

# FOCUS

ECLAC CDCC IN THE CARIBBEAN

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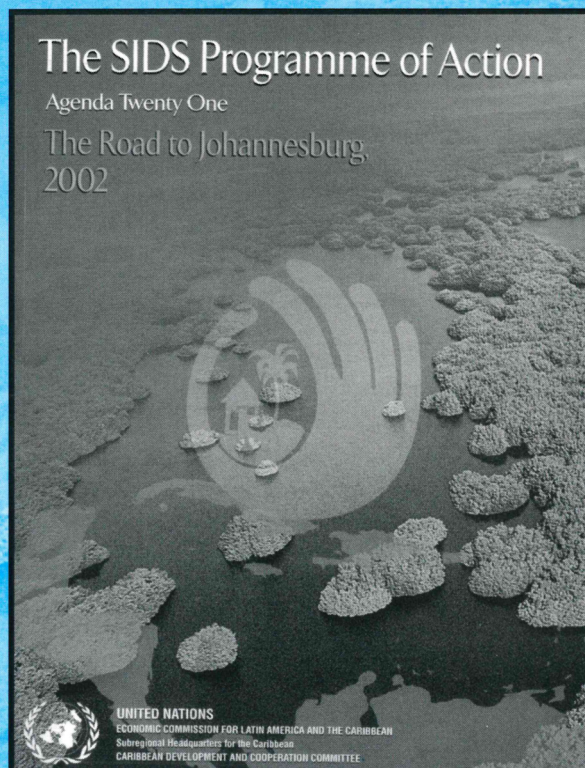
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# Caribbean SIDS Prepare for Johannesburg 2002 -

**J**ohannesburg 2002, the World Summit on Sustainable Development, will convene in Johannesburg, South Africa, over the period, 2-11 September 2002. The meeting will convene at the level of Heads of State and Government only on 9-11 September 2002. The fundamental objective of the Summit is to reinvigorate, at the highest political level, the global commitment to sustainable development and to a North/South partnership at a higher level of international solidarity in support of the accelerated implementation of Agenda 21 which was adopted at the Earth Summit which convened in Rio de Janeiro, Brazil, in 1992 as the blueprint for sustainable development. Johannesburg 2002 will seek consensus on the outcomes of the assessment process and on the priority targets for further national, regional and international action to implement Agenda 21. It has already been established that Agenda 21 is not to be renegotiated at Johannesburg 2002 but will be retained as the basic framework within which the other outcomes of UNCED are to be addressed and evaluated. Johannesburg 2002 will also attempt to offer a time-bound set of recommendations on the means by which obstacles to implementation might be overcome, together with an identification of the institutional and financial requirements of those recommendations. If feasible, the Summit will also endeavour to identify likely sources of the required financial support. Johannesburg 2002 is also expected to adopt new national, regional and interregional and stakeholder commitments which do not require corresponding commitments at the global level.

### **Preparations for Johannesburg 2002: national, subregional, regional and global**

Preparations for Johannesburg 2002 will take place at the national, subregional and regional levels, in addition to the meetings of the Preparatory Committee at the global level, which will conduct its activities in the context of the tenth meeting of the Commission on Sustainable Development (CSD-10) acting as the PrepCom which will convene four meetings.

The first PrepCom convened in New York, over the period, 30 April-2 May 2001, while the other three meetings are scheduled for the periods, 28 January- 6 February; 25 March- 5 April; and 27 May-7 June 2002. According to this progression, the results of the Caribbean Subregional Preparatory Meeting leading to Johannesburg 2002 will be transmitted to the Regional Preparatory Meeting for the Latin American and Caribbean Region which will convene in Rio de Janeiro, Brazil, over the period, 23-24 October 2001.

### **The Regional Preparatory Meeting and its Objectives**

The regional preparatory meeting is to perform two main tasks:

1. Undertake a regional assessment of progress, including, as appropriate, the results of national assessments, as well as contributions from the stakeholders from the region. This would include:
  - A. Main achievements in the region since UNCED in the implementation of Agenda 21 and other outcomes of UNCED, including any major regional, subregional and national initiatives towards sustainable development;
  - B. Prospective outlooks and main constraints faced by the region, and by the countries of the region
    - Common constraints faced by countries of the region;
    - Specific constraints faced by the region or by its sub-regions;
    - Constraints resulting from global developments and changing conditions
  - C. New initiatives and commitments within regions and their subregions towards overcoming constraints and fostering further progress
    - Identification of key sustainable development issues requiring priority attention and action at the global level, where, in the view of the region, strengthened or new global commitments, agreements and actions are required;
    - Issues which could be more effectively addressed at the regional/subregional levels;
    - Specific proposals from the region regarding strengthening or raising the effectiveness of international cooperation, including proposals regarding regional and international institutions.

The conclusions of the Regional Preparatory Meeting are to constitute a regional platform for presentation to Johannesburg 2002 embodying the key policy issues, priorities and follow-up actions based on the overall regional assessment covering, inter alia, the elements outlined above.

# The World Summit on Sustainable Development

## The Caribbean Subregional Preparatory Meeting

The Caribbean Subregional Preparatory Meeting leading to the World Summit on Social Development (Johannesburg 2002) convened in Havana, Cuba, over the period, 28-29 June 2001. By virtue of a decision adopted by the eighth Meeting of the Commission on Sustainable Development (CSD-8), which convened over the period, 24 April- 5 May 2000, on preparations for the 10-year review of progress achieved in the implementation of the outcome of the Earth Summit, the Commission invited the United Nations Secretariat, working in collaboration with UNEP, the Regional Commissions and the Secretariats of the UNCED-related conventions, as well as other relevant organizations, agencies and programmes within and outside the United Nations system, including international and regional financial institutions, to support preparatory activities, in particular at the national and regional levels. In accordance with this decision, the Caribbean Subregional Preparatory Meeting was convened under joint ECLAC-UNEP auspices, in collaboration with the Department of Economic and Social Affairs (DESA) of the United Nations Secretariat, New York.

The Meeting was attended by representatives of 14 Caribbean SIDS, five United Nations bodies, the World Bank, three Caribbean intergovernmental organizations, the European Union (EU), the South Pacific Regional Environment Programme (SPREP), 15 NGOs, one United Nations Member State observer which attended in a consultative capacity; and a representative of a national research institution of a Caribbean small island developing State as a Special Guest.

As a major contribution to the subregional preparatory process, the Subregional Headquarters of the United Nations Economic Commission for Latin America and the Caribbean (ECLAC) for the Caribbean, prepared, in collaboration with Caribbean SIDS and a number of other regional and regionally based agencies, a comprehensive publication intended to serve as a basic reference document entitled *The SIDS Programme of Action, Agenda Twenty One: The Road to Johannesburg 2002*. The publication traces the genesis of the SIDS Programme of Action to the Earth Summit and identifies the document as the single most concrete expression of Agenda 21 from the perspective of the small island developing States of the subregion. The publication also embodies a review of the implementation of the Programme of Action in the Caribbean at national and subregional levels, identifying the major constraints encountered, as well as the major achievements. In addition, the publication sets out proposals for the future implementation of the Programme of Action and, as an

input into the overall submission that will be made by the Latin American and Caribbean region for consideration at Johannesburg 2002, suggests possible directions for its future evolution.

As its major outcome, the Meeting adopted a document in the format of a Resolution entitled *Contribution of the Caribbean Subregion to the Regional Preparatory Process leading to the World Summit on Sustainable Development*.

In its eight preambular paragraphs, the document reaffirms, inter alia, the objectives of the Rio Declaration and Agenda 21 and identifies the SIDS Programme of Action as a concrete expression of the principles enshrined in those documents which embody guidelines for the sustainable development of small island developing States. Also recognised, is the geographical, economic, environmental and cultural unity that is the Caribbean, an element that is in turn advanced as constituting a crucial part of world heritage. The role of Johannesburg 2002 in advancing the fulfilment of the promise of sustainable development adopted at the 1992 Earth Summit is recognized and embraced even as it is underpinned by a call for renewed international action on the basis of the principle of common but differentiated responsibility as adopted in Rio, accompanied by a reaffirmation of the need for collaborative action by the small island developing States of the subregion, towards their sustainable development.

In its 21 operative paragraphs, the document sets out explicit issues and priorities that have been identified by the subregion for transmission to the regional preparatory meeting for Latin America and the Caribbean to be held in Rio de Janeiro in October 2001. The submissions of all subregions will together constitute the region's Platform for the Future Implementation of Agenda 21.

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The issues addressed in the subregional document encompass, inter alia:

- The resolve to consolidate national policies of sustainable development, incorporating institution-building, the application of environmentally friendly technology and human resource development. Also expressed is the resolve to accelerate regional implementation of the SIDS POA, strengthen intra-regional cooperation towards sustainable development, supported by external financial assistance, as well as the transfer of environmentally sound technology and the provision of assistance in capacity-building;
- Participation of citizen groups, including the private sector and local authorities toward sustainable development, including raising the level of consciousness on environmental issues;
  - The challenges presented by globalization, including the need for the elimination of unequal terms of trade, reduction of external debt, and changing patterns of production and consumption;
  - The fundamental questions of the interdependence of economic development, social equity, health, and environmental protection within the concept of sustainable development and of the economic, social and environmental vulnerability of Caribbean SIDS, including the increasing frequency and intensity of natural disasters and their impacts. Also emphasised are the need for continued support for measures aimed at the reduction of vulnerability and adaptation to climate change; and the preparation of a vulnerability index as a management tool and as a reference in the context of, inter alia, the provision of technical assistance to small island developing States;
  - Emphasis on the need for the implementation of the United Nations Framework Convention on Climate Change (UNFCCC) and the Kyoto Protocol, to confront the phenomenon of global warming;
  - Concern about the continued deterioration of Caribbean marine and coastal ecosystems, as well as watersheds, together with the continuing loss of biodiversity. Also included, is a request for the support of the wider international community for the Caribbean initiative

being pursued within the United Nations General Assembly for Promoting an integrated management approach to the Caribbean Sea area in the context of sustainable development;

- A recommendation that Johannesburg 2002 reiterate the financial commitments made by the international community at UNCED and that the developed nations meet the 0.7 per cent of GDP target accepted by the United Nations for Official Development Assistance to enable small island developing States to advance sustainable development programmes;
- A proposal for the encouragement of synergy among Multilateral Environmental Agreements and the provision of effective support for their effective implementation;
- An agreement to promote the strengthening of regionalization and decentralization as modalities that are conducive to enhanced resource flows to the subregion.

In addition to its deliberations at the intergovernmental level, the meeting also provided the context for a Panel of Civil Society Organizations which convened in a parallel session on the second day of the Subregional Preparatory Meeting.

### **From Havana to Rio de Janeiro 2001**

With the core of Caribbean subregional preparatory activities now having been completed at the Havana Meeting, the small island developing States of the Caribbean are now left with the task of ensuring their active participation at the Regional Preparatory Meeting for Latin America and the Caribbean, with a view to ensuring the most effective presentation of the issues and concerns already identified by them as being in the nature of priorities and their eventual transmission to Johannesburg 2002.

## ECLAC Caribbean Documentation Centre-Providing Opportunities for Young People

There was no grand strategic vision, no fanfare. Initiated at least a dozen years ago, the trainee programme of the Caribbean Documentation Centre evolved as a low cost solution to the perennial staff shortage, which plagued the Centre from its inception. The idea was to recruit recent high school graduates to assist the staff of the Documentation Centre in the performance of routine tasks, which did not require a high level of skill. In return the trainee would gain some initial exposure to the world of work, and a measure of experience with which to approach the outside job market for more permanent employment.

Since that time, the programme has grown and it has developed clearer goals and objectives, and a more structured plan that takes into consideration, not only the needs of the Centre, but also the career goals and aspirations of the trainee.

According to Ms. Sandra John, Head of the Centre, every trainee is expected to leave with a noticeable improvement in skill level. The programme is geared towards making this a reality. Initially the work involves the basic library tasks of shelving, mail sorting, and data entry. Later trainees are given more challenging tasks and special assignments in an effort to give them more exposure to information technology applications. The Documentation Centre is not the only unit within the ECLAC Port of Spain office to benefit from the services of the trainees. They are also deployed for part of every day at the organization's switchboard to function as relief receptionist.

Trainees are often selected on the basis of recommendations from the Library Association of Trinidad and Tobago. Some are recruited in response to applications for employment. Applicants need a minimum qualification of five Caribbean Examinations Council (CXC) or General Certificate of Examination Ordinary Level (G.C.E. O'level) passes. In general the training is conducted over a period of six months. In special circumstances, however, trainees have been given the opportunity to work beyond the initial training period, but this is done purely on the basis of the Centre's need.

With respect to the objective of development of the individual, Ms. John explained that one of their more recent innovations was to expose trainees, not only to library work and telephone switchboard activities, but also to computer maintenance and repair, another function for which the Documentation Centre is responsible. Damion Bain, a former student of Woodbrook Government Secondary School, was the first to be exposed to this new focus. His subsequent forays into the labour market were met with

the kind of success that validated the effectiveness of that approach. There was and still remains a high demand for computer repair and maintenance technicians.

According to Damion, in February 1998, he applied as an 18 year-old, not long out of school, for a job at ECLAC. Librarianship was not exactly his field of interest, but he thought that having worked in the library of his old school, it would be a good idea to gain further experience in this field, since this was all that was available to him.

After spending some time in the library and at the switchboard, Damion became involved in the development of the ECLAC website, assisting the IT professionals in routine tasks. It was his first exposure to computers. Damion confessed that this exposure created a deep interest in computers and after leaving ECLAC, he went on to pursue computer courses, the first one being "Introduction to business software". Armed with these qualifications, he obtained a job at a computer company, where he was responsible for the maintenance and repair aspects, and at which he gained further on-the-job experience.

Damion has no doubt that the broad scope of work to which he was exposed at ECLAC, helped him to be more open to new experiences and new knowledge. He also explained that his interpersonal skills, confidence and ambition grew with his exposure to the wide range of persons with whom he had to interact while working in this organization. He also confessed that while working at the switchboard was not the highlight of his life, it helped him to learn to perform tasks that he did not necessarily like and to do them with a certain degree of professionalism.

Ms. John acknowledges that, by and large, this has been the experience of most of the trainees that have had contact with the organization.

*ECLAC Caribbean Documentation Centre-Providing Opportunities for Young People  
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She explained that ECLAC's environment is rigorous, demanding and technologically sophisticated. Trainees are required to assist in the facilitation of meetings attended by people from across the wider Caribbean region and speaking various languages. They work in an environment in which they need to access the Internet and the organization's Intranet, retrieve e-mail and voice mails, and work with online bibliographic catalogues and full-text digital libraries.

Trainees are encouraged to apply for jobs during their stint at ECLAC and, subject to satisfactory performance, the unit is willing to respond positively and enthusiastically to requests for recommendations. Trainees are also assisted with the preparation of their resumes. According to Ms. John, "the content of a trainee's resumé is expected to show substantial improvement at the end of the six month period."

Since 1996, eight trainees, ranging in age from 19 to 21, have worked at the Documentation Centre. Some of them have subsequently found employment at the International Labour

Organisation (ILO), the Royal Bank of Trinidad and Tobago, the Association of Caribbean States (ACS), BWIA, Computronics and the Caribbean Natural Resources Institute. Some have even been recalled to work temporarily with ECLAC in cases where there are short-term vacant posts to be filled.

In a related arrangement, the Caribbean Documentation Centre also assists the University of the West Indies (UWI) School of Library and Information Studies by offering internship positions for a period of six weeks during the summer. Interns are assessed in a number of areas and this forms a part of their coursework. They also gain practical work experience in the area of Library Studies. Some of the categories for evaluation include 'work performance and deportment'; 'professional development'; and 'practical work experience' in a number of technical areas specific to library studies.

Ms. John is sure that the opportunities for mentoring young people and exposing them to the world of work are very valuable and are also beneficial to both parties. It is an area in which she would like to see ECLAC increase its activity.



## ABSTRACTS

### **R**eport of the Expert Group Meeting on social development programmes and policies in the Caribbean

24 p. ECLAC. Subregional Headquarters for the Caribbean LC/CAR/G.630

Discussions at this meeting were centred on the following critical issues: the macroeconomic context in which the social development policies, projects and programmes were being implemented; factors affecting the design and implementation of poverty eradication programmes, especially, the administrative structure within which these programmes operate. The experience of Jamaica's poverty eradication policies, as well as Suriname's community projects involving women were used as illustrations. The difference between the concept of poverty and the reality was also discussed, as were projects aimed at alleviating poverty among young people.

### **Copenhagen +5: The special session on social development in 2000.**

#### **Issues of relevance to the Caribbean**

12 p. ECLAC. Subregional Headquarters for the Caribbean LC/CAR/G.631

This document was prepared as a brief for member countries on the process and highlights of the implementation of Copenhagen+5. The content of the meeting's political declaration was summarized. Globalization was the overarching theme. Special highlights on the Caribbean implementation at national levels are included.

### **Special and differential treatment in the FTAA**

21 p. ECLAC. Subregional Headquarters for the Caribbean LC/CAR/G.633

This paper explains the rationale for according special and more favourable treatment to the developing countries in the World Trade Organization and describes the evolution of the practice under the GATT and also in the Uruguay Round. A new approach is suggested under the FTAA, one which would take account of the special characteristics and vulnerabilities of Caribbean countries. A strategy for negotiation special treatment under the FTAA is outlined.

### **Implementation of the ECLAC/CDCC work programme 2000 - 2001 biennium (up to January 2001)**

31 p. ECLAC. Subregional Headquarters for the Caribbean LC/CAR/G.638

During 2000, the ECLAC/CDCC secretariat focused on providing technical support to its 23 member and associate member countries and increased its public awareness programme. In the process 22 meetings were convened, 12 substantive documents published in the area of trade and investment, social development, environment and tourism, science and technology, information, statistics and sustain-

able development and 22 restricted publications were prepared. This report describes the implementation of the secretariat's work programme under various headings.

### **Macroeconomic policies in the Caribbean**

15 p. ECLAC. Subregional Headquarters for the Caribbean LC/CAR/G.640

The concern with a gender dimension of macroeconomic policy stems from the mandate of the Beijing conference to review and implement policies aimed at achieving equitable access to economic resources. This paper examines some of the macroeconomic policies pursued in the Caribbean within the context of economic adjustment in order to understand the rationale for these policies to see whether and how gender analysis could contribute to a more equitable outcome. The aims and goals of macroeconomic policy are explained, against the background of the economic problems faced by the subregion since 1970. Specifically, the policies adopted by Jamaica and Barbados are compared to illustrate two different approaches to dealing with macroeconomic imbalances. The integration of a gender dimension into macroeconomic policy and analysis is finally considered.

### **Review of the Caribbean Development and Cooperation Committee (CDCC) incorporating a review of its Constituent Declaration and Rules of Procedure**

ii, 59 p. ECLAC. Subregional Headquarters for the Caribbean LC/CAR/G.634

This paper examines the changing operational environment of the CDCC focusing on such features as: the new global policy environment, the policies of multilateral financial institutions, the relaunch of the UNCTAD system, the SIDS Programme of Action, and the relationship between the CDCC and other organizations. The second part of the paper reviews the

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Constituent Declaration, Functions and Rules of Procedure for the CDCC with particular reference to its specific objectives, goals, structure, mechanisms and processes.

**Inter-agency collaboration in the Caribbean: Towards a framework for collaboration. Background document**

23 p. ECLAC. Subregional Headquarters for the Caribbean  
LC/CAR/G.636

This document, a background paper prepared for discussion at the United Nations interagency meeting convened by ECLAC, provides a conceptual framework for greater collaboration within the United Nations system operating in the Caribbean subregion, both within the structural process of the Common Country Assessments (CCAs) and the United Nations Development Assistance Framework (UNDAF), and the informal process initiated solely at the discretion of the agencies themselves.

**Report of meeting on issues related to the further implementation of the Programme of Action for the sustainable development of Small Island Developing States and Rio + 10**

16 p. ECLAC. Subregional Headquarters for the Caribbean  
LC/CAR/G.641

The meeting considered the summary review of the status of implementation of the SIDS Programme of Action since 1997 and reviewed and updated the Joint Work Programme. The development and maintenance of a database of ongoing and planned SIDS-related projects was discussed. Five other ECLAC projects were reviewed.

**Report of the Working Group Meeting on data collection systems: Domestic violence**

8 p. ECLAC. Subregional Headquarters for the Caribbean  
LC/CAR/G.642

The meeting was presented with a background to the project and discussed the following agenda items: experiences in the development of data collection protocols, principles and elements of a reporting system.

The meeting agreed that the development of a data collection protocol for domestic violence should be informed by a situational analysis.

**Report of the workshop on the development of indicators of science and technology for the Caribbean**

9 p. ECLAC. Subregional Headquarters for the Caribbean  
LC/CAR/G.643

Five Caribbean countries were represented at the meeting which had as its goal: the promotion of the collection and use of indicators of science and technology in the Caribbean; and the use of this data to facilitate innovation, develop policy and implement programmes. This report describes the role of indicators in development and records highlights from a previous meeting on the same subject and summarizes the experiences of participating countries in the area of data collection.

**Report of the tenth meeting of the Monitoring Committee of the Caribbean Development and Cooperation Committee (CDCC)**

43 p. ECLAC. Subregional Headquarters for the Caribbean  
LC/CAR/G.644

The meeting reviewed recent activities of the ECLAC/CDCC secretariat and heard summaries of selected recent resolutions adopted by the United Nations General Assembly. The meeting also engaged in an extensive review of the CDCC, looking first at the objectives, structures, processes, and institutional relationships of its Constituent Declaration; and then at its Rules of Procedure.



## Progress made by Caribbean Countries in the WTO Built-in Agenda on Services and Intellectual Property Rights

Two of the more remarkable achievements of the Uruguay Round of trade negotiations were the General Agreements on Trade in Services (GATS) and the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS). For the first time in the history of multilateral trade negotiations, member countries agreed to extend internationally agreed rules and disciplines to the huge and fast growing area of international trade in services and also to the non-trade area of intellectual property rights.

### Negotiations on services

Traditionally, services were deemed relatively non-tradeable. However, given that trade in services has become the fastest growing component of the world economy in recent years, growing more robustly than merchandise trade, the GATS Agreement brought services under the aegis of the WTO. Services have also become a more dynamic contributor to growth in total global output and employment. Underpinning this robust growth in the service sectors have been the advances in information technology.

However, as noted in the paper, the Uruguay Round was only the beginning for services negotiations. Developing countries, in particular, made very few commitments under the GATS. During the Uruguay Round, negotiations on some service sectors, most notably financial and telecommunication services, were advanced. Notwithstanding the specific commitments the countries made to provide market access and national treatment in these sectors, they were unable to conclude the negotiations. Recognizing the importance of services liberalization to the world economy, in general, participating countries committed themselves to carrying the negotiations beyond the Uruguay Round. In fact, the new round of services negotiations was launched by the WTO on 25 February 2000.

### Services trade in the Caribbean subregion

In the Caribbean subregion, services have become a very important sector in the economies of many small island

States, contributing immensely to both output, foreign exchange earnings and employment creation. Nearly all the countries have experienced a surge in the exports of commercial services. The largest exporters of commercial services in the Caribbean are the Bahamas, Cuba, the Dominican Republic and Jamaica. On the other hand, commercial service imports grew more slowly than exports. Unlike merchandise trade, the services accounts of these countries have been recording persistent surpluses, partly offsetting their huge merchandise trade deficits. The healthy services balance for the Caribbean countries could be attributed to tourism, which is by far the fastest growing industry, accounting for over one third of the total value of services trade world-wide.

The small countries of the Eastern Caribbean, most notably Antigua and Barbuda, Grenada, Montserrat and Saint Lucia have experienced the greatest increase in the share of the services sector in output compared with the other Caribbean countries. Apart from tourism, other services, including informatics, financial and professional services, have experienced notable growth over the years. Additionally, although the number of people employed in these services sectors remains small in relative terms, the trend has nonetheless been sloping upward.

### The TRIPS Agreement

The paper also focused its analysis on the TRIPS Agreement, stating that it was

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one of the important "new issues" of the Marrakesh Agreement that established the WTO in January 1995. Along with the General Agreement on Tariffs and Trade (GATT) and GATS, it forms the third leg of the trilogy of the WTO. The Agreement incorporates existing international standards on intellectual property that had been enshrined in the Berne and Paris Conventions. However, it also includes new binding provisions. One ambiguous area that is open for future debate is the issue of exhaustion of intellectual property rights.

The paper commented that in spite of its impressive detail, the TRIPS Agreement is a masterpiece in compromise and trade-offs. It recalled that plans for an agreement on intellectual property rights were put forward by developed countries as early as the late 1970s. These, however, were loudly opposed by developing countries.

- Developing countries argued that with the
  - stronger intellectual property protection,
  - they would have to pay more for foreign
  - technology. However, they stood to gain
  - little in return, since they were net
  - importers, rather than developers of
  - technology. Developed countries
  - remained intent on securing an intel-
  - lectual property agreement, however.
- Pressures on these governments mounted as private corporations and interest groups argued strongly that they were losing billions of dollars through the counterfeiting of music, computer software and other products and through copyright violations in developing countries. In the end, the TRIPS Agreement was an exchange deal and resulted largely from the exchange of the Multi-Fibre Agreement (MFA) for the TRIPS. In

this light, it was felt that it entailed the exchange of a strict trade concession for a trade-related concession. This by its very nature, according to some economists, is an unequal exchange, favouring the developed countries.

The TRIPS Agreement has also incorporated the GATT principles of national treatment and most-favoured-nation treatment. The terms and conditions of protection vary according to the specific area of intellectual property. The Agreement provides for copyright protection, trademark protection and patents.

### **The impact of the TRIPS Agreement on the Caribbean**

Caribbean countries signed on to the TRIPS Agreement largely because they were obligated to do so under the 'single undertaking' principle for joining the WTO. There is no doubt, however, that they expect the agreement to provide benefits in a number of areas. Caribbean countries anticipate that TRIPS compliance would act as a touchstone for judging the investor attractiveness of the local economic climate. These countries hope that compliance with the Agreement would encourage inflows of foreign investment into high-value added activities. With the stagnation in agriculture and the new thrust in services, notably informatics, the subregion is hoping that Intellectual Property Rights (IPR) protection would act as a catalyst to domestic software design and development and online trading and marketing. The experience of Costa Rica and the Dominican Republic is encouraging in this respect. Both countries have attracted high-tech investments as a result of improved copyright laws.

### **Caribbean commitments under the GATS and TRIPS Agreements and the CARICOM CSME**

Caribbean countries, in particular, have made very few commitments under the GATS. Even in the service sectors in which they have undertaken commitments, an array of limitations on market access and national treatment across services sector and modes of supply was included. It was found that the larger economies within CARICOM, notably Guyana, Jamaica and Trinidad and Tobago, made commit-



ments in many services sectors compared with the small Organization of Eastern Caribbean States (OECS) countries. Most of the countries have also signed on to the TRIPS Agreement, but only a few of them have implemented legislation and administrative arrangements to give effect to it. This underscores the difficulties faced by small States in implementing international commitments because of financial, technical and administrative constraints. To date, Trinidad and Tobago has enacted the most far-reaching legislation in these areas in the Caribbean Community (CARICOM).

In addition to the commitments undertaken at the multi-lateral level, Caribbean countries have also made a commitment to liberalize services in the context of Protocol II of the Caribbean Single Market and Economy (CSME). The most significant measure undertaken by CARICOM in this regard has been the decision to allow university graduates free movement in the single market countries through the elimination of the need for work permits. Some progress has been made in implementing the provision relation to the free movement of persons within the Community. However, not much progress has been made in implementing provisions on the free movement of capital and the right of establishment.

### **Recommendations**

The paper recommended that pivotal to all negotiations was the need to assess the potential benefits of specific commitments to the subregion. Theory and practical evidence suggest that the GATS, by providing market access in foreign markets and fostering competition in domestic markets, holds the potential to stir growth in services. There is need therefore for a proactive approach to upgrading the services sector through worker training and better use of computer and information technology.

Intellectual Property Rights, on the other hand, is a mixed bag. On the one hand, by vesting the owners of inventions and creations with rights, it could promote foreign direct investment in manufacturing and other activities in the subregion. On the other hand, however, TRIPS could lead to

higher prices for technology, pharmaceutical products, food and seeds for planting. These effects could stifle the drive for innovation and invention in the subregion. Moreover, studies have shown that TRIPS tend to lead to greater net outflow of monopoly rents from small, undiversified economies, such as those of the Caribbean. The situation is not one of gloom and doom, however. What the subregion needs to do is to undertake a multi-pronged strategy to promote inventions and creations through research and development investments and pursue joint negotiations to represent their interests in international forums.

The paper concluded that, additionally, the subregion must urge developed countries to deliver on the technical and financial assistance programmes and other special capacity-building measures promised to developing countries under the GATS Article IV. These are issues of great importance to Caribbean countries and should be part of their negotiating brief for the new round of trade negotiations. It is clear that Caribbean countries cannot turn back the march of globalisation, but they can get their economic houses in order and negotiate strategically to realise better benefits from areas such as the GATS and the TRIPS.

## The Establishment of a Trade Statistics

A meeting of trade experts and major users of trade statistics was convened on 26 June 2001 at the office of the Economic Commission for Latin America and the Caribbean (ECLAC), Subregional Headquarters for the Caribbean in Port of Spain to discuss ECLAC's plans to design and build a database of trade and transport statistics for the Caribbean Development and Cooperation Committee (CDCC) countries. Participants included representatives of national and international organizations that either create or analyse trade statistics from: Barbados, Guyana, Jamaica, Puerto Rico, St. Kitts and Nevis, Saint. Lucia and Trinidad and Tobago, as well as representatives from the Association of Caribbean States (ACS), the Inter-American Development Bank (IDB) and the Tourism and Industrial Development Company of Trinidad and Tobago (TIDCO).

Mr. Lancelot Busby, Economic Affairs Officer, ECLAC spearheaded the meeting and explained the need for the database referring to the numerous benefits that would be derived from its creation and availability. Participants were thus urged to contribute to the design of the database and appropriate ownership of it. The meeting learned of the project to develop the regional database entitled "Support to the Development of Trade in the Caribbean" in which a survey was undertaken to enlighten on the preparation of trade statistics in 18 English-speaking Caribbean countries. The Consultant on the project, in his report which examined the technical feasibility of establishing databases of regional trade data, noted that 15 of the 18 survey countries responded and in light of the countries' already possessing the data

required in a form that could make for easy incorporation into a relational database, the establishment of such a database was indicated to be feasible.

The Consultant, using the survey results, gave an evaluation of the Automated System for Customs Data (ASYCUDA) that is in widespread use in the Caribbean. He informed the meeting that the system had been specially devised for developing countries and advised that its importance lay in it being a source of capturing trade data. ASYCUDA creates databases from the trade data that are produced by the system. Its main weakness lay in the difference of focus between the main users - the Customs Department and the Statistical Office. The former was interested mainly in revenues to be collected, whereas the latter required accurate recording of every item on the customs warrant. The meeting was also apprised of EUROTRACE, a statistical package developed by the European Union to provide analysis of trade data. It is used by eight Caribbean countries at present. Data can be input into EUROTRACE either directly from ASYCUDA or manually.

Addressing the requirement to discuss **present and desirable systems**, the Consultant noted that the nomenclatures used throughout were the Harmonised System (HS) and the Standard International Trade Classification (SITC). However, the coding schemes for recording data differed from country to country. The countries collected data at the item and transaction level. Some countries used dBASE or ACCESS, while others used custom-built software. The native output formats of those software solutions differed, making it necessary for ECLAC as the centre of the normalization and data processing activity to require a common manipulable output format. The desirable system would see ECLAC in receipt of timely, normalized (by ECLAC), uniformly codified data with, at least, the possibility of common system software applicable. This would suggest that ECLAC should receive the data in the American Standard Code for Information Interchange (ASCII) format.

The possibility of constructing a **user-friendly analysis capability** was explored and it was noted that, in that

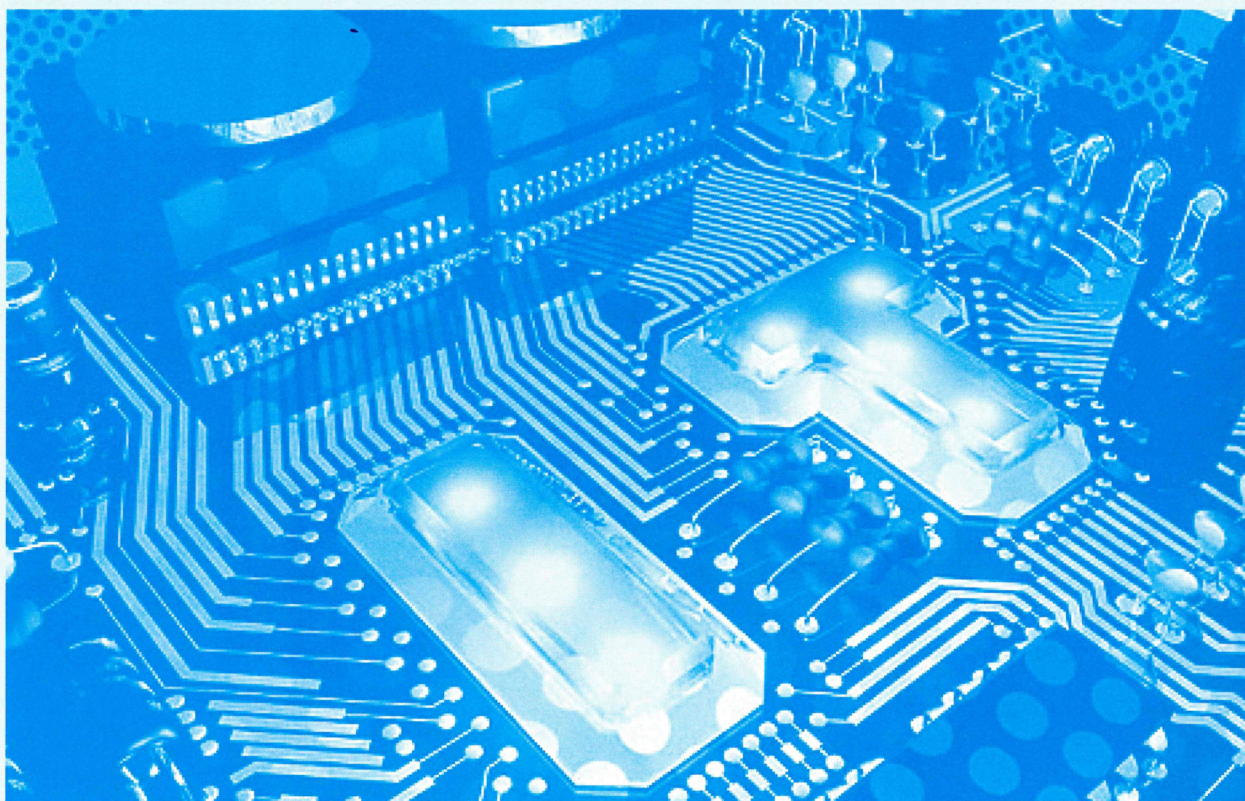


## tics Database for CDCC Countries

regard, ECLAC would be breaking new ground. The Consultant also noted that two other communities, the Common Market for Eastern and Southern Africa (COMESA) and the Economic Community for West African States (ECOWAS), were also doing similar work and that their regional databases were based on another product of the EUROTRACE system called "EUROTRACE REGIONAL". Those two initiatives were commended to ECLAC with the advice that they be studied given their potential to assist the ECLAC exercise.

and standard international codes should be used throughout.

4. ECLAC should find a way to undertake a close examination at EUROTRACE REGIONAL through study of ECOWAS and COMESA.
5. The ECLAC database initiative should be supported by CARICOM. Member countries could be kept updated on progress of the project through reports to Statistics, Trade and Customs Officials (STECO) meetings.



In his short discussion of **risk analysis**, the Consultant identified the non-supply of data by the member countries as the main element of risk attached to the project and presented the following recommendations for consideration:

1. EUROTRACE data from the Statistical Offices should be used, as opposed to the ASYCUDA data.
2. Data should be captured in sufficient detail to permit meaningful analysis. This meant capture at the transaction level.
3. Normalization should take place at ECLAC. Only codes relevant to the proposed system should be normalized

### **Presentation of other trade database projects**

The ACS representative informed the meeting that his organization had also embarked on the creation of a trade statistics database. It was named "An Integrated Information System for the Greater Caribbean" and was described as "a second-floor"

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facility and encompassed the Caribbean, the Central American and G3 countries. That initiative would draw on the databases of the integrated secretariats. It would also store data on transport, national disaster and tourism statistics. With respect to the transport statistics, attention would be paid to constructing a port monitoring system that will collect information on facilities, transport of materials and goods and the flows of those products through the ports. The Consultant noted that it was possible to obtain such information from the Customs warrants but warned of the danger of fluidity between country of origin and country of provenance.

The meeting observed the need to measure the contemporary phenomenon of the importation of foreign used products and recommended that an adequate way be found to monitor the flow of goods of that type. In the same vein, the meeting thought it necessary to measure trade flows deriving from e-commerce - a modality that was becoming increasingly popular.

The representative from the Inter-American Development Bank informed the meeting of two initiatives in trade databases in which it was involved. They were:

1. Working with the FTAA on exports, imports and the Tariff for trade negotiators in the region (in CD format). The level of aggregation was not known. That initiative was using SIECA software and was implementing at national level.
2. An initiative involving the CARICOM Secretariat in which a review of the Common External Tariff was being undertaken.

### **Statement by the participant from Puerto Rico**

In response to an invitation to inform the meeting on his activities in the area of trade statistics, the representative from Puerto Rico explained that Puerto Rico was inside the United States Customs Zone. Data was received from the United States Department of Commerce in Washington. The Department could supply information on partner country trade, SIC codes, an analysis of imports and exports with a distinction between domestic exports and re-exports, an analysis of duty paid, among other elements. Since 1996, Puerto Rico had lost some 20,000 jobs because of globalisation. In pharmaceuticals, however, since 1996 there had been an increase of 2,500 jobs. During the recent past, companies had changed their status to survive globalisation.

At present, a study of trade patterns was being conducted and gravity models were being used. Some data are made available for a fee at the two-digit level of the SIC at the Commerce Department. MISER data were used in Puerto Rico. They revealed that 50 per cent of Puerto Rico's exports were transhipped through other United States ports. Data on trade between Puerto Rico and the Virgin Islands and United States of America were available in .pdf format.

### **Conclusion**

In response to concern experienced by some participants of the political aspects of country collaboration on the project, the Director of the ECLAC Subregional Headquarters for the Caribbean undertook to make the political links for support to the project. Reports to Governments would be forthcoming through the CDCC meetings and through STECO. In addition, the necessary dialogue was taking place at all levels to bolster feelings of partnership toward the creation of the database. That would serve as the incentive for the countries to provide data of quality and on a timely basis. Ultimately, there was agreement that the success of the project depended on the ability to generate sentiments of partnership in the exercise.

## Operational Changes to be Introduced in Personnel and Finance at ECLAC, Port of Spain

**T**he United Nations, like many of its member States, is concerned with transforming the management and administrative operations in response to the challenges of meeting growing demands in the context of limited resources.

The Organization has recognised that it has been spending too high a percentage of its regular budget on administration and other overhead costs, including public information. As a result, the Secretary-General has set a specific goal to reduce such costs in the regular budget of the Secretariat by one third and to reallocate this "dividend" to economic and social activities. Notwithstanding this mandate, the Organization is faced with the challenge of ensuring that these support services are not only cost-effective, but also timely and of a high quality.

It is in this context that the United Nations has taken advantage of the advances in information technology to provide the basis for increases in the efficiency and effectiveness of the delivery of both substantive programmes and management of the United Nations. The Organization has achieved a major success in the development of the ***Integrated Management Information System (IMIS)***, which is being expanded to all United Nations offices away from Headquarters. The system is currently installed at the eight major duty stations, namely, Addis Ababa, Bangkok, Beirut, Geneva, Nairobi, New York, Santiago and Vienna. **This system is now being tested at the Economic Commission for Latin America and the Caribbean (ECLAC) Subregional Headquarters for the Caribbean in Port of Spain, Trinidad.**

IMIS, is a fully integrated electronic system, developed by the United Nations, which meets the requirements of the Organization for most of its administrative needs. It is based on the fact that the United Nations family of organizations shares many facilities and services at Headquarters and at other duty stations, and its implementation is intended to reduce the extent of manual entries required

for repetitive tasks within the Organization, as well as to cut down on the amount of paper work and time spent sending information between departments within an office or across offices within the Organization. IMIS will also ensure easier access to information and the standardisation of procedures throughout the United Nations system. The main areas covered by the system are personnel management; post management; accounting; procurement; travel; payroll; and budget execution.

At the ECLAC Port of Spain Office, the system is now being introduced in the Finance and Personnel units on a trial basis. In order to facilitate this implementation, training and exposure to IMIS for staff members took place on a phased basis. Phase one of the training process involved the visit of Computer Information Systems Assistant, Mr. Dale Alexander, and Finance Officer, Mr. Fernando Hernandez, to the Subregional Headquarters of ECLAC in Mexico, for an overview of IMIS, including exposure to the technical elements of the system. In the second phase, Administrative Officer, Mr. Fernley Thompson, and Personnel Assistant, Ms. Theresa Dukhie, received the relevant training at ECLAC Headquarters in Santiago, Chile. Mr. Thompson received training in the implementation of IMIS in the areas of finance, personnel and procurement for a period of one month, while Ms. Dukhie received training for two weeks

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*Operational Changes to be Introduced in Personnel and Finance at ECLAC, Port of Spain  
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in the area of personnel matters. In the next phase of training, a staff member from the General Services Unit, will be receiving training in the implementation of IMIS in the area of procurement. It is expected that these staff members who received training in Santiago, will themselves be involved in training their colleagues at the Port of Spain office, along with other staff members from Santiago, who have now been using the system for approximately one year.

At present, the old system is still firmly in place, at the Port of Spain office, while IMIS is being piloted in order to ensure that the process is fully in place and understood. The date for official implementation is yet to be established. When fully in place, data entered at the office will be accessible at both ECLAC Santiago Headquarters and United Nations Headquarters, New York. This means that there will soon be no need to send copies of documents for their action or for their records.

At present, IMIS supports the following functions in the area of Personnel:

- Rostering of applicants
- Monitoring of the recruitment process, including job classification
- Processing of all personnel actions required for the management of staff of all categories at all duty stations
- Development and maintenance of skills inventory of staff
- Determination of the level of staff benefits after each personnel action, taking into account the contractual situation of each staff member, and by applying relevant remuneration scales and entitlements.

In the area of Finance, which is by far the most complex and extensive component of the system, IMIS supports:

- Budget implementation
- Funds control
- Processing of obligations
- Payables/receivables
- Inter-office vouchers and disbursements
- Cash management
- Accounting
- Procurement; and
- Travel transactions.

The system will not as yet support the payroll function at the Port of Spain Office. Staff members involved in the implementation of the system at this office indicate that a 24-hour dedicated communication line between the offices in Santiago and Port of Spain will be an absolute requirement for the full functioning of this system. It also means that overall planning of activities at the office is essential, since the system can be very inflexible and will not make much allowance for last minute changes. In outlining an example of the process, it was pointed out that requests for services would be completed online, and these would be queued to an approving officer, who approves the request online and sends it to the certifying officer who certifies online.

It is expected that, when the system would have been fully established, staff members will benefit from the experience of working in a fully computerised environment with greater possibilities for efficiency in the administrative processes of the Organization.

## ECLAC/CDCC Publications for the Biennium 2000-2001

LC/CAR/G.600	The Caribbean in the decade of the 1990s - Summary (31/1/00)
LC/CAR/G.601	Provisional agenda of the 18th session of the CDCC (10/3/00)
LC/CAR/G.601/Add.1	Provisional annotated agenda of the 18th session of the CDCC (10/3/00)
LC/CAR/G.602	Draft work programme for the 2002-2003 biennium
LC/CAR/G.603	The changing role of planners: Ad Hoc Meeting report - December 1999
LC/CAR/G.604	ECLAC/CDCC through the years: Twenty-five years of Caribbean research Vols. 1 and 2 (23/3/00)
LC/CAR/G.605	Summaries of resolutions recently adopted by the UNGA an the Security Council which may be of special interest to member countries of CDCC (13/3/00)
LC/CAR/G.606	Implementation of the ECLAC/CDCC work programme for the 1990-1999 biennium (14/3/2000)
LC/CAR/G.607	Study of gender mainstreaming in the Caribbean (15/3/00)
LC/CAR/G.608	Draft report on the ad hoc expert group meeting on ICPD+5 process for the Caribbean subregion
LC/CAR/G.609	Education and its impact on poverty: Equity or exclusion (29/2/00)
LC/CAR/G.610	Report of the meeting of experts to discuss the establishment of a Caribbean Digital Library on the Web (5/6/00)
LC/CAR/G.611	Report of the 18th session of the CDCC (5/6/00)
LC/CAR/G.612	Reconceptualizing social indicators in the Caribbean: A review and discussion (1/6/00)
LC/CAR/G.613	Report on the ad hoc expert group meeting on gender mainstreaming (1/6/00)
LC/CAR/G.614	Industrialization, new technologies, and competitiveness in the Caribbean (12/6/00)
LC/CAR/G.615	Report of the workshop on the development of indicators of science and technology for the Caribbean (26/6/00)
LC/CAR/G.616	The phenomenon of aging and the situation of older persons in the Caribbean (15/6/00)
LC/CAR/G.617	The failure of Seattle and its implications (24/7/00)
LC/CAR/G.618	Report of the training workshop on the ECLAC methodology for assessing the macroeconomic, social and environmental impacts of natural disasters (25/8/00)
LC/CAR/G.619	Poverty and social integration in the Caribbean (22/9/00)

*ECLAC/CDDC Publications for the Biennium 2000-2001*  
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LC/CAR/G.620	Report of the meeting of the advisory committee of the Caribbean Planners Network (14/8/00)
LC/CAR/G.621	Report on the experts meeting on maritime transport in the Caribbean (30/10/00)
LC/CAR/G.622	Report on the high level seminar on basic planning functions (7/11/00)
LC/CAR/G.623	Global Economic Developments in 1999 (13/11)
LC/CAR/G.624	Report of the ECLAC-CDCC/Commonwealth Secretariat Regional Workshop on Gender Mainstreaming (29/11)
LC/CAR/G.625	An analysis of maritime transport and its costs for the Caribbean (14/11)
LC/CAR/G.626	Report of the Ad Hoc Expert Group Meeting on Gender and Macroeconomic Policies in the Caribbean (29/11)
LC/CAR/G.627	Belize disaster report
LC/CAR/G.628	Report on the Expert Group Meeting on Agriculture with a focus on the Impact of New Technologies on Food, Nutrition and Health (28/11/00)
LC/CAR/G.629	Report of the Regional Seminar on Growth, Employment and Equity: The Impact of Economic Reforms in Latin America and the Caribbean (29/11/00)
LC/CAR/G.630	Report of the Expert Group Meeting on Social Development Programmes and Policies in the Caribbean (30/11/00)
LC/CAR/G.631	Copenhagen+5: The Special Session on Social Development in 2000: Issues of Relevance to the Caribbean (1/12/00)
LC/CAR/G.632	Recent Developments in Intra-CDCC Trade (01/02/01)
LC/CAR/G.633	Special and Differential Treatment in the FTAA (28/12/00)
LC/CAR/G.634	A review of the CDCC incorporating a review of its Constituent Declaration and Rules of Procedure (12/02/01)
LC/CAR/G.635	Selected Statistical Indicators (Vol XIII) (15/12/00)
LC/CAR/G.636	Inter-agency collaboration in the Caribbean - Towards a framework for collaboration. Background document prepared by ECLAC (16/02/01)
LC/CAR/G.637	Environmental Technologies in Caribbean Hotels (CAST and ECLAC) (1/2/01)
LC/CAR/G.638	Implementation of the ECLAC/CDCC work programme 2000 - 2001 biennium (up to January 2001) (28/02/01)
LC/CAR/G.639	Summary of resolutions recently adopted by the United Nations General Assembly which may be of special interest to member countries of the CDCC (01/03/01)



- LC/CAR/G.640      Macroeconomic policies in the Caribbean (6/2/01)
- LC/CAR/G.641      Report of meeting on issues related to the further implementation of the POA for the Sustainable Development of SIDS and RIO +10 (23/4/01)
- LC/CAR/G.642      Report of the working group meeting on Data Collection Systems on Domestic Violence (23/4/01)
- LC/CAR/G.643      Report of the workshop on the development of indicators of science and technology for the Caribbean (24/4/01)
- LC/CAR/G.644      Report of the tenth meeting of the Monitoring Committee of the CDCC (30/4/01)
- LC/CAR/G.645      Caribbean meeting on intra-regional migration Port of Spain, 9-10 November 2000 (27 May 2001)
- LC/CAR/G.646      Report of the Ad hoc expert group meeting on the Development of Social Statistical Databases and a Methodological Approach for a Social Vulnerability Index for Small Island Developing States, Port of Spain, 12-13 February 2000 (22 May 2001)
- LC/CAR/G.647      Report Interagency meeting on the Development of Social Statistical Databases and a Methodological Approach for a Social Vulnerability Index for Small Island Developing States, Port of Spain, 14 February 2001 (21 May 2001)
- LC/CAR/G.648      Progress made by Caribbean countries in the WTO built-in agenda on Services and Intellectual Property Rights (4 June 2001)
- LC/CAR/G.649      Johannesburg 2002: Caribbean perspectives on the implication of the Programme of Action for the sustainable development of Small Island Developing States (11 June 2001)
- LC/CAR/G.650      The Status of Biodiversity and Bioprospecting efforts in the Caribbean (18 June 2001)
- LC/CAR/G.651      Basic Planning Functions: A presentation of three papers prepared by experts (18 June 2001)
- LC/CAR/G.652      An analysis of economic and social statistics development in Barbados: A model for Small Island Developing States (22 June 2001)
- LC/CAR/G.653      An evaluative study of the implications of Domestic Violence Legislation: Antigua and Barbuda, St Kitts and Nevis, St Lucia and St Vincent and the Grenadines.

# Bioprospecting

In signing the 1992 Convention on Biological Diversity (CBD), the governments of the world, including those of the Caribbean and Latin America, committed themselves to creating policy and legislation to simultaneously regulate and facilitate access to genetic resources in the interest of three interrelated goals - biodiversity conservation, sustainable economic development and socio-economic equity.

Bioprospecting agreements, according to Janet Bell, are being widely hailed as the way forward for meeting the twin goals of conserving biodiversity and sustainable development. Bioprospecting is promoted as a "win-win-win" opportunity for all involved. Corporations and research institutions gain from the exploitation of the world's genetic bounty; countries and communities providing the raw materials and knowledge share in the profits; and biodiversity conservation is promoted through increased value attributed to genetic resources and a share of the profits being directed towards conservation programmes.

## Valuation of resources

The very nature of genetic resources, however, complicates valuation, a necessary step in establishing the genetic resource market that the CBD aims to utilize. According to the CBD, genetic resources are any material of plant, animal, microbial or other origin that contains functional units of heredity of actual or potential value. Assessments of genetic resource ownership are extremely complicated. Part of the problem may lie in the fact that knowledge of behaviour, life cycle, yield, feeding habits or distribution remains scant for most species, with the

exception of a few domesticated living organisms. To date, no scientist can claim to fully understand what is a living organism. Ignorance, therefore, about genetic characteristics and potential is even greater.

## The issue of ownership

In addition to ignorance on the nature of life are questions of rights of ownership and tenure of natural resources. These questions have always been subject to dispute, with individuals, peoples and nations willing to face wars if such an extreme measure seemed necessary. The CBD recognises the sovereign rights of individual countries, with the national government in charge of assigning property rights over resources. Tenure and ownership systems, however, are not uniform across all countries, nor are they clearly defined in any given country. Based on legislative heritage and each country's own cultural traditions, biodiversity-rich countries exhibit a mixture of ownership arrangements that range from common tenure to State-enforced private rights to land and natural resources, including biodiversity.

## Free trade and globalisation

Added to the issue is the advent of globalisation that signals a new phase in regulation efforts as international cooperation accelerates due to improved communications. Hence, "global" initiatives propounded by agreements among signatory nation States constitute a hitherto unknown form of property regime. In the last decade, this concept of common heritage has been eroded by the actions of industrialized countries where strict intellectual property rights (IPRs) are enforced, as well as concerns from underdeveloped countries, where biopiracy undermines the contribution of local communities to the conservation of genetic resources.

## Bioprospecting agreements

It is no wonder, given all the issues that need to be considered in the drafting and implementation of bioprospecting agreements, that, to date, few countries, notably the Philippines, Costa Rica, Panama and Andean Pact



# n the Caribbean

signatories, have enacted regulations in response to the CBD mandate concerning access to genetic resources. Many other countries have formulated draft legislation that is now in the lengthy process of ratification, subject to intense review and lobbying by stakeholders, whose interests have yet to be reconciled. The perspective of users of genetic resources differs greatly from that of providers. Whereas the former are interested in creating quick and simple procedures to obtain the prior informed consent of providers to bioprospect, the latter want to ensure that the access to genetic resources regime that is created ensures that their interests are well represented.

## Bioprospecting agreements in the region

It is significant to note that the first major bilateral contract for bioprospecting was made public in September, 1991 and involved a Central American country. Merck and Company, a United States-based pharmaceutical corporation, announced a two-year, \$1.135 million deal with the Instituto Nacional de Biodiversidad (INBio) of Costa Rica, a private, non-governmental research institute. INBio agreed to provide Merck's drug-screening programmes with chemical extracts from wild plants, insects and micro-organisms. In return, Merck agreed to give INBio a two-year research budget of \$1.135 million, an undisclosed share of royalties on any resulting commercial products, and technical assistance and training to establish in-country capacity for drug research. INBio also agreed to contribute 10 per cent of the up royalties it may eventually receive to Costa Rica's National Park Fund. At present, Cornell University, in cooperation with INBio of Costa Rica and Bristol-Myers Squibb, is examining tropical insects and other invertebrates as potential sources of drugs against a range of diseases.

Since the first bioprospecting agreement was signed, other agreements were refined, with detailed guidelines to regulate scientific research. For example, in Panama, the Proyecto de Estudio para el Manejo de Areas Silvestres de Kuna Yala (PEMASKY) and the Asociacion de Empleados

Kunas (AEK) of Panama produced a manual to regulate scientific research in their area. The manual requires researchers to inter alia: secure approval for the collection of species from the scientific community of PEMASKY. In this regard, collections may not include any endangered species, may not be used for commercial purposes and must be done in a non-destructive manner. In addition, samples of all specimens and copies of photographs or slides taken during the research programmes must be retained by PEMASKY. In Peru ethnobotanical sampling and investigation are taking place in the tropical rain forests of the northeastern Andes by Washington University. Other partners are Peru's Natural History Museum and the Cayetano University, Missouri Botanic Garden and Searle-Montano. In Suriname, random sampling is being undertaken by Missouri Botanic Garden and ethnobotanical sampling and extension work by a United States-based non-profit group, Conservation International, where extract preparation by the Surinamese pharmaceutical company, Bedrijf Geneesmiddelen Voorziening Suriname, is being done with screening and analysis by Bristol-Myers Squibb and Virginia Polytechnic Institute and **State University**.

As illustrated by the examples above, few Latin American and even fewer Caribbean countries have been able to successfully enter into bioprospecting agreements. While there are attempts at conservation by governments and various other non-government agencies and

organizations, there is very little evidence to suggest that there is an awareness of the link between conservation, biodiversity and bioprospecting.

### **Conservation, biodiversity and bioprospecting**

In most cases less than 15 per cent of the area of any country in the Caribbean is reserved as protected areas. For example, in Dominica the 17,000 acre Morne Trois Pitons National Park is protected, together with a 4,000-acre reserve for the indigenous Carib people. This represents 21,000 acres out of a total land space of 186,000 acres. In Guyana with its 53,000,000 acres and 87 per cent of its area defined as forest and woodland, 890,000 acres are declared as protected, in the form of the Iwokrama forest reserve. Many of the large animals are close to extinction in other parts of Guyana, but have managed to thrive in that area mainly due to the Iwokrama International Rain Forest Programme. Iwokrama's innovative features include the fact that governance is international, it focuses on all forest values and follows an integrated approach to conservation development.

Our Central American neighbours are much more aware of the need for conservation. Belize's 260,000 acre Rio Bravo Conservation and Management Area in the northwestern part of the country is the site of an experiment on low-impact forestry and regeneration of mahogany and other hardwoods. In addition, the Toledo Institute for Development and the Environment (TIDE) recently convinced the Belizean Government to declare Port Honduras a marine reserve. Port Honduras is a critical part of the Maya Mountain Marine

Corridor, a million-acre stretch of protected areas from the crest of the Maya Mountains to the Caribbean Sea. Belize has a land area of approximately 5,670,000 acres, therefore approximately 22 per cent of the country has been declared as protected areas.

Costa Rica has one of the world's best records in conservation in spite of the fact that expanding agricultural activities and forestry, both legal and illegal, pose significant threats to Costa Rican natural areas. There are several areas, however, that have been declared as national parks and protected areas.

### **Conclusion**

It has been perceived that the international flow of genetic material and its potential use is a significant source of income for developing countries. It is unlikely though that bioprospecting will generate nationally significant levels of revenue, or even create a powerful enough incentive for conservation. Protected areas in the region are too small, too fragmented and not representative enough to fully maintain the biota of the country or biogeographic region in which they are set. However, a strategic approach by Caribbean governments might help to derive a number of benefits from biodiversity and bioprospecting. Thus the future of biodiversity and bioprospecting will depend as much as or even more on how areas outside protected areas are managed. The challenge for resource managers and land use planners is to design and effectively manage multi-purpose landscapes, focusing on the need to conserve representative landscapes and high value areas of particular conservation interest. If the goals of the CBD are to be achieved in the region, then, as the examples of "successful" bioprospecting agreements show, conservation is a major, if not the only single activity that must be undertaken.

## Evaluation of the Implementation of Domestic Violence Legislation: Some Findings

In the last edition of Focus (January to March 2001), it was reported that the ECLAC/CDCC secretariat was providing technical assistance to the Eastern Caribbean Supreme Court (ECSC) on its Family Law and Domestic Legal and Judicial Reform Project.

This Project has two major objectives. The first relates to the improvement in the efficiency and effectiveness of the judicial system in the countries that share the ECSC. The second objective is for the eradication of gender-based inequality both in the content of the law, as well as in the apparently non-discriminatory legal provisions that, nevertheless, give unequal results. In this latter regard, the project focuses on family law, child law and domestic violence.

ECLAC/CDCC agreed to provide technical assistance in a number of areas including:

- (a) The undertaking of an evaluation of the implementation of domestic violence legislation; and
- (b) The establishment of databases to collect information on domestic violence needed for monitoring, planning and policy development in the judicial, law enforcement and support services agencies.

Roberta Clarke, Social Affairs Officer, ECLAC/CDCC secretariat, recently concluded the evaluation of the implementation of domestic violence legislation. The study looks at the implementation of the domestic violence legislation in Antigua and Barbuda, St. Kitts and Nevis, Saint Lucia and Saint Vincent and the Grenadines<sup>1</sup> and forms one input towards the development of an integrated policy response to domestic violence.

This study not only meets the need identified by the ECSC but also, it is informed by the mandate established at the Third ECLAC/CDCC Ministerial Meeting on Women for the ongoing review, monitoring and implementation of legislation to counteract and eradicate violence against women.

The methodology employed was that of unstructured interviews with representatives of agencies central to the implementation of the Domestic Violence Act, including magistrates, police officers, social workers, women's desks and non-governmental organizations. Where possible, interviews were also conducted with persons who had made applications under the legislation. The interviews sought to elicit both factual information on the usage of the Act as well as opinions on the strengths and weaknesses of the legislative framework as well as the social service delivery supportive of the legislation. Where available, the court records of applications made under the Domestic Violence Act were also examined.

The research was considered a timely one, since difficulties associated with the implementation of the legislation had been identified. In the case of St. Kitts and Nevis where the Act, though passed, has not been put into force, the research presented an opportunity to strengthen the legislation as well as social service delivery. Given the recency of the legislation, this exercise allowed most of the countries a first review of the implementation of the Act.

### The legislative framework

Prior to the passage of the domestic violence acts in the Caribbean,<sup>ii</sup> women who were victims of a physical act

of violence or a threat of such violence could file a criminal complaint. This initiated or caused the initiation of criminal proceedings against their partners, whether married, common law or in a visiting relationship. A successful criminal prosecution would expose the perpetrator to the penalties of fine and/or imprisonment. The option of pursuing a criminal prosecution is still available to a battered woman.

Apart from criminal proceedings, the battered women could have sought injunctive and protective relief in the High Court and/or monetary compensation on the basis that the civil wrong of assault and battery had been committed. The major practical obstacle to access to this remedy was and continues to be the cost of legal services associated with a civil action.

Other than these tort-based injunctions, on the presentation of petitions for divorce, an abused woman is also entitled to seek a matrimonial injunction by way of a non-molestation or exclusion order. On the presentation of a petition, the Court can grant exclusion orders where the health and safety of the woman and/or children are in jeopardy.

In response to the shortcomings of the existing civil and criminal remedies, five member countries of the OECS<sup>iii</sup> have enacted legislation aimed at providing relief to victims of abuse perpetrated in the home by spouses. These countries are the Antigua and Barbuda,<sup>iv</sup> British Virgin Islands, St. Kitts and Nevis,<sup>v</sup> Saint Lucia,<sup>vi</sup> and Saint Vincent and the Grenadines.<sup>vii</sup> This legislation is modelled on the draft legislation

provided by the CARICOM Secretariat as part of its legislative reform project. The approach to domestic violence evident in the legislation is its emphasis on the provision of the civil remedy of injunction relief or protection orders as opposed to an emphasis on punishment.

Through the review of the legislation, a number of shortcomings and omissions have been identified both by the users and implementers of the legislation. Chief among these shortcomings was the fact that the legislation needed to be more comprehensive in a number of areas, including: a) definition of domestic violence; b) eligible abused persons; c) nature of the orders granted; and d) enforcement mechanisms.

The research also found that the Acts did not fully capture the reality of Caribbean family forms, failing as they did to take account particularly of that large grouping of women and men whose primary relationships were of a visiting nature. These unions were a significant percentage of all unions in the region and it was felt that protection against domestic violence should be extended to persons in visiting unions whether or not there were children in that union. Further, and in keeping with the fact of extended families sharing one residence, any member of a household should be able to make an application for protection, in the event of violence, on their own behalf.

The definitions of domestic violence given should ensure in a clear manner the inclusion of sexual violence, threats of violence, threats to damage property and the damaging of property. Many people still associate domestic violence only with physical assault and, therefore, it would be both explanatory and educative to list examples of what constitutes "behaving in a manner of such a degree and nature as to cause annoyance".

At present the list of protection orders which can be granted by the Court does not include a direct order restraining the respondent from engaging or threatening to engage in



conduct which constitutes domestic violence. According to a court ruling, such an order may not be granted, as this form of order is not contained in the statutory listing. In that regard, the Court should be able to make any order which is appropriate to the allegation of domestic violence before it without having to follow a prescribed and rigid wording.

In addition, there is some overlap observable in the orders that may be granted. A protection order can exclude a respondent from the household residence or even limit his access to certain parts thereof. Similarly, an occupation order gives the applicant the right to occupy the family residence to the exclusion of the respondent. However, a protection/exclusion order is more easily enforced because of the power of arrest that is attached or crystallises upon a breach of the order. It is not obvious to what extent the occupation order represents an advance on the exclusion order and the two should be harmonised into one type of order to avoid inconsistent application between courts and, therefore, uneven results.

To ensure respect for the rule of law and for the administration of justice, all court orders should be enforceable and all breaches attended by what would amount to criminal contempt proceedings. Court orders are made in a cultural context which, though changing, continue to trivialize or ignore acts of violence perpetrated against women by their male partners. Ironically, though the violence takes place in the home, in small societies, that fact is usually a 'secret', well known to the community and to police officers. The system of protection offered by the civil justice system is severely compromised when court orders or injunctions against violence can be ignored with impunity or, at least, with little fear of serious consequence.

The police must take action in all cases of breach that come to their attention and the extent and/or limits of police powers in this regard need to be made clear. A wide range of sentencing options should be available to magistrates

when dealing with breaches of protection orders. Alternatives to incarceration should be considered in the appropriate case and the court should be given powers to make "rehabilitation orders" and community service orders. The philosophy of rehabilitation orders, like counselling orders, should be based on the abusers taking responsibility for their actions and the need to ensure victim safety.

In creating remedies for domestic violence, the drafters had to balance competing rights. Nowhere is this more contested than in the assessment of competing claims between the applicant's right to bodily security as opposed to the respondent's right to the enjoyment of property. Although the legislation states clearly that occupation orders do not affect property rights, in reality where they are granted in the absence of a duration limitation, such orders do have a effect of varying property rights, exclusive occupation being a major incident of such.

Magistrates, police and attorneys all spoke of the potential of abuse of this provision although no one was able to point to a case which bore out this concern. In order to avoid bringing the legislation into disrepute, greater clarity should be achieved on the maximum duration of such orders. It does not seem appropriate for rights and entitlements to property to be essentially varied through the indirect method of an occupation order. Property rights between partners

(married or common law) should be created or varied in a direct manner and only after consideration of legal and equitable entitlements.

Apart from legislative reform, the research highlighted the need for continued training for police, judicial officers and lawyers on the nature, extent, and causes of domestic violence; sensitivity to gender bias and sexual issues; and the role of the actors within the justice system.

*"The Domestic Violence Act is being used by police as their escape route from prosecution": Magistrate*

Police officers need to understand that protection orders are not and were never intended to be a substitute for enforcement of the criminal law. Domestic violence is a crime and the police have a responsibility not only to the individual complainant but to the community to ensure the prevention of future violence. Leaving the decision of prosecution to the victim does not acknowledge or recognise the powerlessness and fear victims commonly experience living in a situation in which they are abused, and gives both victims and perpetrators an ambiguous message that domestic violence is not quite a crime.

In this regard, greater community consideration needs to be given to the issue of mandatory arrest and prosecution for violent offenders. In any event, police officers require further training in investigation and in the provision of effective responses to domestic violence. In some countries in the region, a domestic violence unit within the

police force has been recommended. Such a unit would provide a coordinated police response and consistent approach to domestic violence cases, including the provision of training to other police officers, monitoring and evaluating the effectiveness of the police response, and data collection.

The policy goals of the legal institutions that deal with domestic violence are at one and the same time the punishment of offenders and the protection of victims. These are policy goals that are meant to coexist, to be reciprocal and mutually reinforcing. However, the dominant philosophy behind the domestic violence legislation can be discerned most readily from the actions of those who are charged with administering and implementing its provisions. The continued lack of criminal prosecutions of domestic violence on the part of the police is indicative of attitudes that see violence not as a crime but as a social problem requiring social service intervention. Similarly, the exercise of magisterial discretion to send both parties to counselling also suggests a conception of intra-violence as indicative of family dysfunction as opposed to a manifestation of coercion by men against their partners.

Indeed the obstinate use of the masculine gender in reference to the applicant itself obscures the central meaning of violence in the family, which is, that it is largely perpetrated by men against women and that it is gender based.

At the heart of the legal response to domestic violence are the actions expected of police officers, as enforcers of the law, as peace officers and as protectors of victims. Police are generally not equipped and should not be expected to act as social workers though there must exist a baseline understanding of the sociology/psychology of domestic violence. The social work role now increasingly expected of police reproduces to some extent the notion that domestic violence while a wrong, is not quite a crime. The primary role of police officers as law enforcers has to be reinforced even while back up support is given to police departments



which must work closely with social services as well as the courts. The establishment of a Domestic Violence Interagency Group comprising of the organizations with an interest in the issue of domestic violence is therefore recommended.

For all their shortcomings however, there can be no denying that the Acts have given an avenue of effective justice for many women. Even where the enactment of the Acts have not led to the complete cessation of violence, for the women who have made applications, this in and of itself has been significantly empowering.

*"In the middle of the court process, he assaulted me, attempted to tear clothes off. I went to the police and made a report. They asked me if he had raped me. I said no. I had signs of bruising. They told me that they couldn't do anything because he did not rape me. But they could visit him. I don't know if they did. I never heard from the police. After the court granted the protection order, since then he has not harassed me."*  
Applicant in St. Vincent

That the law alone will not bring an end to domestic violence is a truism. The law, however, makes an important normative statement, defining as it does what is criminal and deviant behaviour. For much of history, violence perpetrated in the home was not only usual, but also accepted. As late as the 1980s, popular culture in the Caribbean made fun of women who were abused in the home and recommended it to men who needed to be in control in the domestic setting.

The legislative framework, whatever its limitations, represents a tremendous advance in giving women the right and the legitimate expectation to protection by the criminal justice system. The sheer numbers of women who have made applications to the courts in the three countries under review suggest compellingly that women consider the protection order a shield. In the words of one Vincentian applicant, "the Act has made a big difference

because people now have an avenue to resort to and they are fairly confident of receiving justice."

- i The Act in St. Kitts and Nevis is not yet in force and therefore the evaluation of the use of the legislation does not incorporate St. Kitts and Nevis though the content of the legislation is examined.
- ii Among CARICOM countries, Trinidad and Tobago was the first to enact domestic violence legislation in 1991. It was followed by Barbados, Belize, Guyana, Jamaica and the countries under the present review.
- iii Dominica and Grenada have prepared Bills which are under consideration. The Grenada Domestic Violence Bill 2000 presently under consideration is a hybrid of the CARICOM draft legislation and the Trinidad and Tobago 1999 Act.
- iv Domestic Violence (Summary Proceedings) Act 1998.
- v The Domestic Violence Act 2000
- vi Domestic Violence (Summary Proceedings) Act, 1995.
- vii Domestic Violence (Summary Proceedings) Act, 1995.



# United Nations Economic Commission for Latin America and the Caribbean

## Subregional Headquarters for the Caribbean

Third Floor, CHIC Building, 63 Park Street, P.O. Box 1113, Port of Spain, Trinidad and Tobago  
Tel: (868) 623-5595: Fax: (868) 623-8485: E-mail: [registry@eclacpos.org](mailto:registry@eclacpos.org)

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Director - Len Ishmael, ECLAC  
Editor-in-Chief - Arthur Gray

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Contact us: ECLAC Subregional Headquarters for the Caribbean  
P.O. Box 1113, Port of Spain, Trinidad, W.I. • Tel: (868) 623-5595 • Fax: (868) 623-8485  
email: [registry@eclacpos.org](mailto:registry@eclacpos.org) • website: <http://www.eclacpos.org>