantee that a budget will be provided, hence the need for project development and financial resource identification. These are areas that need capacity development. The existing project proposals need to be reviewed and revised where necessary. There has to be support from the implementing agency and the National Focal Point prior to submission to funding agencies, hence a clear strategy needs to be developed for project development, submission and implementation. Human and financial resources needs may have to be addressed through projects and programmes as it is unlikely that the government will be able to increase financial support to the environmental agency at this time. The add-on enabling activities project should be submitted as soon as possible as it addresses gaps in the areas of access to genetic resources, taxonomy and traditional knowledge and could provide important inputs in developing regulations for access to genetic resources and traditional knowledge to the proposed NEPA Act.**

## 6. CONCLUDING REMARKS AND RECOMMENDATIONS

### 6.1 Concluding Remarks

NEPA's commitment to implementing the NBSAP through the various Divisions and branches is very important and laudable. However, the ability of the agency to currently effectively implement these activities must be questioned. Does it have the necessary financial and human resources? If it does not, should there not then be a mechanism to seek additional funding to implement the NBSAP, in particular, taking into consideration the mission of the Convention's Strategic Plan, which states:

*“Parties commit themselves to a more effective and coherent implementation of the three objectives of the Convention, to achieve by 2010 a significant reduction of the current rate of biodiversity loss at the global, regional and national level as a contribution to poverty alleviation and to the benefit of all life on earth.”*

The NISP is a very important multi-agency partnership in implementing the NBSAP. It must be taken into consideration when developing a mechanism to implement the NBSAP. Other such partnerships should be sought to assist in the implementation of the NBSAP. Jamaica should aggressively seek funding to implement the Action Plan. This would suggest the need for a coordinating mechanism with a focus on the NBSAP, working with the various partner agencies, institutions and non government organizations.

The inclusion of the proposed activities in JaNEAP is another important step. However, it must be noted that this action by itself does not guarantee effective implementation as there is no funding mechanism for JaNEAP outside of the government's annual subventions to its agencies.

### 6.2 Recommendations

The following are the recommendations:

- NBSAP is the country's primary response to its obligations under UNCBD;
- NEPA must be strengthened to more effectively implement the NBSAP;
- aggressive funding programme must be launched taking into consideration all the available sources both internal and external;
- the NISP opportunities should be integrated into any projects/programmes which are developed to implement the NBSAP. Administrative mechanism

should be put in place to ensure that there is integration of these efforts and avoidance of duplication;

- the Clearing House Mechanism should be strengthened;
- the current legal framework requires strengthening particularly with regard to access to biological resources and benefit sharing; and
- public education efforts must continue and mechanisms found to ensure its sustainability and coordination and integration with the other Rio Conventions. Special emphasis to be placed on the judiciary, police, local government organizations and communities in protected areas.

## 7. THE CARTAGENA PROTOCOL ON BIOSAFETY

The Conference of the Parties to the Convention adopted a supplementary agreement to the Convention known as the Cartagena Protocol on Biosafety in 2000. The Protocol seeks to protect biological diversity from the potential risks posed by living modified organisms (LMOs) resulting from modern biotechnology.<sup>16</sup> The Protocol also establishes a Biosafety Clearing-House<sup>17</sup> (BCH), to facilitate the exchange of information on living modified organisms and to assist countries in the implementation of the Protocol. Jamaica signed the Protocol in June 2001. The Protocol entered into force in September 2003. Jamaica is not yet a Party to the Protocol.

### 7.1. Implementation

Jamaica is not yet a party to the protocol; however, the country has conducted a number of activities which will assist it in its preparations to ratify the Protocol. These include:

- establishment of a National Biosafety Committee;
- review by the Attorney General's Department of the legal requirements to implement the Protocol<sup>18</sup>;
- implementation of a Public Education Programme on Biosafety;
- designation of a National Focal Point on Biosafety;
- designation of a National Focal Point for the Biosafety Clearing House (BCH);
- participation in the pilot phase of the BCH; and
- development of National Biosafety Frameworks.

A timeline showing the main activities to date can be seen below (Diagram 2).

### 7.2 National Biosafety Focal Point

At present, the Ministry of Land and Environment<sup>19</sup> is the National Focal Point for the Cartagena Protocol. A recommendation coming from the draft policy, (an output of the UNEP-GEF Project on Development of National Biosafety Frameworks, (see section 6.4)), is that the NCST be the National Focal Point.

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<sup>16</sup> For additional information see Stocktaking Report

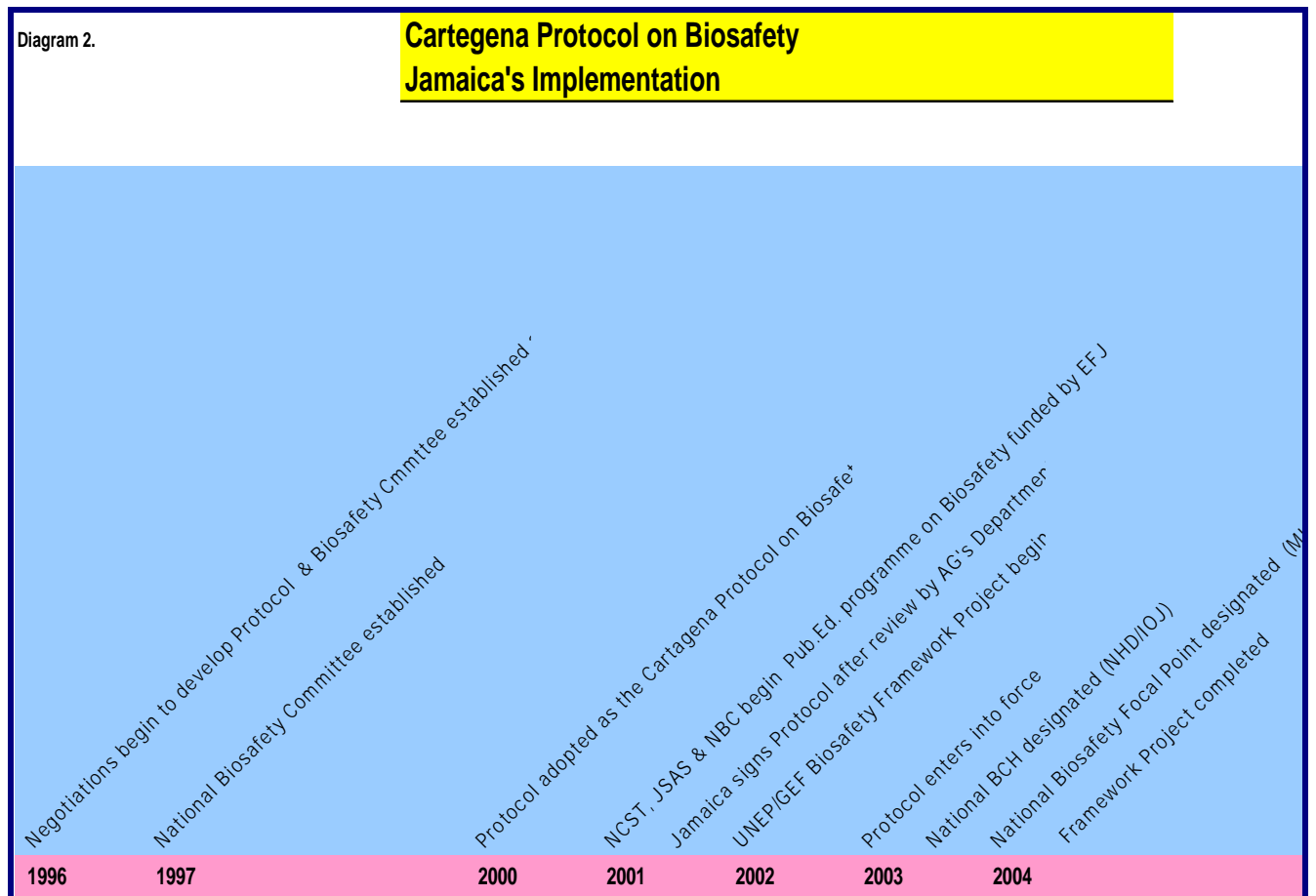
<sup>17</sup> Jamaica's National Focal Point is the Natural History Division of the Institute of Jamaica.

<sup>18</sup> February, 2001.

<sup>19</sup> Ms. Leonie Barnaby, Senior Director

### 7.3 National Biosafety Committee (NBC)

A Biosafety Committee was established in 1996 under the National Commission on Science and Technology, (NCST) which later, in 1997, became the National Biosafety Committee, (NBC). It is multidisciplinary and is drawn from a number of Ministries, institutions and organisations, including the private sector. The NBC is legislated by the Plants (Importation) Control Regulations 1997, under the Plants (Quarantine) Act. The Regulations deal with importation of plant LMOs for experimental use only, the role of the committee being to make determinations and recommendations to the Plant Quarantine Division of the Ministry of Agriculture on the importation of GM plant material for research only. These Regulations are inadequate for implementing the Protocol and currently the NBC is working on drafting instructions to expand the scope of legislation to allow for de-regulation of plants but not for commercialization. **The UNEP-GEF Frameworks Project was expected to address the gaps in legislation to allow the country to fully implement the Protocol.**



#### **7.4 Public Education Programme on Biosafety**

The NCST, in collaboration with the Jamaica Society for Agricultural Sciences and the NBC, implemented an island-wide public education programme on Biosafety which started March, 2001 and ended December, 2002. The Environmental Foundation of Jamaica (EFJ) and the Government of Jamaica (GOJ) funded the project.

#### **7.5 UNEP-GEF Project on Development of National Biosafety Frameworks**

This project is designed to assist up to 100 countries to develop their National Biosafety Frameworks thereby enabling them to implement the Biosafety Protocol. Expected outputs of the project are:

- draft legal instruments;
- administrative systems;
- risk assessment procedures; and
- systems for public participation and information.

The project has been recently completed and the outputs are:

- draft policy on biosafety;
- regulatory regime for biosafety;
- system to handle notifications or requests for authorisations ;
- systems for ‘follow up’ such as enforcement and monitoring for environmental effects; and
- mechanisms for public awareness, education and participation.

The project report states that the following remain outstanding:

- final list of the national roster of experts,
- development of a national biosafety database
- linkages to the Biosafety Clearing House<sup>20</sup> and
- “requisite National Biosafety Law”.

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<sup>20</sup> A web page for the project has been designed by the NHD/IOJ, the CHM focal point, but this needs to be uploaded to the national CHM site.

## 7.6 Roster of Experts

The COP, in a decision at its extraordinary meeting<sup>21</sup> established a regionally balanced roster of experts nominated by Governments, in fields relevant to risk assessment and risk management related to the Protocol. The mandate of the roster is to "provide advice and other support, as appropriate and upon request, to developing country Parties and Parties with economies in transition, to conduct risk assessment, make informed decisions, develop national human resources and promote institutional strengthening, associated with the transboundary movements of living modified organisms".<sup>22</sup>

Preliminary work was carried out under the project to identify persons to be included in the national roster of experts and the NBC has been given the mandate to review the list of persons. **This could be viewed as a low priority item for implementation of the Protocol.**

## 7.7 Development of a National Biosafety Database

Again, some preliminary work was done in this area, and again **this could be viewed as a low priority item for implementation of the Protocol, although it is an important area.**

## 7.8 Linkages to the Biosafety Clearing House

At the first meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol, (COP-MOP), held in 2004, the Parties adopted the modalities of operation of the Biosafety Clearing-House (BCH). These include:

- role of the Biosafety Clearing-House;
- role of the Biosafety Clearing-House Focal Points
- characteristics of the Biosafety Clearing-House; and
- administration of the Biosafety Clearing-House

These are of importance to Jamaica in preparing to become a Party to the Protocol, particularly the role of the BCH, which is important in the provision and exchange of information in support of implementation of the Protocol and the role of the BCH Focal Point. In keeping with the obligations of the Protocol the National Focal point for the BCH has been named, that is, the Natural History Division of the Institute of Jamaica. However, there is a need to develop a BCH web page to be linked to the Central Portal, housed at the Secretariat, through the National CHM, as Parties are required, *inter alia*, to provide information on:

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<sup>21</sup> Decision EM-1/3

<sup>22</sup> Taken from secretariat web site.



- existing national legislation, regulations and guidelines for implementing the Protocol, as well as information required by Parties for the advance informed agreement procedure;
- national laws, regulations and guidelines applicable to the import of LMOs intended for direct use as food or feed, or for processing; and
- contact details for competent national authorities (Articles 19.2 and 19.3), national focal points.<sup>23</sup>

Details of the role of the BCH can be seen in Box 1.

**Box.1**

**ROLE OF THE BIOSAFETY CLEARING-HOUSE**

**The role of the Biosafety Clearing-House in the provision and exchange of information in support of implementation of the Protocol is clearly articulated in the Protocol. At a minimum, the Biosafety Clearing-House has a role in providing access to information relating to:**

- (a) Existing national legislation, regulations and guidelines for implementing the Protocol, as well as information required by Parties for the advance informed agreement procedure (Article 20 paragraph 3 (a));
- (b) National laws, regulations and guidelines applicable to the import of LMOs intended for direct use as food or feed, or for processing (Article 11 paragraph 5);
- (c) Bilateral, multilateral and regional agreements and arrangements (Articles 14 paragraph 2 and 20 paragraph 3 (b));
- (d) Contact details for competent national authorities (Articles 19.2 and 19.3), national focal points (Articles 19 paragraph 1 and 19 paragraph 3), and emergency contacts (Article 17 paragraph 3 (e));
- (e) Reports submitted by the Parties on the operation of the Protocol (Article 20 paragraph 3 (e));
- (f) Decisions by a Party on regulating the transit of specific living modified organisms (LMOs) (Article 6 paragraph 1);
- (g) Occurrence of unintentional transboundary movements that are likely to have significant adverse effects on biological diversity (Article 17 paragraph 1);
- (h) Illegal transboundary movements of LMOs (Article 25 paragraph 3);
- (i) Final decisions regarding the importation or release of LMOs (i.e. approval or prohibition, any conditions, requests for further information, extensions granted, reasons for decision) (Article 10 paragraph 3 and Article 20 paragraph 3(d));
- (j) Information on the application of domestic regulations to specific imports of LMOs

<sup>23</sup> The CBD Secretariat has developed a BCH Tool kit to assist countries in designing their BCH.

(Article 14 paragraph 4);

(k) Final decisions regarding the domestic use of LMOs that may be subject to transboundary movement for direct use as food or feed, or for processing (Article 11 paragraph 1);

(l) Final decisions regarding the import of LMOs intended for direct use as food or feed, or for processing that are taken under domestic regulatory frameworks (Article 11 paragraph 4) or in accordance with annex III (Article 11 paragraph 6) (requirement of Article 20 paragraph 3(d));

(m) Declarations regarding the framework to be used for LMOs intended for direct use as food or feed, or for processing (Article 11 paragraph 6);

(n) Review and change of decisions regarding intentional transboundary movements of LMOs (Article 12 paragraph 1);

In reviewing the role of the Biosafety Clearing-House Focal Points as defined by the COP-MOP (see Box.2), it is clear that this is a very important function which will require additional resources, particularly human resources. It is important that Jamaica explores the possibility of accessing funds for the development of the BCH through the **proposed UNEP-GEF add-on project “Building Capacity for Effective Participation in the Biosafety Clearing-House of the Cartagena Protocol”**. The UNEP-GEF Biosafety Unit has submitted to the GEF Council, for its November work programme, an add-on project to the current BCH project (which is for Parties only), which will expand eligibility for 89 additional countries based on the recommendations of COP-MOP1.

## **Box 2. Role of the Biosafety Clearing- House Focal Points**

**National focal points (or, where appropriate, Institutional Focal Points) for the Biosafety Clearing-House shall be nominated to liaise with the Secretariat regarding issues of relevance to the development and implementation of the Biosafety Clearing-House, whose functions shall include the following roles and responsibilities:**

(a) Active clearance for publishing information registered on the Biosafety Clearing-House, including validation at a national level of records to make them publicly available through the central portal;

(b) Liaison with the Secretariat regarding the technical aspects of national participation in the Biosafety Clearing-House, as well as provision of advice on further technical development including, *inter alia*, suggestions for improvements to the layout and system specifications of the central portal and central databases; and

(c) Facilitation of the development of a network of multi-sectoral and interdisciplinary partners, as appropriate in the implementation process of the Biosafety Clearing-House.

## 7.9 National Biosafety Legislation

The draft policy and drafting instructions for legislation on biosafety are important first steps in developing legislation for the implementation of the Protocol. **However, there is the need to move to the next step, that is, the drafting of the Act itself and the attendant Regulations to facilitate its implementation.**

## 8. CAPACITY NEEDS FOR IMPLEMENTATION OF THE BIOSAFETY PROTOCOL

### 8.1 Action plan for building capacities for effective implementation of the protocol

Also adopted at the COP-MOP, was an “Action Plan for Building Capacities for the Effective Implementation of the Cartagena Protocol on Biosafety” and Parties and other **governments** were urged to review their needs and priorities periodically and update their records in the Biosafety Clearing-House accordingly. The Action Plan aims “at identifying country needs, priorities, and mechanisms of implementation and sources of funding”<sup>24</sup>, in order to achieve its objective which is: *“to facilitate and support the development and strengthening of capacities for the ratification and effective implementation of the Cartagena Protocol on Biosafety at the national, sub regional, regional and global levels in a timely manner.”*

Key elements requiring concrete action have been identified and include:

- **Institutional capacity-building:**
  - (i) Legislative and regulatory framework;
  - (ii) Administrative framework;
  - (iii) Technical, scientific and telecommunications infrastructures;
  - (iv) Funding and resource management;
  - (v) Mechanisms for follow-up, monitoring and assessment;
- **Human-resources development and training;**
- **Risk assessment and other scientific and technical expertise;**
- **Risk management;**
- **Awareness, participation and education at all levels including for decision makers, stakeholders and general public;**
- **Information exchange and data management including full participation in the Biosafety Clearing-House;**
- **Scientific, technical and institutional collaboration at sub regional, regional and international levels;**
- **Technology transfer;**

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<sup>24</sup> UNEP/CBD/BS/COP-MOP/1/15

- **Identification of living modified organisms;**
- **Socio-economic considerations.**

The Action Plan goes further by suggesting a possible sequencing of activities identified in the Action Plan at the national, regional and international level. However it does state that the sequence does not establish priorities of action to be taken by countries. Activities to be taken at the national level and their status can be seen in Table.5.

**Table 5. Status of Activities to be taken a the National Level – Biosafety Protocol**

Activities	Status
1. Assessment of effectiveness and adequacy of existing capacity.	On going
2. Assessment of the short- and long-term requirements for internal and external funding.	On going
3. Development of timelines.	To be done
4. Development of national regulatory frameworks on Biosafety.	On going
5. Development and/or strengthening of institutional, administrative, financial and technical capacities, including the designation of national focal points and competent authorities.	On going
6. A mechanism for handling requests or notifications, including risk assessment and decision-making, as well as public information and participation.	On going
7. Mechanisms for monitoring and compliance.	On going
8. Establishment of a mechanism to inform all stakeholders.	On going
9. Appropriate participation of all relevant stakeholders.	On going

While Table 5 shows where some actions have been taken it does not clearly indicate the gaps, and a review of the status of implementation of the key elements identified in the Action Plan gives a better picture as can be seen in Table 6.

**Table 6. Key Elements Requiring Concrete Action**

<i>Key elements requiring concrete action</i>	<i>Status</i>	<i>Priority</i> <sup>25</sup>
<b>1. Institutional capacity-building:</b>	<b>i) In progress, needs to be completed.</b>	<b>1</b>
(i) Legislative and regulatory framework;		
(ii) Administrative framework;	<b>(ii) In progress, needs to be completed.</b>	<b>1</b>
(iii) Technical, scientific and telecommunications infrastructures;	<b>(iii) Not considered in any detail.</b>	<b>1</b>
(iv) Funding and resource management;	<b>(iv) Not addressed.</b>	<b>1</b>
(v) Mechanisms for follow-up, monitoring and assessment	<b>(v) In progress, needs further work.</b>	<b>1</b>
<b>2. Human-resources development and training.</b>	<b>2. Not addressed</b>	<b>1</b>
<b>3. Risk assessment and other scientific and technical expertise.</b>	<b>3. Not considered in depth</b>	
<b>4. Risk management.</b>	<b>4. As above.</b>	<b>1</b>
<b>5. Awareness, participation and education at all levels including for decision makers, stakeholders and general public.</b>	<b>5. Partially addressed.</b>	<b>1</b>
<b>6. Information exchange and data management including full participation in the Biosafety Clearing-House.</b>	<b>6. To be addressed</b>	<b>1</b>
<b>7. Scientific, technical and institutional collaboration at sub regional, regional and international levels.</b>	<b>7. Not addressed.</b>	<b>3</b>
<b>8. Technology transfer.</b>	<b>8. Not addressed.</b>	<b>2</b>
<b>9. Identification of living modified organisms.</b>	<b>9. In progress, but needs urgent action.</b> <sup>26</sup>	<b>1</b>
<b>Socio-economic considerations.</b>	<b>10. Not addressed</b>	<b>2</b>

<sup>25</sup> Highest = 1, Lowest =3

<sup>26</sup> The Scientific Research Council has demonstrated some interest here, but needs capacity support.

An implementation tool kit<sup>27</sup> which provides a compilation, in the form of a checklist, of obligations found in the Cartagena Protocol on Biosafety can be seen in **Appendix X**. It is clear that there are still a number of priority areas to be addressed before the Protocol on Biosafety can be ratified by Jamaica.

## **8.2 Recommendations**

The following are the recommendations to further Jamaica's readiness to ratify the Protocol:

- funds be found to continue work commenced under the UNEP Biosafety Framework Project;
- determine the organization most suitable to be the Competent National Authority and a programme to strengthen the organization be put in place as a matter of priority; and
- the legislative framework be completed as a matter of priority.

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<sup>27</sup> UNEP/CBD/BS/COP-MOP/1/15

## SOURCES

1. National Strategy and Action Plan on Biological Diversity in Jamaica, July 2003.
2. Draft Stocktaking Report, June 2004, GOJ/UNDP/EF CSAP.
3. Draft National Biosafety Framework, October 2004, GOJ/UNEP/GEF Biosafety Frameworks Project.
4. Biodiversity Secretariat Final Report, August 2004, DRAFT.

# APPENDICES





## APPENDIX I. GOALS OF THE CBD'S STRATEGIC PLAN

### **Goal 1: The Convention is fulfilling its leadership role in international biodiversity issues.**

- 1.1 The Convention is setting the global biodiversity agenda.
- 1.2 The Convention is promoting cooperation between all relevant international instruments and processes to enhance policy coherence.
- 1.3 Other international processes are actively supporting implementation of the Convention, in a manner consistent with their respective frameworks.
- 1.4 The Cartagena Protocol on Biosafety is widely implemented.
- 1.5 Biodiversity concerns are being integrated into relevant sectoral or cross-sectoral plans, programmes and policies at the regional and global levels.
- 1.6 Parties are collaborating at the regional and subregional levels to implement the Convention.

### **Goal 2: Parties have improved financial, human, scientific, technical, and technological capacity to implement the Convention.**

- 2.1 All Parties have adequate capacity for implementation of priority actions in national biodiversity strategy and action plans.
- 2.2 Developing country Parties, in particular the least developed and the small island developing States amongst them, and other Parties with economies in transition, have sufficient resources available to implement the three objectives of the Convention.
- 2.3 Developing country Parties, in particular the least developed and the small island developing States amongst them, and other Parties with economies in transition, have increased resources and technology transfer available to implement the Cartagena Protocol on Biosafety.
- 2.4 All Parties have adequate capacity to implement the Cartagena Protocol on Biosafety.
- 2.5 Technical and scientific cooperation is making a significant contribution to building capacity.

**Goal 3: National biodiversity strategies and action plans and the integration of biodiversity concerns into relevant sectors serve as an effective framework for the implementation of the objectives of the Convention.**

3.1 Every Party has effective national strategies, plans and programmes in place to provide a national framework for implementing the three objectives of the Convention and to set clear national priorities.

3.2 Every Party to the Cartagena Protocol on Biosafety has a regulatory framework in place and functioning to implement the Protocol.

3.3 Biodiversity concerns are being integrated into relevant national sectoral and cross-sectoral plans, programmes and policies.

3.4 The priorities in national biodiversity strategies and action plans are being actively implemented, as a means to achieve national implementation of the Convention, and as a significant contribution towards the global biodiversity agenda.

**Goal 4: There is a better understanding of the importance of biodiversity and of the Convention, and this has led to broader engagement across society in implementation.**

4.1 All Parties are implementing a communication, education, and public awareness strategy and promoting public participation in support of the Convention.

4.2 Every Party to the Cartagena Protocol on Biosafety is promoting and facilitating public awareness, education and participation in support of the Protocol.

4.3 Indigenous and local communities are effectively involved in implementation and in the processes of the Convention, at national, regional and international levels.

4.4 Key actors and stakeholders, including the private sector, are engaged in partnership to implement the Convention and are integrating biodiversity concerns into their relevant sectoral and cross-sectoral plans, programmes and policies.

## **APPENDIX II. LIST OF THE PROPOSED HIGHEST PRIORITY AND PRIORITY PROJECTS IN NBSAP**

### ***List of the Proposed Highest Priority and Priority Projects***

#### **Highest Priority Projects**

- Establishment of the National Biodiversity Secretariat as a Supporting Mechanism to Implement and Monitor the National Biodiversity Strategy and Action Plan
- Preparation for the Declaration of Protected areas: Black River, Mason River, Port Antonio, Dolphin Head, Cockpit Country and Rozelle/Rozelle Falls
- Rehabilitation of Coral Reef Ecosystems
- Reduction of Pollutants in Freshwater and Marine Environments
- Preparation of an Alien Invasive Species Management Plan
- Implementation/Preparation of Recovery Strategies for Critically Endangered Species
- Preparation of Policies and Legislation to Facilitate Access to Biological Resources and Equitable Benefit Sharing
- Sensitization of the Judiciary and Training for Customs and Immigration Officers and the Constabulary

#### **Priority Projects**

- Financial Sustainability of Protected Areas
- Rehabilitate Degraded Forests
- Development of Sustainable Fisheries
- Development of Sustainable Forestry
- Preparation of Ecological Zonation Plan and Land Use Plans for Declared Protected Areas
- Development of Natural Products Industry, Sustainable Use of Medicinal and Aromatic Plants and the Establishment of *In-situ* and *Ex-situ* Collections
- Establishment of *In-situ* and *Ex-situ* Collection
- Development of Regulatory and Administrative Measures to Control the Safe Handling and Transfer of Living Modified Organisms (LMOs)
- Expansion of the National Clearing-House Mechanism
- Development of Increased Resource Management Capacity

## **APPENDIX III. PROJECT CONCEPT TO ESTABLISH THE NATIONAL BIODIVERSITY SECRETARIAT**

### **Project Concept**

#### **Goal 1 Conserve Biodiversity**

**Title:** Establishment of the National Biodiversity Secretariat as a Supporting Mechanism to Implement and Monitor the National Biodiversity Strategy and Action Plan (NBSAP)

**Lead Agency:** National Environment and Planning Agency

**Supporting Government Agencies:** Ministry of Land and Environment, Forestry Department, Fisheries Division, Institute of Jamaica, Ministry of Foreign Affairs and Foreign Trade, Ministry of Mining and Energy, National Water Commission, Scientific Research Council, National Commission on Science and Technology, Planning Institute of Jamaica, Ministry of Agriculture.

**Other Partners:** National Environmental Societies Trust, Private Sector Organisation of Jamaica

**Duration:** Three years

**High Priority**

**Objective:** To establish a support mechanism for the NBSAP to ensure that projects outlined are implemented and monitored, thereby achieving the goals of the NBSAP.

**Rationale:** This project will enable the establishment of a support mechanism to ensure the successful implementation of the National Biodiversity Strategy and Action Plan. This mechanism will be in the form of a Secretariat housed at the National Environment and Planning Agency. The existing NBSAP Steering Committee (see **Appendix I** for a list of members) will be maintained to guide the Secretariat.

**Specific Activities:** The main functions of the Secretariat will be co-ordination of project implementation, provision of technical inputs, development of in-country skills in long-term project and programme development and implementation, as well as strategic planning and policy development. This will include training, establishment of project management

information systems and promotion of co-management strategies. The National Biodiversity Strategy and Action Plan Steering Committee will be an integral part of this mechanism based on the experience of the members in the development of the process. The Secretariat will have dedicated personnel to identify, source and negotiate for funding to implement the projects outlined.

**Requirements:** The Secretariat will initially require five persons; the head will be a Programme Coordinator with skills in project management, environmental planning and policy development. The second member of staff will have skills in administration, communication, training and networking. Two persons are proposed with experience in financial resource identification and negotiation to secure funding for project implementation. The fifth person would provide technical and administrative assistance to the Secretariat as required. It is expected that nationals will fill all posts. Required specialised skills can be brought in for the short term, particularly in the area of project monitoring and evaluation.

**OUTPUT:**

<b>Year 1:</b>	Secretariat office established
<b>Year 1-3:</b>	Secretariat staff hired
	Project management information established
	Financial resources identified and negotiated
<b>Year 3:</b>	36 profiles for projects developed.

## **APPENDIX IV. RATIONALE RE: ESTABLISHMENT OF THE JAMAICA CLEARING-HOUSE MECHANISM (JA CHM) ADVISORY COMMITTEE**

### **Rationale Re: Establishment of the Jamaica Clearing-House Mechanism (JA CHM) Advisory Committee**

Prepared by: Suzanne Davis, Senior Research Officer – CHM, Natural History Division, Institute of Jamaica 2.6.2003

The National Information Network on Biological Diversity formally called the Jamaica Clearing-House Mechanism (JA CHM) was developed out of a United Nations initiative. This initiative, namely the Convention on Biological Diversity (CBD), is a legally binding international treaty that seeks to conserve and sustainably use the variety of life on Earth. One of the articles of this Convention (Article 18.3) requests that all countries that have ratified to the CBD establish a Clearing-House i.e. a unit for the gathering and distribution of public information. Jamaica ratified to the CBD in 1995 and in subsequent years sought to meet this obligation. The major objectives of the JA CHM are 1) Development of a mechanism for exchanging and integrating information on biodiversity and 2) Promotion and facilitation of scientific and technical cooperation. All the national CHM's of the Parties to the Convention form a network that comprises the CBD's CHM.

The Institute of Jamaica (IOJ) was designated National Focal Point for the JA CHM, the institution that would coordinate and manage the JA CHM. The Jamaica Clearing-House Mechanism (JA CHM) began operations at the Natural History Division (NHD) in 1999. The aims of the NHD, namely 1) encouraging the study and dissemination of scientific knowledge of Jamaican flora and fauna and 2) promotion of the conservation of the Jamaican natural environment are in accordance with the mission of the JA CHM. Based on decision IV/2 at the fourth Conference of the Parties of the CBD in 1998, it was recommended that:

**“ ..each party organize an appropriate national clearing-house mechanism steering committee or working group composed of multisectoral and interdisciplinary representatives, to achieve broad participation of different stakeholders in the implementation process of the clearing-house mechanism.”**

Such a committee or working group has not been formed although the JA CHM has been operating with participation from several national government and non-government organizations. However, the JA CHM has growing concerns about the establishment of clear guidelines for access to and exchange of biodiversity-related information across agencies, the development of a national online catalogue of databases and validation of information of online databases developed by various organizations. As indicated in the National Biodiversity Strategy and Action Plan, it is thought that a

multisectoral advisory committee would be instrumental in the successful expansion of the JA CHM services and activities.

So far, the JA CHM has benefited both national programmes related to biodiversity and its management as well as enhanced the NHD capacity as a conserver and educator of Jamaica's biodiversity. The major achievements of the JA CHM are indicated below.

<b>BENEFITS TO INSTITUTE OF JAMAICA</b>	<b>BENEFITS TO NATIONAL PROGRAMMES/ ACTIVITIES</b>
<p>JA CHM website development: major tool for access to and exchange of public information. Website address: (<a href="http://www.jamaicachm.org.jm">www.jamaicachm.org.jm</a>)</p> <p>Working with NHD on the computerization of the NHD's biological collections by 1) accessing and testing information management software 2) training staff in the use of the selected software and 3) providing technical support.</p> <p>Implementing the mapping of species occurrence and distribution</p>	<p>Participation in a multisectoral committee that developed a National Biodiversity Strategy &amp; Action Plan (NBSAP) for Jamaica</p> <p>Provided national and international access to draft NBSAP by posting document on JA CHM website for public review</p> <p>Assisted in the development of a medicinal plant catalogue website for the National Commission on Science &amp; Technology</p> <p>Current member of Biodiversity Committee, hosted by NEPA that monitors implementation of the National Biodiversity Strategy and Action Plan</p> <p>Coordinating a national information *project on alien invasive species which has identified several information sources and resource persons &amp; held Jamaica's 1<sup>st</sup> alien invasive species workshop</p> <p>Created Jamaica's most up-to-date environmental directory which is globally accessible on the JA CHM website</p> <p>Other useful information such as species list, protected areas, national &amp; international environmental legislation is posted on the JA CHM website</p> <p>- Providing support to the National Biosafety Framework Project through the development of web pages</p>

\* The alien invasive species project is part of a regional project developed by the Inter-American Biodiversity Information Network (IABIN).



The Natural History Division of the IOJ has distinguished itself as an active conserver of Jamaica's biodiversity. The Natural History Division (NHD) has an over 100-year history that has resulted in the current botanical collection of over 130,000 plant specimens and zoological collection of over 60,000 specimens. Furthermore, the NHD has managed a wildlife reserve in Mason River, Clarendon for over 40 years, making it a key contributor to on-the-ground conservation. This wildlife Reserve was declared a protected area in November 2002. Staff of the NHD have produced scientific publications, notably the *Bulletin of the Institute of Jamaica, Science Series and Sloanea – Occasional Papers of the Natural History Division of the Institute of Jamaica*. More recently, the NHD decided to capitalize on the massive distributive powers of the Internet through the development of websites for public education and information exchange.

### **Nominees for the Jamaica Clearing-House Mechanism Advisory Committee**

<b>NOMINEE</b>	<b>ORGANIZATION/ ASSOCIATION</b>
1. Dr. George Warner, Director	Centre for Marine Sciences
2. Ms. Marilyn Headley, Conservator of Forests	Forestry Department
3. Mr. Andre Kong, Executive Director	Fisheries Division
4. Agrobiodiversity Rep.	Ministry of Agriculture
5. Ms. Leonie Barnaby,	Ministry of Land & Environment
6. Dr. Elaine Fisher, Vice-Chair of IABIN	Inter-American Biodiversity Information Network (IABIN) Focal Point
7. Ms. Susan Otuokon, Executive Director	Jamaica Conservation Development Trust
8. Ms. Merline Bardowell, Executive Director	National Commission on Science & Technology
9. Prof. Ralph Robinson, Head of the Department of Life Sciences	Department of Life Sciences, UWI
10.?	Private Sector Organization of Jamaica
11. Dr. Susan Koenig, Director	Windsor Research Centre
12. Ms. Yvette Strong, Director	Biodiversity Branch, National Environment & Planning Agency
13. ?	Jamaica Intellectual Property Organization
14. Prof. Gerald Lalor, Director	International Centre for Nuclear Sciences
15. Dr. Audia Barnett, Executive Director	Scientific Research Council

## APPENDIX V. NEPA'S MANDATE, STRUCTURE AND RELATIONSHIP TO CONVENTIONS AND PROTOCOLS.

*(Part of "Response to Biological Diversity Thematic Report" by Winsome Townsend – Director, Strategic Planning, Policies and projects Division)*

NEPA has just undergone a re-organization of its structure where the Agency considered its mandate and structured itself to most effectively meet this mandate. The roles and responsibilities for each division and branch are clearly articulated and are put into effect to ensure that all the Agency's responsibilities are covered and there is no duplication of efforts and waste of resources.

The Agency sees the International Environmental Conventions and Protocols to which Jamaica has committed itself as providing the broad policy framework for environmental management in Jamaica. NEPA is the lead Agency which is responsible for environmental management in Jamaica's. However, the Agency recognizes the important role of various government agencies, ministries, the private sector, and non-governmental organizations in achieving the goals of these conventions and protocols. In this regard, the Agency has over the years put in place measures for their input. These measures are even more focused in the new structure.

For any convention and protocol for which NEPA is the lead agency, the responsibilities are not confined to one division or one branch but is spread across the organization, thereby **mainstreaming** issues related to the particular convention or protocol within all the work of the Agency.

With regard to the Convention of Biological Diversity this is how NEPA will operate:

Branches/Division	Responsibility related to Convention/Protocols
<b>Strategic Planning and Policies Branch</b>	<ul style="list-style-type: none"> <li>• Coordinate discussions on the Convention</li> <li>• Ensure the policy issues are incorporated into the National Environment and Planning Policy and Strategic (NEPPS) – Jamaica's national policy on environment and spatial (physical) planning.</li> <li>• [Coordinate the preparation of Action Plans] Ensure that all activities in the action plan (NBSAP) for which NEPA has a responsibility to implement, are incorporated in NEPA's Corporate and Operations Plans</li> <li>• Provide the mechanism in which the activities in the action plan (NBSAP) for which other agencies have a responsibility are incorporated into the JaNEAP (on the agencies' agreement) and reported on in the Annual Status Reports.</li> </ul>
<b>The Legal Services Branch</b>	Ensure legislative issues are dealt with.
<b>Standards, Guidelines and Regulations Branch</b>	Coordinate the development of standards, guidelines, and regulations related to the NBSAP
	<ul style="list-style-type: none"> <li>• Collaborate with other agencies with regard to biological</li> </ul>

<b>Biodiversity Branch</b>	<p>(species and habitat) assessments.</p> <ul style="list-style-type: none"> <li>• Input into and maintain a database on the status of biological resources.</li> <li>• Such activities would be guided by the related NBSAP activities that have been incorporated into the Corporate/Operations Plan.</li> </ul>
<b>Projects Branch</b>	<ul style="list-style-type: none"> <li>• Liaise with PIOJ and funding agencies regarding the preparation of project proposals related to priority projects identified in the NBSAP [even those where NEPA would <b>not</b> be the lead agency]</li> </ul>
<b>Strategic Planning, Policies and Projects Division</b>	Manage projects for which NEPA is the lead agency
<b>Protected Areas Branch</b>	Deal with issues related to protected areas identified in the NBSAP
<b>Integrated watershed and Coastal Zone Branch</b>	Assist the Biodiversity and protected Areas Branches in implementing related “on-the-ground” activities.
<b>Public Awareness and Corporate Communication Branch</b>	Coordinate the public awareness campaign related to programme/project implementation

It is important to note that **only** the activities that can realistically be funded by the Agency’s budget will be incorporated into the Corporate/Operations plans. Projects will not be incorporated, until project funding has been achieved. Monitoring of activities related to any particular project being implemented will take place within the usual project management framework.

## APPENDIX VI. QUESTIONNAIRE 1

### The Convention on Biological Diversity (CBD) - National Capacity Self Assessment Project

Questionnaire 1

Please tick the appropriate box for each question.

1. Are you familiar with the CBD, its work programmes and cross-cutting issues?
2. Do you take these work programmes and cross-cutting issues into consideration when preparing :
  - a. Corporate Plans
  - b. Projects
  - c. Programmes
  - d. Policy
3. Do you/does your organisation review the the decisions of the Conference of the Parties of the CBD after each meeting?
4. If not, is this due to :
  - a. Lack of time
  - b. Unaware of the meetings of the COP
  - c. Do not know where to access the information
  - d. Other (please explain).
5. Are there institutional mechanisms to ensure that persons attending these meetings submit reports?
6. Are these reports circulated within the organisation and to relevant organisations?
7. Is there a mechanism within the institution to ensure that there are follow- up actions on the various decisions of the Convention where necessary?
8. If no to (7), is this due to :
  - a. Lack of human resources
  - b. Not seen as a priority
  - c. Other (Please explain)

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9. Do you think that your organisation/division/department has the necessary resources (human & financial) to monitor the implementation of the Convention?

10. Are you familiar with the National Biodiversity Strategy and Action Plan (NBSAP)?

11. Do you think that the NBSAP should guide the environmental programmes of the Country?

12. Do you take into consideration the proposed priority projects listed in **Appendix IV** of the NBSAP when preparing your corporate Plan?

13. Do you consider the implementation of the CBD's work programmes priority for Jamaica?

**14. What do you consider to be the main capacity constraint within your organisation/ division/department in implementing the work programmes of the CBD?.....**

.....

Elaine Fisher

August 26,  
2004.

## APPENDIX VII. QUESTIONNAIRE 2

*(Taken in part from CBD Strategic Plan)*

### OBSTACLES TO NATIONAL IMPLEMENTATION OF THE CONVENTION ON BIOLOGICAL DIVERSITY

*Please tick the statements under the various headings which you think apply to the Jamaican situation and rank each obstacle on a scale of 1-4, 1 being of highest in rank.*

#### **1. Political/Societal**

- a. Lack of mainstreaming and integration of biodiversity issues into other sectors, including use of tools such as environmental impact assessments .....
- b. Lack of precautionary and proactive measures, causing reactive policies.....

#### **2. Institutional, technical and capacity-related obstacles**

- a. Inadequate capacity to act, caused by institutional weaknesses .....
- b. Lack of human resources .....
- c. Lack of transfer of technology and expertise .....
- d. Lack of adequate scientific research capacities to support all the objectives.....

#### **3. Lack of accessible knowledge/information**

- a. Loss of biodiversity and the corresponding goods and services it provides not properly understood and documented.....
- b. Existing scientific and traditional knowledge not fully utilized.....
- c. Dissemination of information at national level not efficient .....
- d. Lack of public education and awareness at all levels. ....

**4. Economic policy and financial resources**

- a. Lack of financial and human resources.....
- b. Fragmentation of GEF financing .....
- c. Lack of economic incentive measures .....
- d. Lack of benefit-sharing.....

**5. Collaboration/cooperation**

- a. Lack of synergies at the national level.....
- b. Lack of horizontal cooperation among stakeholders .....
- c. Lack of effective partnerships.....
- d. Lack of engagement of scientific community.....

**6. Legal/juridical impediments**

- a. Lack of appropriate policies and laws .....

**7. Socio-economic factors**

- a. Poverty.....
- b. Population pressure .....
- c. Unsustainable consumption and production patterns .....
- d. Lack of capacities for local communities.....

**8. Natural phenomena and environmental change**

- a. Climate change .....
- b. Natural disasters.....

August 23, 2004, E. Fisher.

## **APPENDIX VIII. LIST OF PERSONS SENT/GIVEN QUESTIONNAIRES AND/OR INTERVIEWED**

- |                                   |   |
|-----------------------------------|---|
| <b>1) Ms. Leonie Barnaby</b>      | <b>Senior Director, MLE</b>   |
| <b>2) Mrs. Donna Blake</b>        | <b>Director, Natural Resources, MLE &amp; Biodiversity<br/>National Focal Point</b> |
| <b>3) Ms. Suzanne Davis</b>       | <b>Senior Research Officer, NHD/IOJ &amp; CHM Focal Point</b>                       |
| <b>4) Mrs. L. Davis-Mattis</b>    | <b>Director, Legal &amp; Enforcement Division, NEPA</b>                             |
| <b>5) Ms. Karla Gordon</b>        | <b>Manager, Protected Areas Branch, NEPA</b>  |
| <b>6) Ms. M. Headley</b>          | <b>Head, Conservator, Ministry of Agriculture</b>                                   |
| <b>7) Mr. Andre Kong</b>          | <b>Head, Fisheries Division</b>   |
| <b>8) Mr. Franklin McDonald</b>   | <b>Immediate past CEO NEPA</b>  |
| <b>9) Mr. Trevor Ramikie</b>      | <b>Director Applications Management Division, NEPA</b>                              |
| <b>10) Ms. Yvette Strong</b>      | <b>Manager, Biodiversity Branch, NEPA</b>   |
| <b>11) Mr. Peter Wilson-Kelly</b> | <b>Manager, Integrated Watershed &amp; Coastal Zone<br/>Management Branch, NEPA</b> |
| <b>12) Mrs. Winsome Townsend</b>  | <b>Director, Strategic Planning: Policies &amp; Projects, NEPA</b>                  |



## **APPENDIX IX. SOME OUTCOMES OF THE FOCUS GROUPS DISCUSSIONS AND THE NATIONAL WORKSHOP ON THE IMPLEMENTATION OF THE CONVENTION ON BIOLOGICAL DIVERSITY<sup>28</sup>**

The main outcomes of the focus Group discussions and the National Workshop were:

- the NBSAP was perceived as the primary instrument to guide Jamaica's implementation of the CBD;
- there was a need for an implementation mechanism for the NBSAP and this should be in the form of a Secretariat as previously described in the Action Plan of the NBSAP and as was previously the case;
- the need to seek external sources of funding to implement the Action Plan; and
- the incorporation of the relevant projects/project concepts as identified in the NBSAP into the Corporate Plans of the lead and partner agencies.

A number of steps were identified in the National Workshop to effectively implement the NBSAP. These are:

- Identify and engage a Lead Agency (MLE);
- Determine and address capacity needs;
- Identify Focal Points in stake holder organisations and formulate TOR's;
- Establish NBSAP as a policy priority;
- Reaffirm NEPA's role (Biodiversity Branch) as Implementing agency;
- Projectise NBSAP with a view to it becoming a mainstream programme within NEPA's (the implementing agency) corporate and operational plans;
- Sensitize the various branches within NEPA and their partner agencies, on their roles in the implementation of the NBSAP; and
- Develop a monitoring mechanism for the three conventions (MLE).

There was considerable enthusiasm displayed by participants during the discussions to identify an effective mechanism whereby Jamaica can fulfill its obligations under the CBD. However, there was insufficient time during the workshop to address the issues relating to the Cartagena Protocol. It was agreed that these could be addressed by the former members of the Steering Committee of the UNEP-GEF Project on Development of National Biosafety Frameworks.

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<sup>28</sup> Focus Group discussions on the CBD were held on November 9<sup>th</sup> and 30<sup>th</sup>, 2004. The National Workshop was held on December 1<sup>st</sup>, 2004.

## APPENDIX X. POST FOCUS GROUP AND WORKSHOP

Subsequent to the focus group and workshop sessions, a meeting was held with the head of the Strategic Planning, Policies and Projects Division of NEPA to discuss among other items, the implementation of the NBSAP and the follow on to the UNEP/GEF Biosafety Frameworks project. The following information was shared with us:

- NEPA will identify activities in the Action Plan that can be implemented by its various Divisions/Branches with existing resources and seek to incorporate them in the 3 Year Corporate Plan and the annual Operations Plan, (Appendix V). This will be done annually;
- Activities in the Action Plan related to NEPA and other agencies will be incorporated into JaNEAP. Here NEPA will bring to the attention of these agencies the relevant activities to be incorporated into their Corporate Plans. Progress on implementation will be made annually. Should funds be unavailable for the activities, this will be reflected in the JaNEAP report and recommendations made for developing projects to seek external funding;
- The coordinating mechanism for implementing the NBSAP will be the Strategic Planning, Policies and Projects Division of NEPA; and
- The Biodiversity Secretariat will not be re-instituted as implementation of the NBSAP will be by the various Divisions and Branches of NEPA.

With regards to the UNEP/GEF Biosafety Frameworks project:

- NEPA will collaborate with the MLE to finalise the draft policy which will include the holding of public consultations;
- Institutional arrangements to be incorporated into the proposed Biosafety Act need to be finalized; and
- A project concept should be developed to address the outstanding issues.

## APPENDIX XI. IMPLEMENTATION TOOL KIT

### I. ADMINISTRATIVE TASKS

	<i>Tasks</i>	<i>Article</i>	✓
	<i>Initial actions</i>		
1.	Designate one national authority responsible for liaison with the Secretariat and provide name/address to Secretariat.	19(1),(2)	
2.	Designate one or more competent authorities responsible for performing administrative functions under the Protocol and provide name(s)/address(es) to the Secretariat. If more than one, indicate the types of LMOs for which each competent authority is responsible.	19(1),(2)	
3.	Provide to the Biosafety Clearing-House: <ul style="list-style-type: none"> <li>- any relevant existing laws, regulations or guidelines, including those applicable to the approval of LMOs-FFP; and</li> <li>- any bilateral, regional or multilateral agreements or arrangements.</li> </ul>	20(3)(a)-(b), 11(5), 14(2)	
4.	Specify to the Biosafety Clearing-House cases in which import may take place at the same time as the movement is notified.	13(1)(a)	
5.	Specify to the Biosafety Clearing-House imports of LMOs exempted from the AIA procedures.	13(1)(b)	
6.	Notify the Biosafety Clearing-House if domestic regulations shall apply with respect to specific imports.	14(4)	
7.	Provide the Biosafety Clearing-House with a point of contact for receiving information from other States on unintentional transboundary movements in accordance with Article 17.	17(2)	
8.	Notify the Secretariat if there is a lack of access to the Biosafety Clearing-House and hard copies of notifications to the Clearing House should be provided.	(e.g., 11(1))	
	<i>Follow-up actions</i>		
9.	Provide to the Biosafety Clearing-House: <ul style="list-style-type: none"> <li>- Summaries of risk assessments or environmental reviews of LMOs generated by regulatory processes and conducted in accordance with Art. 15;</li> <li>- Final decisions concerning the import or release of LMOs; and</li> <li>- Article 33 reports.</li> </ul>	20(3)(c)-(e)	
10.	Make available to the Biosafety Clearing-House information concerning cases of illegal transboundary movements.	25(3)	
11.	Monitor the implementation of obligations under the Protocol and submit to the Secretariat periodic reports at intervals to be determined.	33	
12.	Notify the Biosafety Clearing-House of any relevant changes to the information provided under part I above.		

### II. LEGAL REQUIREMENTS AND/OR UNDERTAKINGS

	<i>Tasks</i>	<i>Article</i>	✓
1.	Ensure that the development, handling, transport, use, transfer and release of LMOs are undertaken in a manner that prevents or reduces the risks to biological diversity, taking also into account risks to human health.	2(2)	
2.	Ensure that there is a legal requirement for the accuracy of information provided by domestic exporters for purposes of notifications for export to another country and by	8(2)	

	domestic applicants for domestic approvals for LMOs that may be exported as LMOs-FFP.	11(2)	
3.	Ensure that any domestic regulatory framework used in place of the AIA procedures is consistent with the Protocol.	9(3)	
4.	Ensure that AIA decisions are taken in accordance with Article 15.	10(1)	
5.	Ensure that risk assessments are carried out for decisions taken under Article 10 and that they are carried out in a scientifically sound manner.	15(1),(2)	
6.	Establish and maintain appropriate mechanisms, measures and strategies to regulate, manage and control risks identified in risk assessments associated with the use, handling and transboundary movement of LMOs under the Protocol.	16(1)	
7.	Take appropriate measures to prevent the unintentional transboundary movements of LMOs, including measures such as requiring a risk assessment prior to the first release of an LMO.	16(3)	
8.	Endeavour to ensure that LMOs, whether imported or locally developed, have undergone an appropriate period of observation that is commensurate with its life cycle or generation time before it is put to its intended use.	16(4)	
9.	Take appropriate measures to notify affected or potentially affected States, the Biosafety Clearing-House, and, where appropriate, relevant international organizations, when there is an occurrence within its jurisdiction that leads or may lead to an unintentional transboundary movement of and LMO that is likely to have significant adverse effects on the sustainable use and conservation of biodiversity, taking also into account risks to human health in such States.	17(1)	
10.	Take necessary measures to require that LMOs that are subject to transboundary movement under the Protocol are handled, packaged and transported under conditions of safety, taking into account relevant international rules and standards.	18(1)	
11.	Take measures to require that documentation accompanying LMOs-FFP <ul style="list-style-type: none"> <li>- clearly identifies that they "may contain" LMOs and are not intended for intentional introduction into the environment; and</li> <li>- provides a contact point for further information.</li> </ul>	18(2)(a)	
12.	Take measures to require that documentation accompanying LMOs destined for contained use: <ul style="list-style-type: none"> <li>- Clearly identifies them as LMOs;</li> <li>- Specifies any requirements for their safe handling, storage, transport and use;</li> <li>- Provides a contact point for further information; and</li> <li>- Provides the name and address of individuals or institutions to which they are consigned.</li> </ul>	18(2)(b)	
13.	Take measures to require that documentation accompanying LMOs that are intended for intentional introduction in the environment and any other LMOs within the scope of the Protocol: <ul style="list-style-type: none"> <li>- Clearly identifies them as LMOs</li> <li>- Specifies the identify and relevant traits and/or characteristics;</li> <li>- Provides any requirements for the safe handling, storage, transport and use;</li> <li>- Provides a contact point for further information;</li> <li>- Provides, as appropriate, the name and address of the importer and exporter; and</li> <li>- Contains a declaration that the movement is in conformity with the requirements of the Protocol.</li> </ul>	18(2)(c)	
14.	Provide for the designation of confidential information by notifiers, subject to the exclusions set forth in Article 21(6).	21(1),(6)	
15.	Ensure consultation with notifiers and review of decisions in the event of disagreement regarding claims of confidentiality.	21(2)	
16.	Ensure the protection of agreed-upon confidential information and information claimed as confidential where a notification is withdrawn.	21(3),(5)	
17.	Ensure that confidential information is not used for commercial purposes without the written consent of the notifier.	21(4)	
18.	Promote and facilitate public awareness, education and participation concerning the safe	23(1)(a)	

	<i>Tasks</i>	<i>Article</i>	✓
	transfer, handling and use of LMOs, taking also into account risks to human health.		
19.	Endeavour to ensure that public awareness and education encompass access to information on LMOs identified in accordance with the Protocol that may be imported.	23(1)(b)	
20.	In accordance with relevant domestic laws, consult with the public in decision making under the Protocol, while respecting confidential information.	23(2)	
21.	Endeavour to inform the public about the means of public access to the Biosafety Clearing-House.	23(3)	
22.	Adopt appropriate measures aimed at preventing and, if appropriate, penalizing transboundary movements in contravention of domestic measures to implement the Protocol.	25(1)	
23.	Dispose, at its expense, LMOs that have been the subject of an illegal transboundary movement through repatriation or destruction, as appropriate, upon request by an affected Party.	25(2)	

### III. PROCEDURAL REQUIREMENTS: ADVANCED INFORMED AGREEMENT

	<i>Tasks</i>	<i>Article</i>	✓
1.	Notify, or require the exporter to ensure notification to, in writing, the competent national authority of the Party of import prior to the intentional transboundary movement of a living modified organism that falls within the scope of Article 7, paragraph 1	8(1)	
2.	Provide written acknowledgement of receipt of notification to notifier within 90 days, including:		
	- Date of receipt of notification;	9(2)(a)	
	p) - Whether notification meets requirements of annex I;	9(2)(b)	
	- That the import may proceed only with written consent and whether to proceed in accordance with the domestic regulatory framework or in accordance with Article 10; <b>OR</b>	10(2)(a), 9(2)(c)	
	- Whether the import may proceed after 90 days without further written consent.	10(2)(b)	
3.	Communicate in writing to the notifier, within 270 days of receipt of notification:	10(3)(a)-(d)	
	- Approval of the import, with or without conditions;		
	- Prohibition of the import;		
	- A request for additional relevant information in accordance with domestic regulatory framework or Annex I; or		
	- Extension of the 270 day period by a defined period of time; <b>AND</b>		
	Except where approval is unconditional, the reasons for the decision, including the reasons for the request for additional information or for an extension of time.	10(4)	
4.	Provide in writing to the Biosafety Clearing-House the decision communicated to the notifier.	10(3)	
5.	Respond in writing within 90 days to a request by an Exporting Party for a review of a decision under Article 10 where there has been a change in circumstances or additional relevant scientific or technical information has been made available, providing the reasons for the decision upon review.	12(2), (3)	

#### IV. PROCEDURAL REQUIREMENTS: LIVING MODIFIED ORGANISMS FOR DIRECT USE AS FOOD, FEED OR FOR PROCESSING

	<i>Tasks</i>	<i>Article</i>	✓
1.	Upon making a final decision regarding domestic use, including placing on the market, of LMOs that may be subject to transboundary movement for direct use as food or feed, or for processing, inform the Biosafety Clearing-House within 15 days of making that decision, including the information listed in Annex II.	11(1)	
2.	Except in the case of field trials, provide hard copies of the final decision to the National Focal Point of Parties that have notified the Secretariat in advance that they do not have access to the Biosafety Clearing-House.	11(1)	
3.	Provide additional information contained in paragraph (b) of annex II about the decision to any Party that requests it.	11(3)	
4.	In response to the posting of a decision by another Party, a Party that decides to import may take a decision on the import of LMOs-FFP: <ul style="list-style-type: none"> <li>- either as approved under the domestic regulatory framework consistent with the Protocol; OR</li> <li>- in the absence of a regulatory framework, on the basis of a risk assessment in accordance with Annex III within no more than 270 days. In this case, a declaration must be made to the Biosafety Clearing-House.</li> </ul>	11(4), (6)	