

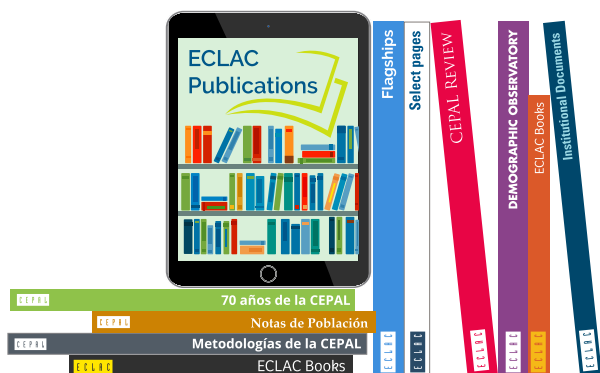
Road map for the implementation in Saint Lucia

of the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean

2024



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Road map for the implementation in Saint Lucia

of the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean

2024



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Escazú Agreement



This document was prepared by the Government of Saint Lucia with the support of the Economic Commission for Latin America and the Caribbean (ECLAC) in its capacity as Secretariat of the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean.

The authors wish to thank the Ministry of Education, Sustainable Development, Innovation, Science, Technology and Vocational Training of the Government of Saint Lucia (Shawn Anton Edward, Anita Montoute, Jim Xavier, Kate Wilson, Dawn Pierre-Nathoniell, Jessy Leonce, Joanne Norville, Lavina Alexander, Kasha Hytmiah and Yasmin Jude, Shanna Scott and Karen Augustin), the Department of Physical Planning of the Government of Saint Lucia (Jasmine Weekes and the rest of the team at the Department), the Attorney-General's Chambers (Kurt Thomas), the Parliamentary Commissioner of Saint Lucia (Hilda Rosemary Husbands-Mathurin), ECLAC (Carlos de Miguel, María Andrea Sanhueza, David Barrio Lamarche, Francisca Aguilar), Danielle Andrade, Merlica Charles, Tricia George, Emmalie Joseph-Felix and Orlando Alcide. Thanks are also extended, among other stakeholders, to the Saint Lucia National Trust, the Bar Association of Saint Lucia, the National Workers Union, staff from media outlets including Bernard Fanis, Television Producer at Calabash TV, Elected Representatives of the Public (Bishnu Tulsie and Nicole Leotaud), Karetta Crooks-Charles former Elected Representative of the Public for Saint Lucia, Marie-Louise Felix, Lecturer at the Sir Arthur Lewis Community College, the Environmental Sustainability Division of the Organisation of Eastern Caribbean States Commission (Chamberlain Emmanuel and the rest of the team of the Division), Pitons Management Area Office (Joan Hippolyte and the rest of the team at the Office), the Eastern Caribbean Supreme Court (Chief Justice Mario Michel), other members of the judiciary, and all the other people who made this publication possible with their comments.

This document is based on information and data available up to 15 December 2023. References to legal provisions included in this publication are for information purposes only and may not coincide with the official versions in force. In case of discrepancy, the text of the legal provisions in force as contained in their official publication shall prevail.

The document was prepared with financial support from the United Nations Development Account through the project "Enhancing access to information, public participation and justice in environmental matters in Latin America and the Caribbean".

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United Nations publication
LC/TS.2024/30
Distribution: L
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Printed at United Nations, Santiago
S. 2400036[E]

This publication should be cited as: Economic Commission for Latin America and the Caribbean (ECLAC) and Government of Saint Lucia, *Road map for the implementation in Saint Lucia of the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean* (LC/TS.2024/30), Santiago, 2024.

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Glossary

CARICOM	Caribbean Community
CCJ	Caribbean Court of Justice
DSD	Department of Sustainable Development
ECLAC	Economic Commission for Latin America and the Caribbean
ECSC	Eastern Caribbean Supreme Court
EIA	Environmental impact assessment
NGO	Non-governmental organization
OECS	Organisation of Eastern Caribbean States
UWI	University of the West Indies

Introduction

Saint Lucia became a party to the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean (Escazú Agreement) on 22 April 2021. It signed the Agreement on 27 September 2018 and deposited its instrument of ratification with the United Nations Secretary-General on 1 December 2020.

The objective of the Escazú Agreement is to “guarantee the full and effective implementation in Latin America and the Caribbean of the rights of access to environmental information, public participation in the environmental decision-making process and access to justice in environmental matters, and the creation and strengthening of capacities and cooperation, contributing to the protection of the right of every person of present and future generations to live in a healthy environment and to sustainable development” (art. 1).

All parties to the Agreement are responsible for implementing their obligations under the Agreement in their national legal systems. Each party is required to “adopt the necessary measures, of a legislative, regulatory, administrative or any other nature, in the framework of its domestic provisions, to guarantee the implementation of the provisions of the present Agreement” (art. 4.3). The Agreement provides for flexibility in implementation, taking into account each party’s ability and national priorities (art. 13), while bearing in mind that implementation is to be guided by the principles in article 3 of the Agreement such as non-regression

and progressive realization. This allows parties to consider a wide range of legal, regulatory, policy or administrative measures for implementing the treaty (ECLAC, 2023a, p. 38).

The Escazú Agreement Implementation Guide prepared by the Economic Commission for Latin America and the Caribbean “aims to raise awareness of the Agreement, and to provide guidance, information and different implementation options to assist States parties and other stakeholders in fully understanding and complying with the treaty provisions” (ECLAC, 2023a). Following this initiative, the Secretariat for the Escazú Agreement, which is ECLAC, continues to provide support to countries such as Saint Lucia in the preparation of road maps outlining the steps required for a transparent and participatory process leading on to actions to ensure the effective Implementation of the Escazú Agreement, taking into account their national capabilities.

The preparation of the road map was a dynamic, reiterative process involving periodic consultations with key stakeholders whose functions are integral to the implementation of the Escazú Agreement. The steps are described in diagram 1 below.

Diagram 1

Steps in the road map for implementation of the Escazú Agreement in Saint Lucia



Source: Prepared by the authors.

A. Background

Saint Lucia actively participated in the negotiation process for the Escazú Agreement. The Department of Sustainable Development (DSD) of the Ministry of Education, Sustainable

Development, Innovation, Science, Technology and Vocational Training hosts the National Focal Point for the Escazú Agreement and takes the lead on all issues pertaining to the Agreement on behalf of the Government of Saint Lucia.

Ratification was approved by the cabinet and adopted by Cabinet Conclusion No. 1447 of 2020. Prior to ratification, public consultations were held over a period of four years to publicize and obtain feedback on Saint Lucia's participation in the treaty process. A Public Awareness Committee was formed within DSD to spearhead education and awareness-raising nationwide and to engage different stakeholders and inform them about the Agreement through various media, including television and radio programmes and social media, and via participation in several local, regional and international seminars (virtual and face-to-face). Town hall meetings were also held in Vieux Fort, Soufrière, and infant and primary schools in Patience, Micoud and Desruisseaux.

In 2021, Saint Lucia conducted a preliminary assessment of its laws related to the pillars of access to environmental information, public participation and access to justice. Following this assessment, a concept note highlighting areas for attention regarding the implementation of the Escazú Agreement in Saint Lucia was approved by the cabinet through Cabinet Conclusion No. 177 of 2022. Since then, Saint Lucia has developed a number of policies and some legislation related to access rights, as discussed in more detail in chapter 4.

The Government of Saint Lucia is a member and Vice-Chair of the Presiding Officers for the Escazú Agreement for the period 2022–2024. The Presiding Officers coordinate the work of the treaty with support from the Secretariat of the Escazú Agreement, namely ECLAC, including setting the agenda for the Conference of the Parties and ensuring that the procedures for public participation are followed.

A representative of the Saint Lucia National Trust (SLNT) was an elected representative of the public on behalf of civil society for the periods 2015–2021 and 2022–2026.

B. Methodology

Regular coordination meetings were held with the National Focal Point for the Escazú Agreement and ECLAC to organize the preparation of the proposals for the steps in the road map and to plan stakeholder consultations.

There was a reiterative process involving repeated consultations with 27 key public stakeholders whose functions are integral to the implementation of the Escazú Agreement. These stakeholders are listed in annex A1. This was essential to ensure a collaborative process which would consider the national context and be sensitive to any capacity constraints. Desk reviews were carried out to substantiate information received through the consultative interviews and to obtain information on standards, procedures and regulatory frameworks related to access rights.

For the baseline assessment of the regulatory framework and practices related to the Escazú Agreement, consultations were held with DSD, the Department of Physical Planning and the Attorney General's Chambers. These consultations were to obtain relevant information on practices and draft legislation or policies that are not readily accessible by the public and to validate the findings of the assessment. The baseline assessment concludes by suggesting opportunities for improvement. To identify the priority actions that the Government of Saint Lucia will carry out in the short and medium term with a view to better implementing the Escazú Agreement, proposals from the public were considered. This was done by holding a national workshop on 4 December 2023 to collect opinions on these priority actions and to share the conclusions and recommendations of the baseline assessment with the participants.

Three consultative meetings were held during the period from April to August 2023. Consultations were coordinated with the assistance of DSD as the National Focal Point for the Escazú Agreement. The objective of the consultations was twofold: firstly, to obtain additional information that could be fed into the development of the proposals and, secondly, to obtain feedback on proposals for steps 1 to 5 of the road map. Additionally, draft

proposals were circulated to stakeholders, who were invited to submit comments. Oral and written comments received during the consultations were analysed and incorporated into the final proposals.

For the stakeholder map, an analysis of the relevant public and private actors (civil society organizations, academia and the private sector at national, regional and local levels) expected to participate in the implementation of the Escazú Agreement was undertaken. These stakeholders were identified and classified under five categories based on specified parameters.

I. Baseline assessment of the regulatory framework and practices related to the Escazú Agreement

This chapter provides an analysis of national laws and practices (inclusive of national policies) related to articles 2 to 10 of the Escazú Agreement.

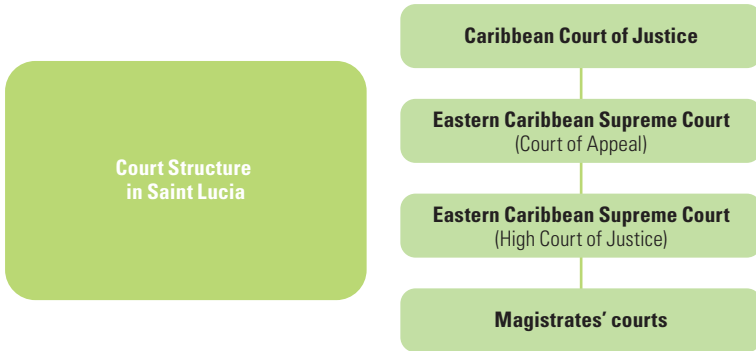
National laws, policies and practices of Saint Lucia as of 31 August 2023 were analysed with relation to each article, where they were found applicable. Achievements and gaps in the legal framework and practices are noted.

A. The legal system of Saint Lucia

The legal system of Saint Lucia is based on English common law and civil law. As a Commonwealth Caribbean country, Saint Lucia inherited the English common law legal system. The Civil Code of Saint Lucia of 1867 was based on the Civil Code of Quebec of 1866, supplemented by English common law-style legislation. Common law is a body of laws based on court decisions. The principles in these decisions are treated as legal precedents, and courts are likely to follow earlier decisions and rulings if the facts and issues of the cases are substantially similar. In fact, a court's decision is binding authority for similar cases decided by the same court or by lower courts within the State's court structure (see diagram 2). Decisions are not binding on higher courts, but may be regarded as persuasive authority.

Diagram 2

The court structure in Saint Lucia



Source: Prepared by the authors.

Additionally, the Eastern Caribbean Supreme Court (ECSC) serves as a superior court of record for the Organisation of Eastern Caribbean States (OECS), of which Saint Lucia is a member along with Antigua and Barbuda, Dominica, Grenada, Saint Kitts and Nevis, Saint Vincent and the Grenadines and three British Overseas Territories (Anguilla, the British Virgin Islands and Montserrat). In May 2023, when the Constitution of Saint Lucia (Amendment) Act (9 March 2023) came into force, Saint Lucia acceded to the appellate jurisdiction of the Caribbean Court of Justice (CCJ), thereby recognizing CCJ as the final court of appeal. Thus, CCJ is the highest court in the Saint Lucian judicial system (see diagram 2). This means that the decisions of ECSC and CCJ, whether cases originate in Saint Lucia or elsewhere, are binding and form a part of the common law jurisprudence of Saint Lucia. Decisions by the courts of other countries such as the United Kingdom and other Commonwealth countries are considered persuasive authority if no local case has settled the point at issue and there is no applicable local legislation.

Common law is complemented by a range of environmental, physical planning and freedom of information legislation and policies which collectively comprise the legislative and regulatory framework on access rights.

B. Definitions

Article 2 of the Escazú Agreement defines the following terms: (i) access rights; (ii) competent authority; (iii) environmental information; (iv) public; and (v) persons or groups in vulnerable situations.

The Escazú Agreement implementation guide says: “article 2 expressly states that the definitions are intended for the purposes of the Agreement only. At the national level a different term or concept may be used, or certain terminology may have a particular meaning. The Escazú Agreement is not intended to change the use or application of a certain concept or term at the national level, but rather to ensure that the content or substance of the definition included in the Agreement is uniformly applied and respected in all countries... However, definitions at the national level cannot limit the application of the Agreement” (ECLAC, 2023a).

While the specific terms defined in article 2 of the Escazú Agreement do not always appear in Saint Lucia’s legislation, there are references to other terms which connote similar meanings.

“Access rights” in the Escazú Agreement means “the right of access to environmental information, the right of public participation in the environmental decision-making process and the right of access to justice in environmental matters”. Existing legislation and policy instruments in Saint Lucia incorporate the meanings of the three pillars of access rights.¹

“Competent authority” is defined in relation to entities with powers, authority and functions related to articles 5 and 6 of the Escazú Agreement. There is no law governing the procedure for accessing environmental information and designating competent authorities. However, section 10 of the Constitution of Saint Lucia (1978) includes the right of freedom of expression, which encompasses the right to receive information (freedom of information), and public authorities have a duty not to violate

¹ For example, the general right to freedom of information, which implicitly includes the right to environmental information, is enshrined in the Constitution of Saint Lucia (1978), and draft Environmental Impact Assessment Regulations intended to incorporate provisions on public participation have been proposed.

this right, while sectoral legislation also names obligated entities (i.e., the Head of the Physical Planning and Development Division in the case of access to a public register).²

While no legislation in Saint Lucia defines “environmental information”, there are several policy instruments and practices related to access to environmental information which define the scope of this information. Saint Lucia has established a National Environmental Information System to proactively disseminate environmental information, inclusive of reports related to environmental agreements and environmental management.³ The National Environment Policy and National Environmental Management Strategy for Saint Lucia (2004) includes an action to adopt a policy on environmental research and access to environmental information in order to “promote and support the dissemination of information, the development of positive attitudes and behaviour, and a broad-based appreciation and understanding of environmental issues, processes and management requirements” (Government of Saint Lucia, 2004).⁴

As regards the definition of “the public”, the term “person” is used in a broad collective sense in Saint Lucia.⁵ The Constitution, which includes the right of freedom of information, applies to “every person in Saint Lucia”. The Physical Planning and Development Act (2001) also provides for access to the register by “any person”. Concerning access to justice, the Legal Aid Act (2008) applies to “a person who cannot afford to obtain legal services from a private attorney”, and the Civil Procedure Rules apply to “any person”. These definitions in Saint Lucia’s legislation are broader than the definition of the public provided in the Escazú Agreement.

Regarding “persons or groups in vulnerable situations”, who in the Escazú Agreement are defined as those who “face particular difficulties in fully exercising the access rights”, section 1 of the

² A draft Freedom of Information Bill of 2009 identifying the “public authorities” whose functions include granting access to information has been proposed.

³ National Environmental Information System (Saint Lucia) [online] <https://www.neis.govt.lc/>.

⁴ The draft Freedom of Information Bill (2009) includes a general right of access to information in the possession of public authorities. This would include environmental information.

⁵ In relation to access to information, the draft Freedom of Information Bill (2009) applies to “a person”, which includes the categories of “public” in the Escazú Agreement.

Constitution of Saint Lucia seeks to ensure the ability of every person to exercise the rights provided for in the Constitution (inclusive of freedom of information) “whatever his or her race, place of origin, political opinions, colour, creed or sex”. It is noteworthy that policy instruments in Saint Lucia have defined types and drivers of vulnerability. For example, Saint Lucia’s Voluntary National Review Report on the implementation of the 2030 Agenda for Sustainable Development (2019) recognizes the need for equitable and integrated social protection services, including for those who are already marginalized because of poverty, indigence and lack of access to natural and financial capital, as well as those who are economically and socially vulnerable to marginalization. The National Social Protection Policy of Saint Lucia (2015) aims to guide the development of a framework which promotes equity and enhances the well-being and capacity of poor and vulnerable households and populations in Saint Lucia. Likewise, Outcome 2, Strategic Objective 4 of the National Adaptation Plan (2018–2028) aims to improve health care and information for vulnerable groups, noting in section 4.9, that: “In Saint Lucia, poverty, age, and level of education achieved appear to be greater drivers of vulnerability than gender”. Moreover, the Saint Lucia Climate Change Adaptation Policy (2015) defines social vulnerability as including “people’s differential access to, and control over, resources —land, money, livelihoods, credit, healthy and sound living conditions and personal mobility” (Government of Saint Lucia, 2015, p. 20).

C. Principles

Article 3 of the Escazú Agreement lays down a number of principles that are to guide States parties’ implementation of the Agreement. Several of these principles are expressly incorporated into Saint Lucia’s constitution and policy instruments. For example, Saint Lucia’s National Ocean Policy embodies the precautionary and equality principles.⁶

⁶ The draft Climate Change Bill includes the principles of accountability and intergenerational equity and the precautionary principle.

Saint Lucia is also a signatory to the St. George's Declaration of Principles for Environmental Sustainability in the OECS, which includes principles related to access rights such as Principle 7, "Foster broad-based environmental education, training and awareness"; Principle 4, "Ensure meaningful participation by civil society in decision making"; and Principle 5, "Ensure meaningful participation by the private sector". OECS adopted the Revised St. George's Declaration of Principles for Environmental Sustainability in the OECS (SGD 2040), which contains commitments and principles related to sustainable development and focuses on six strategic priorities and several key enabling actions that include "good governance" and "equality and inclusivity".

Table 1 sets out the principles present in legal and policy instruments in Saint Lucia.

Table 1
Principles in national legislation and policies in Saint Lucia

Principles	Instrument
Principle of equality and principle of non-discrimination	Constitution of Saint Lucia (1978), section 1, 13(4) (equality and non-discrimination) National Ocean Policy 2020–2025 (gender equality and inclusivity)
Principle of transparency and principle of accountability	Draft Climate Change Bill (transparency and accountability) St. George's Declaration of Principles for Environmental Sustainability in the OECS, Principle 7 (transparency)
Principle of non-regression and principle of progressive realization	St. George's Declaration of Principles for Environmental Sustainability in the OECS, Principle 3 (progressive realization)
Precautionary principle	Draft Climate Change Bill National Ocean Policy 2020–2025
Principle of intergenerational equity	Draft Climate Change Bill
Principle of maximum disclosure	Constitution of Saint Lucia (1978), section 10(1) Draft Freedom of Information Act (2009) Draft Climate Change Act

Source: Prepared by the authors.

D. General provisions

Article 4 of the Escazú Agreement establishes general provisions placing several obligations on States parties, including the obligation to guarantee the right of every person to live in a healthy

environment, the obligation to ensure all rights in the Agreement are freely exercised, the obligation to adopt all necessary measures to guarantee the implementation of the Agreement, the obligation to provide information to the public to facilitate the acquisition of knowledge on access rights, the obligation to provide guidance and assistance to the public to facilitate the exercise of their access rights, the obligation to guarantee an enabling environment for the protection of the environment, and the promotion of new information and communication technologies.

Several laws and policies incorporate the obligations of article 4 of the Escazú Agreement. The National Environment Policy and National Environmental Management Strategy for Saint Lucia (2004) includes the principle that “all citizens, including those of future generations, have the right to a clean, healthy, safe and productive environment”. In addition to the right to a healthy environment enshrined in the Escazú Agreement, Saint Lucia has ratified the Paris Agreement, which calls on parties to respect, promote and consider their respective obligations on human rights when taking action to address climate change. Saint Lucia also endorsed United Nations General Assembly resolution 76/300, which recognizes the human right to a clean, healthy and sustainable environment.

The Saint Lucia Constitution Order of 1978 establishes constitutional guarantees for freedoms that support an enabling environment for all persons, which can be taken to include those that protect the environment, such as freedom of expression and freedom of assembly and association, and also prohibits interference with these rights (sections 10 and 11).

As regards measures to provide guidance and information to facilitate the acquisition of knowledge on access rights, section 4(2) of the Legal Aid Act of 2008 requires the State to provide information and advice on legal aid.⁷

In relation to the obligation to encourage new technologies, the Saint Lucia Open Data Policy sets out the framework for an open data programme involving a cross-government policy on

⁷ Section 5 of the draft Freedom of Information Bill (2009) includes provisions for the acquisition of knowledge on access rights.

sharing of data in the public domain, the promotion of open data throughout all sectors and a plan to populate a national open data portal. Under the proposed Climate Change Bill, the minister has the power to implement measures to encourage scientific and technological research and the development, transfer and deployment of technologies, equipment and processes for climate change mitigation and adaptation that are centred around the needs of end users, with particular regard to marginalized and disadvantaged people.

E. Access to environmental information

Article 5 of the Escazú Agreement establishes the obligations of States parties to ensure specified standards for the exercise of the right of the public to access environmental information.

The Constitution of Saint Lucia recognizes the right of freedom of expression, which includes the right to receive information, and provides that the High Court of Saint Lucia (ECSC), which must be independent and impartial, can hear violations of constitutional rights (sections 8(8) and 16(1)). Additionally, section 47 of the Physical Planning and Development Act (No. 29 of 2001) requires the creation of a public register for planning permissions and provides for access by any person to the information recorded in the register, including the right to take copies of the information on payment of the prescribed fee.

Section 5(1) of the Open Data Policy for Saint Lucia provides that all government data will be “open by default”, meaning that every government dataset will be published as open data unless there are sound privacy, national security or other confidentiality considerations to justify the data not being published. Goal 6.3 of Saint Lucia’s National Ocean Policy and Strategic Action Plan is to ensure that citizens will have access to information concerning marine management, coastal and marine spatial planning and the marine space of Saint Lucia.

Although not yet in force, the Freedom of Information Act (2009) contains most of the required provisions of the Escazú Agreement, including the following standards:

- Maximum disclosure of information in the public interest (preamble).
- The right of every person to access information held by a public authority, subject to limited exceptions specified in the legislation (sections 12, 13 and 26–33).
- Consideration of the public interest in deciding whether to disclose information (section 23).
- Requirement to respond to a request as soon as reasonably possible or within 20 working days of the request (section 17(1)).
- Limit on the time period for extending the time to respond to a request (section 17(3)). Note that the time period in the Freedom of Information Bill is longer than the maximum period in the Escazú Agreement, which is 10 working days.
- Assistance for persons or groups in vulnerable situations, specifically those who are illiterate or disabled, to make information requests (section 16(3)).
- Written notification of a refusal, with reasons, and the right to appeal (section 18).
- Disclosure of information with exempt material excised (section 25).
- Transfer of the request to the relevant authority and notification of the applicant if the requested information is not in possession of the authority (section 21(2)).
- No requirement to pay for the cost of access, with the exception of a fee for reproduction (section 19(2)).
- An impartial and independent entity to oversee compliance with the duty to monitor and report (section 35). The Bill proposes the appointment of an information commissioner to fulfil this function.

F. Generation and dissemination of environmental information

Article 6.1 of the Escazú Agreement mandates States parties to generate and disseminate environmental information in a “systematic, proactive, timely, regular, accessible and comprehensible manner”. Obligations under this article include measures such as having at least one up-to-date environmental information system, taking steps to establish a pollutant release and transfer register and an early warning system, ensuring the immediate disclosure and dissemination of all pertinent information in the case of an imminent threat to public health or the environment, disseminating information in a manner calculated to facilitate access by persons and groups in vulnerable situations using suitable information formats and channels of communication, publishing and disseminating a state of the environment report at least every five years and ensuring access to consumer-related information on the environmental qualities of goods and services and their effects on health, among other things.

Saint Lucia has created a National Environmental Information System,⁸ which aligns with article 6.3 of the Escazú Agreement. Additionally, Saint Lucia adopted an Open Data Policy in November 2017, and this provides a framework for a cross-government policy on the sharing of data in the public domain and the promotion of open data throughout all sectors.

Sectoral legislation provides for the proactive dissemination of information, including that related to national emergencies or disasters. For instance, the use of public registers established under section 47 of the Physical Planning and Development Act (No. 29 of 2001) and chapter 11.01, section 4(b) of the Public Health Act covers the publication of reports, information and advice concerning public health, including advice to the government and the education of the public in the preservation of health. The Disaster Management Act (No. 30 of 2006) includes provisions requiring public authorities to collect information on the environment and the likelihood of disaster, to publish an annual report on

⁸ National Environmental Information System for Saint Lucia [online] www.neis.govt.lc.

disaster response and preparation measures and to prepare a national emergency and disaster response plan with procedures for informing the public of the state of affairs during an alert, a declaration of disaster, a declaration of state of emergency or a notice of evacuation or the existence of an emergency or disaster. Section 5(3) of the Disaster Management Act specifically requires the Director of the National Emergency Management Organization to conduct programmes of public information and education on the mitigation of, preparedness for, response to and recovery from emergencies and disasters. Section 4(2) of the Legal Aid Act (No. 6 of 2008) requires the Saint Lucia Legal Aid Authority to disseminate information concerning those services and their availability for the benefit of those who would use them.

Table 2 lists sectoral policies that promote the generation and dissemination of environment-related information.⁹

Table 2
Policy instruments for the generation and dissemination
of environmental information

Policy instrument	Provision of the Escazú Agreement	Reference
Climate Change Research Strategy and Private Sector Engagement Strategy 2020	Article 6.1	Page 5. Strategic objective 1: Generate climate, environmental and socioeconomic data and science-based information critical to climate action across sectors, including adaptation, mitigation and measures to address loss and damage.
Climate Change Communications Strategy 2018	Articles 6.1 and 6.6	Pages 20–23. Supporting actions for the policy include strengthening political leadership and intergovernmental coordination, initiating a broad-based public awareness campaign on climate impacts, stepping up efforts to educate and support farmers and consolidating and strengthening educational programmes for youth.

⁹ Climate Change Research Strategy and Private Sector Engagement Strategy 2020; Climate Change Communications Strategy 2018; Hazard Mitigation Policy and Natural Hazard Mitigation Plan 2006; National Climate Change Policy and Adaptation Plan 2003; National Energy Policy 2010; National Environment Policy 2014; National Environmental Management Strategy 2014; National Ocean Policy and Strategic Action Plan 2020–2035; Open Data Policy 2017; National Adaptation Plan 2018–2028; Sectoral Adaptation Strategy and Action Plan for the Water Sector 2018–2028; Sectoral Adaptation Strategy and Action Plan for the Fisheries Sector 2018–2028; Sectoral Adaptation Strategy and Action Plan for the Agriculture Sector 2018–2028; Resilient Ecosystems Adaptation Strategy and Action Plan 2020–2028; Forests and Land Resources Department Strategy 2015–2025.

Policy instrument	Provision of the Escazú Agreement	Reference
Hazard Mitigation Policy and Natural Hazard Mitigation Plan 2006	Articles 6.1 and 6.5	Page 8, section 7(3) (iv). An objective of the policy is to increase the awareness of hazard mitigation at every level of society and encourage involvement in hazard risk reduction.
National Climate Change Policy and Adaptation Plan 2003	Articles 6.1 and 6.3	Page 6. Policy objective: Improve knowledge and understanding of climate change issues. Pages 9–18. Policy directives include: coastal monitoring and data collection activities; fostering increased public awareness of climate change impacts on the coastal and marine environment and its effects on human settlements; establishing a national climate change database and information system.
National Energy Policy 2010	Articles 6.1 and 6.10	Page 2, section B(7)(vi). Policy tenets include the reduction of adverse environmental effects and pollution by introducing new standards for energy-related products. Page 3, section C.1(8)(iii), (v) and (viii). The responsibility of the ministry in charge of energy planning includes compiling basic energy information useful for sectoral planning; fostering the development and adoption of appropriate energy efficiency and safety standards; organizing energy awareness programmes and activities; and disseminating appropriate information. Page 6, section D.1.3(19). Safety and standards for the oil subsector.
National Environment Policy and National Environmental Management Strategy 2014	Articles 6.1, 6.8 and 6.10	Pages 17–18 and 20. Policy instruments include the promotion of environmental reporting and effective and efficient information management, fair and equitable access to environmental information by all citizens and agencies, the dissemination of information, environmental audits and eco-labels and certification.
National Ocean Policy and Strategic Action Plan 2020–2035	Article 6.1	Page 17. Goal 6.3: Citizens will have access to information concerning marine management, coastal and marine spatial planning and the marine space of Saint Lucia.
National Adaptation Plan (NAP) 2018–2028	Article 6.1	Pages 49–53. Outcome 2: Increased generation and use of climate information in national and sectoral decision-making. Strategic objective 1: Improve access and use of climate, socioeconomic and environmental information relevant to adaptation. Strategic objective 2: Generate climate, environmental and socioeconomic data and science-based information critical to adaptation across sectors. Strategic objective 3: Enhance research and systematic observation in themes that are critical to climate change adaptation. Strategic objective 4: Strengthen public communication and outreach efforts on adaptation.

Policy instrument	Provision of the Escazú Agreement	Reference
Open Data Policy 2017	Article 6.2	Page 11. Government data will be “open by default”.
Sectoral Adaptation Strategy and Action Plan for the Water Sector (Water SASAP) 2018–2028	Articles 6.1 and 6.5	Page 17. Development of a geographic information system (GIS) and supporting databases. Pages 67–68. Project concept 11: Enhancement of early warning systems and flood emergency response through the construction of five controlled structures in key watersheds and the installation of gauges at stream gauging sites. Project concept 18: Improvement of climate observations and monitoring systems to inform adaptation planning and strengthen early warning systems.
Sectoral Adaptation Strategy and Action Plan for the Fisheries Sector (Fisheries SASAP) 2018–2028	Articles 6.1 and 6.5	Page 34. Outcome 4, strategic objective 1: Strengthen climate monitoring and communication for emergency planning and informed decision-making.
Sectoral Adaptation Strategy and Action Plan for the Agriculture Sector (Agricultural SASAP) 2018–2028	Articles 6.1 and 6.6	Page 54. Project concept 7: Climate-resilient agriculture (CRA) demonstration farms, these being key means to disseminate information for promoting and expanding effective and simple farming solutions to climate-induced challenges.
Resilient Ecosystems Adaptation Strategy and Action Plan (REASAP) 2020–2028	Article 6.1	Page 48. Outcome 1, strategic objective 2: Strengthen environmental research, information generation, knowledge management and monitoring systems for adaptation to climate change.
Forests and Land Resources Department Strategy 2015–2025	Article 6.1	Page 23. Goal 4.1: Awareness is raised across all stakeholder groups about biodiversity, the Forest Reserve and other natural areas.

Source: Prepared by the authors.

The National Environment Policy and National Environmental Management Strategy for Saint Lucia (2004) promotes the use of environmental audits carried out by companies, private sector bodies and governmental agencies and the use of eco-labels and certification following international and local standards related to good environmental practice and corporate environmental responsibility.

Regarding measures to facilitate access, it should be noted that English is the official language of Saint Lucia and is widely spoken and understood. There are facilities to assist members of the public who are more comfortable with the local creole (Kwéyòl), which is also widely spoken in Saint Lucia. The practice of some government agencies is to verbally translate certain information into Kwéyòl to assist persons requesting information. An effort is made to transmit environmental information related

to the Sustainable Development Goals (SDGs), climate change and marine-related information in Kwéyòl through public service announcements. The Saint Lucian Government Information Service has an information assistant for Creole who assists in the production and translation of official material into Kwéyòl, and local television stations produce Kwéyòl editions of all national and government news.

A pollutant release and transfer register has not been established, although Saint Lucia has implemented a North West Coast Water Quality Demonstration Project as a pilot project in the northern area of the country to investigate and ascertain pollutant types and sources in order to facilitate implementation of the Protocol concerning Pollution from Land-Based Sources and Activities (LBS Protocol) to the Cartagena Convention, which came into force in 2010.¹⁰

Additionally, the Draft Climate Change Bill includes provisions to advance access rights, in particular as regards access to environmental information, the promotion of publicly accessible systems to collect, track and share climate change-related information, and public participation in decision-making related to climate change.

Saint Lucia's first State of the Environment Report, published in 2006, is available online, while the most recent report was prepared in 2015.¹¹

G. Public participation in environmental decision-making

Article 7 of the Escazú Agreement requires States parties to ensure the public's right to participation in environmental decision-making, guarantee mechanisms for public participation in projects and

¹⁰ The project included the development of a new assessment tool to be used for capturing information on potential point sources of pollution (hotspots) within the Castries, Choc, Bois d'Orange and Cap Estate (Rodney Bay watershed subunit) watersheds in Saint Lucia, along the north-western coast of the island. For further information, see IWCAM (2011); Government of Saint Lucia (2010 and 2011, pp. 222 and 233).

¹¹ See UNEP (2006).

activities and other processes for granting environmental permits that have or may have a significant impact on the environment, and promote participation in decision-making processes related to environmental matters of public interest. Several standards for the conditions for public participation are outlined in article 7, with States parties required to disclose information related to decisions, ensure that participation takes place in the early stages, afford reasonable timeframes for public participation, provide the opportunity for public comment and give due consideration to the outcome of the participation process, inform the public of decisions made and the reasons for them in a timely manner, ensure there are favourable conditions for the participation of the public that are adapted to the social, economic, cultural, geographical and gender characteristics of the public, and make efforts to identify persons directly affected by projects and activities that have or may have a significant impact on the environment and persons or groups in vulnerable situations, eliminating barriers to participation in order to engage them in an active, timely and effective manner.

Several environmental laws in Saint Lucia mandate public participation in various environmental decision-making matters and stipulate conditions that include ensuring adequate or reasonable opportunities for public comment. Sections 12, 13 and 34 of the Physical Planning and Development Act (2003) and section 11 of the Land Conservation and Improvement Act (1992) require public participation in decisions to approve draft physical plans, the declaration of environmental protection areas and the declaration of conservation areas.

The Saint Lucia National Ocean Policy establishes a framework for integrated marine planning and management of Saint Lucia's marine space and the activities that occur within it from 2020 until 2035. The Policy requires all relevant planning, authorization or enforcement decisions and the development of government policy to take account of it. The importance of public participation is recognized in the Policy principle that all stakeholders should be fully engaged and empowered to participate in decision-making associated with the Policy. Goal 6.2 of the Policy is to take action to support the needs and aspirations of communities in planning, policy and decision-making through active public participation.

With respect to public participation in the decision-making process for projects and activities that have or may have a significant impact on the environment, the relevant minister, in consultation with the head of the Physical Planning and Development Division, can make regulations for public participation in the environmental impact assessment process and public scrutiny of the environmental impact statement submitted to the head of the Physical Planning and Development Division.¹² These regulations have not yet been finalized and adopted.

In practice, consultations are undertaken at the discretion of the relevant authorities, in particular where an environmental impact assessment (EIA) has been prepared. Information as to the type or nature of the environmental decision under consideration, the public authority responsible and the date of the consultation may be posted on the website of the Physical Planning Section of the Ministry of Physical Development.¹³ In those circumstances, the public is able to comment during the consultations forming part of the EIA process where invited to do so. There is no legislative requirement to give due consideration to the comments or to inform the public of the decision and the reasons for it.

The head of the Physical Planning and Development Division is required by legislation to submit the application for any development to an advisory committee for review and receive its advice prior to making a decision.¹⁴ The advisory committee must consist of at least three and no more than five persons involved in local government, community-based and other non-governmental organizations and the business community in the part of Saint Lucia concerned by its advisory functions.¹⁵

In the absence of any legislative requirements, common law principles have been applied in cases brought to establish a requirement for public participation. For instance, the principle of legitimate expectation could arise where an affected person has a reasonable expectation that they would be entitled to a hearing

¹² Section 22(4) of the Physical Planning and Development Act (2003).

¹³ Website of the Physical Planning Section of the Ministry of Physical Development [online] <https://physicaldevelopment.govt.lc/ministries/physical-development/physical-planning-section>.

¹⁴ Section 22(3) of the Physical Planning and Development Act (2003).

¹⁵ Section 7(3) of the Physical Planning and Development Act (2003).

before a decision is made.¹⁶ Legitimate expectation could be express (based on official statements made) or implied (based on practice). The principles of fairness and natural justice have also been applied in other common law Caribbean courts, which have held that where claimants are adversely affected by planning permission, they are to be consulted.¹⁷

Common law jurisprudence has also ruled that where there is no statutory duty to consult, any consultation process voluntarily undertaken should follow minimum standards for consultation based on Sedley's common law or Gunning principles.¹⁸ These minimum standards are:

- Consultation must be undertaken at a time when proposals are still at a formative stage.
- Sufficient reasons for particular proposals should be provided to allow those consulted to give intelligent consideration and an intelligent response.
- Adequate time must be given for this response.
- The product of consultation must be conscientiously taken into account when the ultimate decision is taken.

When it comes to facilitating access for persons or groups in vulnerable situations, in practice some government agencies involved in fisheries, agriculture and forestry communicate using Kwéyòl at the community level to facilitate participation. The Department of Sustainable Development has partnered with an NGO, the Saint Lucia National Trust, to produce public service announcements on the Escazú Agreement in Kwéyòl, and these are widely disseminated to the public on both traditional and social media platforms throughout the island.

¹⁶ See *Council of Civil Service Unions v Minister for the Civil Service* [1985] AC 374 [online] https://www.oxbridgenotes.co.uk/law_cases/council-of-civil-service-unions-v-minister-for-civil-service.

¹⁷ See *Ulric 'Buggy' Haynes Coaching School et Al v Minister of Planning and Sustainable Development* TT 2015 HC 198 (Trinidad and Tobago) [online] <https://tt.vlex.com/vid/ulric-buggy-haynes-coaching-793609489>.

¹⁸ See *R v North and East Devon Health Authority, ex p Coughlan* [2001] QB 213, 258 [online] https://unece.org/sites/default/files/2021-03/Annex1g_RvNE_Devon.pdf; *Northern Jamaica Conservation Association (The) et al v The Natural Resources Conservation Authority and the National Environment and Planning Agency*, Claim No. HCV 3022 of 2005 [online] <https://www.supremecourt.gov.jm/sites/default/files/judgments/Northern%20Jamaica%20Conservation%20Association%20%28The%29%20et%20al%20v%20The%20Natural%20Resources%20Conservation%20Authority%20and%20The%20National%20Environment%20and%20Planning%20Agency.pdf>.

In practice, DSD has mechanisms that facilitate stakeholder and public participation in environmental matters, including stakeholder committees for climate change, biodiversity and oceans, the organization of events and the dissemination of information through the media.

H. Access to justice in environmental matters

Article 8 of the Escazú Agreement requires States parties to guarantee the right of access to justice in environmental matters. The article sets standards for this right that include ensuring the public has access to judicial and administrative mechanisms for challenging and appealing any decision, action or omission related to access to environmental information or to participation in the environmental decision-making process, and any other decision, action or omission that affects or could affect the environment adversely or violate laws and regulations related to the environment.

States parties to the Agreement are required, considering their circumstances, to have in place certain conditions to guarantee the right of access to justice in environmental matters, including competent State entities with access to expertise in environmental matters; timely, public, transparent and impartial procedures that are affordable; broad active legal standing in defence of the environment in accordance with domestic legislation; the ability to obtain precautionary and interim measures, inter alia, to prevent, halt, mitigate or rehabilitate damage to the environment; measures to facilitate the production of evidence of environmental damage; and mechanisms to execute and enforce judicial and administrative decisions in a timely manner and for redress. States parties must establish measures to minimize or eliminate barriers to access to justice and have support mechanisms for persons and groups in vulnerable situations.

The Constitution of Saint Lucia and the Eastern Caribbean Supreme Court Civil Procedure Rules (Revised Edition) 2023 include conditions for access to justice which are aligned with the provisions of article 8 of the Escazú Agreement.

With regard to legal standing, the ability to seek access to justice in relation to violations of access rights or adverse impacts on the environment is dependent on whether the claimant can show sufficient interest. However, there is a tendency in case law to exercise flexibility when interpreting such private interest, allowing groups acting in defence of the environment to be deemed to have sufficient interest.¹⁹ Challenges can be made by way of an application for judicial review or constitutional claim to the Supreme Court, and the procedure is stipulated in the 2023 Civil Procedure Rules.

“Judicial review allows every citizen or group of citizens to challenge the actions of the State, statutory bodies or inferior tribunals to see if they have acted in accordance with the powers granted by law and in a reasonable and fair manner. In performing its role in judicial review, the court examines the decision or action of the body being reviewed to see if that body acted outside of the powers granted to it by law, has acted unfairly or has acted irrationally or unreasonably. Judicial review does not grant the Applicant or the court the power to determine whether or not the body made the correct decision but rather whether the decision made was permissible in law.”²⁰

Regarding violations of the right of access to environmental information, sections 8(8) and 16(1) of the Constitution of Saint Lucia ensure the public has the right to secure access to courts to obtain relief in civil actions and due process before the courts in relation to violations of constitutional rights, which includes the right to receive information under freedom of expression. For constitutional claims, a person must show that they have been aggrieved where their constitutional rights are directly affected.

Regarding violations of the right to public participation (article 7), there are limited legal requirements for public participation in environmental decision-making, as explained above. For these

¹⁹ CCJ/ECLAC, 2018.

²⁰ As per Justice L. Pusey in *Hamilton et al v National Environment and Planning Agency et al* [2019] JMSC Civ 117 [online] <https://supremecourt.gov.jm/sites/default/files/judgments/Downer%20Hamilton%2C%20Erica%20and%20Discovery%20Bay%20Community%20Development%20Committee%20Limited%20et%20al%20v%20National%20Environment%20and%20Planning%20Agency.pdf>.

situations, there is a right to challenge the participation process by way of an application for judicial review where persons can show sufficient interest. Judicial review applications can also be made concerning an action or omission that affects or could affect the environment adversely or violates laws and regulations related to the environment.

There is also the right of directly affected persons to make an administrative appeal to challenge the decision to approve a plan for a conservation area under section 11(14–18) of the Land Conservation and Improvement Act (No. 10 of 1992). Owners and those with interests in areas affected by environmental protection orders declared under the Land Conservation and Improvement Act can also apply for compensation under sections 16–18 of the Act.

It is noteworthy that rule 56.2 of Saint Lucia's 2023 Civil Procedure Rules provides for broad standing for judicial review applications. The persons who can bring such actions include any person who has been adversely affected by the decision, any body or group acting at the request of such person or persons, any body or group that represents the views of members who may have been adversely affected by the decision, any body or group that can show that the matter is of public interest and that the body or group possesses expertise in the subject matter of the application, any statutory body within whose statutory purview the subject matter falls, or any other person or body who has a right to be heard under the terms of any relevant enactment or constitution.

The Supreme Court can provide a wide range of remedies for constitutional claims and applications for judicial review, depending on the facts of the case and the damage or loss suffered. Pursuant to Rules 56.1(3) and (4) of the 2023 Civil Procedure Rules, the Court can make orders of certiorari to quash unlawful acts or decisions; for mandamus to require the performance of a public duty, including a duty to make a decision or determination or to hear and determine any case; and for prohibition to prohibit unlawful acts. The court can also order damages, restitution, or an order for the return of property to the claimant and injunctions, including interim injunctions.

Section 8(8) of the Constitution of Saint Lucia stipulates that persons are entitled to have a fair hearing within a reasonable time, and the 2023 Civil Procedure Rules establish timelines for legal actions before the Court, while Rule 1.1(1)(d) states that one of the overriding objectives of the Civil Procedure Rules is to ensure that cases are dealt with justly, which includes expeditiously.

In relation to measures to facilitate the production of evidence, the Court can order a party which has access to information not reasonably available to the other party to arrange for expert witness reports and provide these to the other party under rule 32.12.

In respect of measures to support persons and groups in vulnerable situations and to eliminate barriers to justice, chapter 2.17 of the Legal Aid Act establishes the Saint Lucia Legal Aid Authority, which is responsible for providing access to legal aid and advice in both civil and criminal matters to persons of insufficient means. The Office of the Parliamentary Commissioner established by the Saint Lucia Constitution Order of 1978 and the Parliamentary Commissioner Act No. 12 of 1982 has the mandate to protect individual citizens against abuse of administrative power and other forms of maladministration.

With regard to the publication of procedures for access to justice and decisions, rule 4.3 of the Civil Procedure Rules 2023 provides for Supreme Court practice directions and guides to be published in the official gazette and made publicly available at Court offices, while section 8(10) of chapter 1 of the Constitution of Saint Lucia provides that court proceedings shall be held in public unless there is written agreement by all the parties to the contrary. All judgements of the courts are recorded in accordance with part 42 of the Civil Procedure Rules, and copies are made available to all parties and the public.

Lastly, rule 25.1(h) of the Civil Procedure Rules 2023 allows the Supreme Court to encourage the parties to use any appropriate form of alternative dispute resolution including, in particular, mediation if the Court considers it appropriate, and to facilitate the use of such procedures. The Court can adjourn case management conferences to facilitate alternative dispute resolution procedures under rule 27.

I. Human rights defenders in environmental matters

Article 9 of the Escazú Agreement includes specific provisions for the protection of the rights of human rights defenders in environmental matters. States are obligated to:

- Guarantee “a safe and enabling environment for persons, groups and organizations that promote and defend human rights in environmental matters, so that they are able to act free from threat, restriction and insecurity”.
- Take “adequate and effective measures to recognize, protect and promote all the rights of human rights defenders in environmental matters, including their right to life, personal integrity, freedom of opinion and expression, peaceful assembly and association, and free movement, as well as their ability to exercise their access rights”.
- Take “appropriate, effective, and timely measures to prevent, investigate, and punish attacks, threats, or intimidations that human rights defenders in environmental matters may suffer”.

Chapter 1 of the Constitution of Saint Lucia recognizes freedom of expression, including the right to voice opinions, the freedom of association and assembly, the right to life, liberty, security of the person, equality before the law and the protection of the law for all persons, which would include human rights defenders in environmental matters.

There are no specific legal or policy measures addressing the protection of human rights defenders in environmental matters, but chapter 3.01 of the Criminal Code of Saint Lucia requires the State to investigate and punish those who are found guilty of attacks or threats on all persons.

J. Capacity-building

A number of acts, policies and draft laws, specifically the draft Freedom of Information Bill, the Disaster Management Act, the Legal Aid Act and the draft Climate Change Bill, make provision

for capacity-building measures for public authorities and the public in the area of access to information.

Section 4(2) of chapter 2.17 of the Legal Aid Act provides that “the Authority shall, to such extent and in such manner as it considers appropriate, disseminate, for the benefit of those for whom its services are made available, information in relation to those services and their availability”.

Section 5(3) of the Disaster Management Act (No. 30 of 2006) requires the Director of the National Emergency Management Organization to conduct programmes of public information and education on mitigation of, preparedness for, response to and recovery from emergencies and disasters.

The National Environment Policy and National Environmental Management Strategy for Saint Lucia (2004) includes Strategy 4, which is to build the capacity for environmental management by strengthening the capacity of national agencies to conduct research and manage information through the acquisition of equipment, the training of staff and the adoption of suitable institutional policies and procedures to govern research. The policy also seeks to improve the enforcement of environmental laws by building the capacity of enforcement agencies through training, capacity-building, resource mobilization and networking; fostering coordination and sharing of resources and information among enforcement agencies; and empowering local government agencies and selected civil society organizations with enforcement capacity and mandates whenever desirable and feasible. Lastly, section 5 of the Freedom of Information Bill 2009 requires the Information Commissioner to compile in each official language a clear and simple guide containing practical information to facilitate the effective exercise of rights under the Freedom of Information Act “as soon as practicable” and disseminate the guide widely in an accessible form. The guide must be updated regularly, at least once every five years. Section 8 of the Freedom of Information Bill (2009) requires the Information Commissioner to publish a guide on minimum standards and best practices regarding the duty of a public authority to publish specified information and provide advice to public authorities. Section 10 of the Bill requires public authorities to ensure the provision of appropriate training for their officials on the right to information and the effective implementation of the Act.

II. Stakeholder map

This section lists the stakeholders integral to the implementation of the Escazú Agreement. These stakeholders comprise representatives of government and the public in accordance with the Agreement (i.e., civil society, academia, the private sector and trade unions). The relevant stakeholders have been identified and placed in categories based on their existing roles and possible functions related to the future implementation of the Escazú Agreement.

A. Public authorities

There are a range of public authorities which have functions and duties related to various provisions of the Escazú Agreement. For this stakeholder map, the duties and functions of these public authorities were analysed to ascertain which entities were aligned with one or more of the pillars of the Escazú Agreement: access to information, public participation, and access to justice. In the next section, a description of the public entities responsible for the implementation of the Escazú Agreement is presented, along with the method of coordination among these entities. The method of coordination between these public entities and other key stakeholders is also shown.

B. Private sector organizations

The list includes 16 organizations that represent the private sector, including membership-based organizations and media organizations (see table 3).

Table 3
Private sector organizations

	Private sector organization	Role
1	Saint Lucia ICT Association	Professional organization that promotes information technology in the public and private sectors
2	Saint Lucia Chamber of Commerce, Industry and Agriculture	Membership association representing the interests of the private sector
3	Saint Lucia Industrial and Small Business Association	Membership association representing the interests of the private sector, with a focus on industrial and small businesses
4	Southern Business Association	Membership association representing the interests of the private sector in the south of Saint Lucia
5	MBC Television Saint Lucia	Media organization (local television station)
6	Choice TV	Media organization (local television station)
7	Helen Television System (HTS Saint Lucia)	Media organization (local news)
8	Right Angle Imaging	Marketing communications firm that prepares advertisements and communication campaigns
9	Association of Engineers	Membership association for engineers
10	Institute of Architects	Membership association for architects
11	Caribbean Hot FM	Local radio station in Saint Lucia
12	Helen FM	Local radio station in Saint Lucia
13	Prayz FM	Local radio station in Saint Lucia
14	Power 97.9 FM	Local radio station in Saint Lucia
15	Radio Caribbean International	Local radio station in Saint Lucia
16	Saint Lucia Manufacturers Association	Umbrella association that represents the interests of manufacturing companies

Source: Prepared by the authors.

C. Civil society organizations

Table 4 includes civil society organizations that work in the environmental field or that represent the rights of marginalized groups such as youth, women, the blind and persons with disabilities.

Table 4
Civil society organizations

Civil society organization	Role
1 Saint Lucia Archaeological and Historical Society	Archaeological society
2 Pitons Management Authority	Association that manages the Pitons, including local communities such as Fond Gens Libres, home to descendants of Brigands, who were former African slaves
3 Soufrière Marine Management Association	Non-governmental organization (NGO) that manages the Soufrière Marine Management Area (SMMA) and the Canaries and Anse La Raye Marine Management Area (CAMMA)
4 Saint Lucia National Trust	NGO that manages the Pigeon Island protected area
5 Caribbean Youth Environment Network-Saint Lucia Chapter	Local network of youth promoting environmental issues
6 Saint Lucia Blind Welfare Association	Association representing the interests of the blind
7 United and Strong	Human rights NGO representing marginalized LGBTQI groups in Saint Lucia
8 Raise Your Voice Saint Lucia	NGO promoting the empowerment of women and children and victims of domestic violence in Saint Lucia
9 National Council for Persons with Disabilities	Organization that supports persons with disabilities
10 Bar Association of Saint Lucia	Membership law association
11 Media Association of Saint Lucia	Umbrella association that represents the interests of media organizations
12 The Aldet Centre-Saint Lucia	NGO representing the interests of the indigenous people (Bethchilokono) of Saint Lucia

Source: Prepared by the authors.

D. Academic sector

Table 5 lists two academic institutions which have courses related to environmental studies. There do not appear to be any courses in environmental law in Saint Lucia.

Table 5
Academic institutions offering environmental studies courses

Academic institution	Courses offered
1 Sir Arthur Lewis University College	Bachelor's degree in Environmental Studies and Sustainability
2 University of the West Indies (Saint Lucia Open Campus)	Occupational Health and Safety

Source: Prepared by the authors.

E. Trade unions

Table 6 lists trade unions for various sectors.

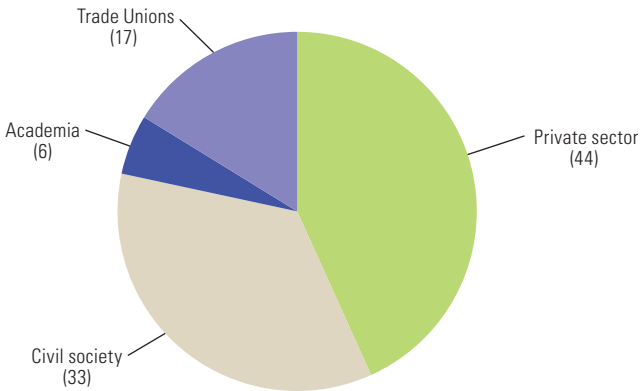
Table 6
Trade unions

	Trade union organization	Description
1	National Workers Union	General trade union
2	Saint Lucia Civil Service Association	Trade union for the civil service
3	Saint Lucia Teachers' Union	Trade union for teachers
4	Saint Lucia Workers' Union	General trade union
5	Saint Lucia Seamen, Waterfront and General Workers Trade Union	General trade union
6	Vieux-Fort General and Dock Workers Union	General trade union

Source: Prepared by the authors.

Figure 1 shows the distribution of non-governmental stakeholders.

Figure 1
Distribution of non-governmental stakeholders
(Percentages)



Source: Prepared by the authors.

III. Inter-institutional coordination mechanism and governance system for the implementation of the Escazú Agreement

This section outlines the mechanism for inter-institutional coordination between public entities responsible for implementing the Escazú Agreement and the governance system for the interaction between these public entities and private, social, academic and other stakeholders to guide their participation in the implementation of the Escazú Agreement in Saint Lucia.

The inter-institutional coordination mechanism determines the scope and form of coordination between public institutions that play key roles related to the implementation of the Escazú Agreement. The public entities responsible for the implementation of the Escazú Agreement in Saint Lucia were identified in accordance with their legal competencies related to access to information, participation, justice, defence of the environment and environmental capacity-building.

On the basis of this analysis, two groups can be established: the core group (Subcommittee of the National Coordinating Committee for Human Rights) responsible for developing and steering the Implementation Plan for the Escazú Agreement and the broad group of public authorities and other stakeholders (Stakeholder Advisory Committee), which can provide recommendations and assist with the dissemination of information on the Agreement. What follows is a list of the public entities that will be part of the core and broad groups and a description of their objectives and functions and the periodicity of their meetings.

A. Core group (Subcommittee of the National Coordinating Committee for Human Rights)

The core group includes seven public authorities which have roles central to the implementation of the Escazú Agreement, including the preparation and implementation of laws and policies on access to information, public participation and access to justice in environmental matters.

Table 7 lists these public authorities and their roles as they relate to the main articles of the Escazú Agreement. It should be noted that these entities will also have responsibility for other articles of the Escazú Agreement, e.g., capacity-building measures related to their area of access rights (article 10.2) and obligations to facilitate the exercise of access rights by vulnerable groups (article 4.5).

Table 7
Main public authorities responsible for implementing the Escazú Agreement

Authority	Role related to the Escazú Agreement
1 Department of Sustainable Development (DSD) in the Ministry of Education, Sustainable Development, Innovation, Science, Technology and Vocational Training	Focal Point for the Escazú Agreement, responsible for coordinating the national governance system for the implementation of the Agreement (DSD will chair the Subcommittee) Responsible for the development of environmental policy and legislation (article 4, "General provisions"; article 6 "Generation and dissemination of environmental information"; article 7, "Public participation in the environmental decision-making process")
2 Ministry of Home Affairs, Justice and National Security	Responsible for oversight of the justice system in Saint Lucia (article 8, "Access to justice in environmental matters"; article 9, "Human rights defenders in environmental matters")
3 Attorney General's Chambers (Solicitor General and the Legislative Drafting Unit)	Responsible for the review of new and proposed legislation (all articles related to changes in law and policy)
4 Department of Physical Planning in the Ministry of Physical Development	Responsible for oversight of environmental impact assessment procedures (article 7, "Public participation in the environmental decision-making process")
5 Ministry of Tourism, Investment, Creative Industries, Culture and Information	Responsible for information (freedom of information legislation) (article 5, "Access to environmental information")

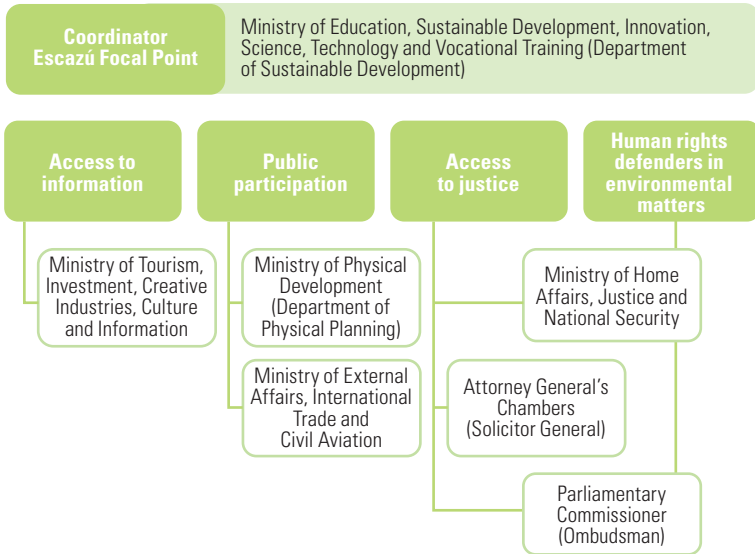
Authority	Role related to the Escazú Agreement
6 Ministry of External Affairs, International Trade and Civil Aviation	Focal point for human rights, United Nations organizations and treaty negotiations, with responsibility for foreign affairs
7 Parliamentary Commissioner	Responsible for investigating public complaints related to violations by the State (article 8, "Access to justice in environmental matters"; article 9, "Human rights defenders in environmental matters")

Source: Prepared by the authors.

Diagram 3 shows the public entities in the core group.

Diagram 3

Core group of public authorities in Saint Lucia



Source: Prepared by the authors.

The National Coordinating Committee for Human Rights was established via Cabinet Conclusion No. 120 of 4th February 2019 to monitor and report on Saint Lucia's national human rights situation. The Department of External Affairs and the Office of the Attorney General currently serve as Chair and Co-Chair, respectively. The Department of External Affairs also serves as the Secretariat of the Committee. The Committee has the mandate to form specific subcommittees as necessary.

A subcommittee headed or chaired by DSD as the focal point for the Escazú Agreement will be established. A submission will be made to cabinet regarding the coopting of that subcommittee. This is advantageous because the National Coordinating Committee for Human Rights has already been endorsed at a high level by cabinet, has been established to operate in the long term and includes representation from a wide range of stakeholders, with the option of coopting additional members with functions related to the Escazú Agreement. The membership of the Committee includes both public sector and non-governmental organizations, many of them identified in the stakeholder map as key entities necessary for the implementation of the Escazú Agreement.

The Subcommittee of the National Coordinating Committee for Human Rights will act as the core group, taking advantage of existing arrangements for coordination among public entities and between them and other stakeholders such as civil society, and will be the decision-making body with responsibility for the Implementation Plan for the Escazú Agreement.

DSD as the Focal Point for the Escazú Agreement will be the lead authority coordinating the development and execution of the Implementation Plan for the Escazú Agreement.

DSD will thus have responsibility for convening the meeting of the subcommittee. It will meet every two months to monitor and report on progress with implementation in the members' respective institutions and to take decisions on coordination actions where necessary.

It is proposed that the membership of the new subcommittee be expanded to include additional public and private entities identified in the stakeholder map whose functions will contribute to implementation. These additional members would include representatives from academia, trade unions and the private sector and one of the elected representatives of the public for the Escazú Agreement based in Saint Lucia. These additional members would aid in the implementation of the Agreement by providing recommendations and supporting capacity-building measures related to access rights. These representatives would be appointed by the government.

Table 8 lists existing and proposed members of the National Coordinating Committee for Human Rights to be included in the subcommittee.

Table 8

Existing and proposed members of the National Coordinating Committee for Human Rights to be included in the subcommittee

Existing members of the National Coordinating Committee for Human Rights	Proposed additional members
1 Permanent Secretary, Department of External Affairs, Ministry of External Affairs, International Trade, Civil Aviation and Diaspora Affairs (focal point for human rights)	Office of the Prime Minister
2 Permanent Secretary, Department of Justice	Ministry of Finance, Economic Development and the Youth Economy
3 Solicitor General, Attorney General's Chambers	Department of Physical Planning of the Ministry of Physical Development
4 Director of Gender Relations, Division of Gender Relations	Ministry of Tourism, Investment, Creative Industries, Culture and Information
5 Director of Human Services, Division of Human Services of the Ministry of Equity, Social Justice and Empowerment	Mr. Bishnu Tulsie, elected representative of the public for the Escazú Agreement
6 Deputy Director of Research and Policy, Ministry of Equity, Social Justice and Empowerment	Saint Lucia Chamber of Commerce, Industry and Agriculture
7 Chief Immigration Officer, Immigration Department of the Ministry of Public Service, Home Affairs, Labour and Gender Affairs	Sir Arthur Lewis Community College
8 Commissioner of Police, Department of Home Affairs and National Security, Ministry of Home Affairs, Justice and National Security	National Workers Union
9 Chief Education Officer, Department of Education of the Ministry of Education, Sustainable Development, Innovation, Science, Technology and Vocational Training	Saint Lucia National Trust
10 Chief Medical Officer, Ministry of Health, Wellness and Elderly Affairs	Caribbean Youth Environment Network-Saint Lucia Chapter
11 Labour Commissioner, Department of Labour	Saint Lucia Hotel and Tourism Association
12 Chair of the National Sustainable Development Goals Coordinating Committee, Department of Sustainable Development	Media Association of Saint Lucia
13 Co-chair of the National Sustainable Development Goals Coordinating Committee, Department of Economic Development	
14 Director of Statistics, Statistics Department of the Ministry of Finance, Economic Development, Youth Economy, Justice and National Security	
15 Parliamentary Commissioner	
16 Representative, Coalition of Civil Society Organizations	
17 First Vice President of the National Youth Council	
18 President, National Council of and for Persons with Disabilities	

Source: Prepared by the authors.

Emphasis is placed on including local organizations that represent the interests of human rights defenders in environmental matters and persons and groups in vulnerable situations, who in the context of the Escazú Agreement are defined as those who encounter particular difficulties in exercising access rights owing to circumstances or conditions in Saint Lucia (article 2). These could include, among others, people with some degree of illiteracy, people living in poverty and people living with disabilities.

The subcommittee that will be created will be responsible for carrying out the process of co-creation of the Implementation Plan for the Escazú Agreement in Saint Lucia. It will have the following set of functions:

- Develop the second stage of the information and participation strategy (when funding is available).
- Finalize the Implementation Plan for the Escazú Agreement, incorporating the priority actions presented in this publication plus those that will derive from implementation of the second stage of the information and participation strategy.
- Coordinate strategies and actions for the Implementation Plan for the Escazú Agreement.
- Engage with key stakeholders, including those participating in the broad group (Stakeholder Advisory Committee), and the public on matters related to the Escazú Agreement and ensure the provision of timely information.
- Monitor and review the Implementation Plan for the Escazú Agreement.
- Recommend financing measures for executing the Implementation Plan.

This subcommittee will implement a “co-creation process” through collaboration between public and private actors in the sharing of information on proposals, opinions, practices and strategies in order to draw up the Implementation Plan for Saint Lucia. Co-creation helps to strengthen public management by allowing private and public actors to participate in the design of

strategies with a multisectoral scope that exceeds their capacities and take advantage of synergies among these various actors. The standards on transparency, participation and accountability for the subcommittee are outlined in annex A2.

B. Broad group (Stakeholder Advisory Committee)

The members of this broad group will include public authorities and private, civil society, academic and trade union stakeholders. This broad group will be called the Stakeholder Advisory Committee.

The functions of this group will be to provide recommendations and support to the subcommittee for carrying out the priority actions and others included in the Implementation Plan. Table 9 lists the 21 public authorities comprising the group, including various ministries, agencies and departments that will be part of the Stakeholder Advisory Committee. These public entities will not be directly involved in the implementation of the Agreement, but they can support it in accordance with their legal competencies. They are the following:

- Ministries that set policies related to environmental management, access to information and access to justice.
- Authorities whose work includes the granting of concessions, licences and permits related to the use of natural resources.
- Authorities that support marginalized groups such as women, children, local communities, older persons, LGBTQI and persons with disabilities.
- Authorities that liaise with private sector organizations and set standards for private sector investment.
- Authorities responsible for education, archiving, standards, consumer affairs and the dissemination of information.

Table 9
Public authorities with functions related to one or more pillars
of access rights

Public authority	Role
1 Castries City Council	Responsible for local government affairs in Castries
2 Ministry of Agriculture, Fisheries, Food Security and Rural Development	Responsible for environmental sectors that include fisheries, agriculture and forestry, including regulating access to these resources
3 Ministry of Commerce, Manufacturing, Business Development, Cooperatives and Consumer Affairs	Responsible for consumer affairs and liaison with private sector organizations
4 Planning Division of the Ministry of Economic Development, Housing, Urban Renewal, Transport and Civil Aviation	Chair of the National Sustainable Development Goals Coordinating Committee
5 Chief Education Officer, Ministry of Education, Sustainable Development, Innovation, Science, Technology and Vocational Training	Responsible for oversight of educational institutions
6 Ministry of Equity, Social Justice and Empowerment	Responsible for promoting, supporting and facilitating the participation, development and organization of members of the public in utilizing their resources to effect self-directed change towards the economic, social, cultural, political and spiritual advancement of themselves, their communities and the nation; it is expected to play a key role with regard especially to the plight of poor, vulnerable and marginalized groups, which the Escazú Agreement aims to not leave behind
7 Department of Elderly Affairs of the Ministry of Health, Wellness and Elderly Affairs	Responsible for older persons' affairs
8 Department of Environmental Health of the Ministry of Health, Wellness and Elderly Affairs	Responsible for regulating matters related to environmental health
9 Physical Planning Department and Development Control Authority of the Ministry of Physical Development, Housing and Urban Renewal	Responsible for regulating all land and physical development
10 Department of Gender Relations of the Ministry of Public Service, Home Affairs, Labour and Gender Affairs	Responsible for gender affairs, with a role that includes redressing gender imbalances through policies and programmes
11 Government Information Services of the Ministry of Tourism, Investment, Creative Industries, Culture and Information	Responsible for the dissemination of official government information through the media
12 Ministry of Youth Development and Sports	Responsible for national programmes related to youth
13 Ministry of Finance, Economic Development and the Youth Economy	Responsible for overseeing financial planning and economic development

	Public authority	Role
14	National Archives Authority of Saint Lucia	Responsible for maintaining the national archives
15	National Conservation Authority	Manages Saint Lucia's beaches and coastal areas
16	National Youth Council	National body for youth programmes and liaison for youth and student organizations
17	Organisation of Eastern Caribbean States (OECS) Commission (Sustainability Cluster)	A memorandum of understanding has been signed between the OECS Commission and ECLAC for the enhanced Programme of Action for the Implementation of the Escazú Agreement
18	Bureau of Standards	National body responsible for preparing and promoting national quality standards
19	National Emergency Management Organization (NEMO)	Responsible for disaster preparedness and response
20	Consumer Protection Council	The Council investigates reports and facilitates dispute resolution between a consumer and a supplier in relation to goods and services
21	Consumer Protection Appeals Tribunal	The Tribunal receives referrals for the resolution of disputes from the Consumer Protection Council

Source: Prepared by the authors.

These public entities will be formally invited by DSD to be part of the Stakeholder Advisory Committee.

The proposed steps for inviting the public to be members of the Stakeholder Advisory Committee are as follows:

- DSD will invite stakeholders to become members of the Stakeholder Advisory Committee through an open call to register organizations.
- Once the organizations are registered, each stakeholder will select their representatives.
- The invitation to the stakeholders will outline the role and functions of their participation, which will include acting as a liaison between the members of their network or organization and the Stakeholder Advisory Committee by informing, consulting and reporting to the members of their organization.
- It is recommended that the Stakeholder Advisory Committee meet regularly (e.g., monthly or quarterly) and that there be a numerical balance between authorities, officials and other stakeholders.

Diagram 4 shows the general categories of membership in the Stakeholder Advisory Committee.

Diagram 4

Groups of stakeholders in the Stakeholder Advisory Committee



Source: Prepared by the authors.

IV. Information and participation strategy

This section explains the information and participation strategy, which includes the measures that will be taken to ensure meaningful dialogue at the national level with the various stakeholders (civil society, academia, the private sector, trade unions, community-based organizations and others) with a view to obtaining input into the priority actions for implementation in Saint Lucia in 2023, and then, during 2024, finalizing the Implementation Plan for the Escazú Agreement.

DSD will be responsible for coordinating the implementation of the information and participation strategy with support from the subcommittee of the National Coordinating Committee for Human Rights and the Stakeholder Advisory Committee.

This information and participation strategy has two stages. The first stage was implemented in December 2023, when a national stakeholder consultation workshop was held, along with an online survey. The second stage of the strategy will be implemented as soon as there is funding for carrying out the following activities, which are organized into three stages, starting in 2024.

A. First stage

A stakeholder workshop was held on 4 December 2023 with 45 participants, including representatives of public authorities, civil society organizations, the private sector and academia. The objective of the workshop was to obtain input from stakeholders

on recommendations for priority actions. An executive summary of the baseline assessment of Saint Lucia's laws, policies and practices as they related to the Escazú Agreement was prepared in non-technical language and disseminated to invitees ahead of the workshop so that they were able to understand the reason for the assessment and how the output from their participation would be utilized to inform the priority actions in the Implementation Plan for the Escazú Agreement.

1. Online survey

An interactive online questionnaire was generated as a useful tool for soliciting feedback from the public and stakeholders. This survey included a link to the summary of the baseline assessment, explained the objective of the participation and then invited respondents to rank the actions recommended for the Implementation Plan and submit their recommendations. Participants in the workshop were also invited to complete the survey in advance of the workshop with a view to facilitating the collection and analysis of feedback from stakeholders, especially persons who were unable to attend the stakeholder workshop but wanted to submit feedback on priority actions.

B. Second stage

The main objective of the second stage is to finalize the preparation of the Implementation Plan for the Escazú Agreement in Saint Lucia with significant public participation.

This second stage will have three phases of public and stakeholder engagement: the preparatory, execution and closing phases. The engagement measures during these three phases will be guided by the standards derived from the obligations in article 7 of the Escazú Agreement on public participation in environmental matters. This will ensure effective public participation in the development of the Implementation Plan. Broadly these measures will:

- Provide opportunities for the public to submit their views in writing or through other methods, such as public hearings or forums.

- Ensure that the decision-making process is transparent by providing information on the overall process of developing the Implementation Plan, including opportunities for engagement so that the public can see how decisions are being made and can provide input at every stage.
- Ensure that the public are involved in the decision-making process from the early stages to allow them to shape the policy to their needs and ensure it is responsive to their concerns.
- Ensure inclusivity so that the public, including the broadest range of vulnerable groups and those who are directly affected (e.g., rural or remote communities with environmental problems, environmental organizations, human rights defenders in environmental matters, people in poverty), have opportunities to engage in the process. This will allow the government to get the best possible information from those who will be most affected by the policy.

C. Preparatory phase

During the preparatory phase, the Government of Saint Lucia will adhere to the standards for participation by ensuring that:

- The participation process is convened in an open and inclusive manner.
- All necessary information related to all opportunities for participation is proactively disseminated, taking into account the sociocultural characteristics of the various actors.
- Conditions conducive to the public's participation are established, taking into account any political, social and economic issues and the characteristics of the districts within which the public and stakeholders reside, together with any socioenvironmental conflicts and environmental issues affecting the population.
- Efforts are made to identify people and groups in vulnerable situations.

The preparatory phase of public participation will be geared towards ensuring that information is disseminated to the public and stakeholder groups identified in the stakeholder map in an open and inclusive manner.

This phase will also entail the provision of notices of opportunities for participation, including submission of written comments and attendance at public and stakeholder forums. Various forms of audio and written media and dissemination methods will be utilized to ensure the public is appropriately informed, including vulnerable groups who experience challenges such as illiteracy, deafness, blindness, etc.

To promote transparency, facilitate the dissemination of all relevant information, encourage wider participation and coordinate the systemization of public comments, consideration will be given to the establishment of an online platform, whether dedicated wholly to the participation process or otherwise, using the DSD website.

1. Dissemination of information

An executive summary of the baseline assessment of Saint Lucia's laws, policies and practices as they relate to the Escazú Agreement, prepared in non-technical language, will be disseminated to the public and made available on the DSD website.

2. Public notification

Notice of the availability of the executive summary and full baseline assessment and invitations to participate by submitting written comments or attending events will be disseminated with adequate notice to the public. These notices will be disseminated through the following means:

- Posted electronically on the DDS website.
- Posted on various social media platforms, including Facebook, Tik Tok, Instagram and YouTube and the OECS Pressroom.
- Posted in local community spaces (e.g., libraries, local council offices).

- Circulated through the Government Information Service and the National Television Network (NTN) once budgetary allocations are available for such activities.
- Announced by local town criers.
- Disseminated to representatives of stakeholder groups, organizations and associations identified in the stakeholder map for further dissemination to their members and networks.

3. Channels for input from the public

The public and stakeholders will have the opportunity to submit their comments in writing to DSD and be given a minimum of 30 days from the date of the last public or stakeholder forum, whichever is later, to do so. This will ensure that those who are unable to attend the public and stakeholder forums have adequate time and opportunity to present their feedback for consideration.

Notices of all public and stakeholder forums will be provided at least two weeks in advance. These notices will also contain:

- The meeting date and time, duration and venue.
- The methodology for the event, including an explanation of the objective of participation, the reason for the baseline assessment and how the feedback will be utilized in the development of the Implementation Plan.
- The location where the baseline assessment (including the executive summary) can be accessed.
- DSD contact information and any other information on the events deemed necessary to ensure participation.

D. Execution phase (during)

During the execution of the public participation process, the Government of Saint Lucia will adhere to the following standards to ensure there are ample opportunities for meaningful and informed participation:

- Public participation occurs at an early stage when no decisions have been made and comments and proposals can be received in a timely manner for consideration.
- There are reasonable deadlines for participation, in particular for the submission of comments, to encourage informed participation. This means considering the circumstances of the public and stakeholders and recognizing that there may be groups that require longer periods to read and understand the information disseminated and to prepare or present oral or written submissions.
- There is an opportunity to submit comments in writing, orally or by other means, either in person, remotely or virtually.
- There is support for people and groups in vulnerable situations to participate.

1. Public and stakeholder forums

There will be three types of public engagement with stakeholders to present the findings of the baseline assessment and obtain feedback:

- Town hall meetings open to the general public.
- Stakeholder meetings with representatives of groups identified in the stakeholder map.
- An online survey.

The first stakeholder meeting and online survey were conducted on 4 December 2023 as part of the first stage of the strategy described above.

The participation standards will be maintained for all three participation opportunities. At the town hall meetings and stakeholder meetings and in the online survey, presentations and all information will be provided using non-technical and comprehensible language, as well as in Kwéyòl where persons may have difficulty speaking English. Adequate time will be provided at the town hall meetings and stakeholder meetings for the public to ask questions and receive answers.

2. Town hall meetings

Two face-to-face public town hall meetings will be held in Castries (southern area) and Vieux Fort (northern area) to present the findings of the baseline assessment and receive feedback. To ensure the participation in the meeting of those with disabilities, e.g., the blind and hearing-impaired, information will be shared in a variety of formats, including visual and audio presentations and sign language interpretation.

Additionally, the meeting will be broadcast virtually on social media, and the public will have the opportunity to submit oral or written comments through this avenue.

3. Stakeholder meetings

Face-to-face and virtual stakeholder meetings will be held with representatives of specific groups, including in particular vulnerable groups identified in the stakeholder map. These stakeholder meetings will be held in focus groups to ensure that members are able to contribute to the pillars of the Escazú Agreement most relevant to their sector.

These stakeholders have been grouped as follows for the purpose of holding stakeholder meetings:

- Representatives of civil society organizations and academia.
- Representatives of the private sector, trade unions and the media.
- Representatives of public authorities.

4. Strategy for identifying vulnerable groups

DSD will liaise with members of the National Coordinating Committee for Coordinating Human Rights, the Stakeholder Advisory Committee for the Escazú Agreement, public authorities, civil society organizations and local councils to identify any other affected and vulnerable groups whose representatives should be included in the stakeholder meetings (see table 10).

Table 10

Organizations called upon to assist in identifying vulnerable groups

Organization	Vulnerable group
Ministry of Equity, Social Justice and Empowerment	Persons living in poverty Persons with disabilities
National Council of and for Persons with Disabilities	Persons with disabilities
Department of Elderly Affairs of the Ministry of Health, Wellness and Elderly Affairs	Older persons
National Youth Council	Youth
Caribbean Youth Environment Network-Saint Lucia Saint Lucia Labour Party Youth Organization United Youth (United Workers Party Youth Arm)	
Ministry of Agriculture, Fisheries, Food Security and Rural Development	Farmers and fishers
Department of Gender Relations of the Ministry of Public Service, Home Affairs, Labour and Gender Affairs Saint Lucia Labour Party Women's Organization United Workers Party Women's Arm	Women's groups
Local councils	Local community associations

Source: Prepared by the authors.

Where feasible, the Government of Saint Lucia will provide people with transportation or support to physically attend meetings where their circumstances present difficulties that would affect their ability to do so.

To give people ample opportunity to consider the information presented and freely voice their opinions, electronic and paper templates will be prepared to allow the public and stakeholders to submit comments at either the town hall or stakeholder meetings or up to 30 days afterwards.

E. Closing phase (after)

During the closing phase, once the opportunities for participation are over, the Government of Saint Lucia will adhere to the following standards for participation:

- Take due account of the outcome of the participation process.
- Inform the public in a proactive and timely manner about the decision taken.

- Report on the reasons and grounds for the decision, as well as how the observations were considered.
- Make the decision and its background public and accessible.

F. Analysis of the output from public participation

Acting through DSD, the subcommittee of the National Coordinating Committee for Human Rights and the Stakeholder Advisory Committee will analyse the feedback received from the public and stakeholders through the various mechanisms, including the town hall meeting, stakeholder meetings, the online survey and any other comments received orally or in writing by other means. All comments received will be compiled into a document which will be publicly accessible on the DSD website or another online platform dedicated to the participation process to ensure transparency.

An evaluation exercise will be undertaken to consider all comments and to determine whether and how to incorporate the various proposals into the Implementation Plan. This will be done to ensure that due weight is given to the contributions. In considering these proposals, the Government will have regard to their relevance to the overall objective of ensuring compliance with the Escazú Agreement and their technical, financial and administrative feasibility, i.e., whether the relevant authorities would have the capacity to implement the proposal.

The reasons for the incorporation or rejection of public proposals will be provided in writing using non-technical language and made publicly accessible in an easily understandable and timely manner on the DSD website or another online platform dedicated to the participation process.

V. Priority actions for the Implementation Plan for the Escazú Agreement

Multi-criteria analysis was used to evaluate the baseline assessment recommendations received from stakeholders. Those recommendations that meet the criteria could become a priority action. The criteria used were:

- Applicability to the obligations of the Escazú Agreement (relevance and impact).
- Feasibility of implementation in view of technical, administrative and financial capacity.
- Length of implementation period: short-term (up to 1 year), medium-term (1–3 years) or long-term (over 3 years).

In the light of the analysis of recommendations, the priority actions that could be implemented within 1–3 years are set out in table 11. These priority actions will be assigned to the relevant authorities on the basis of their focal areas, roles and competencies as outlined in table 7.

Table 11
Priority actions for implementation of the Escazú Agreement

Priority actions (1–3 years)
General provisions (art. 4)
<p>1. Implement measures to raise awareness of the right to a healthy environment:</p> <ul style="list-style-type: none"> - Dissemination of materials to the public - Hosting of town hall meetings, public service announcements with provision for the use of Kwéyòl and sign language - Hosting of gender-sensitive discussions - Development of and access to a webpage - Training of the agencies involved in community awareness programmes (e.g., the Saint Lucia Social Development Fund, constituency councils, youth councils, faith-based organizations and schools)
Capacity-building (art. 10)
<p>1. Training and sensitization programme for the judiciary, attorneys and judicial officers on environmental law and access rights</p> <hr/> <p>2. Training and sensitization programme for civil society organizations and persons and groups in vulnerable situations, dealing with their access rights under the legal and policy framework for Saint Lucia. Priorities should include the following:</p> <ul style="list-style-type: none"> - Non-governmental organizations (mainly those working on environmental issues), including the Saint Lucia National Trust and the Caribbean Youth Environment Network - Community-based organizations, including those that deal with vulnerable persons (cancer society, blind welfare, older persons, homeless children) - Councils - Faith-based organizations - Non-profit organizations working on social development. <p>Elements of the programme should include:</p> <ul style="list-style-type: none"> - Workshops - Stakeholder consultations - Webinars - A public education programme and announcement, including social media clips and sessions <hr/> <p>3. A training and sensitization programme for public officials on procedures for access to environmental information and public participation in the decision-making process that are aligned with the standards in the Escazú Agreement. Priority should be given to including public officials from the following organizations:</p> <ul style="list-style-type: none"> - National Emergency Management Organization - Government departments, including Fisheries, Forestry, Health, Agriculture and Solid Waste Management - The police service - Physical Planning Department of the Development Control Authority - National Climate Change Committee - Department of Sustainable Development - Executive (i.e., cabinet, parliamentarians) - Permanent secretaries - The Attorney General

Priority actions (1–3 years)

Public participation in environmental decision-making (art. 7)

1. Prepare and publish guidelines setting out duties and procedures for public participation in decisions that have or may have a significant impact on the environment and public health, in accordance with the Escazú Agreement:
 - Have clear guidelines stipulating that public participation is required from beginning to end
 - These guidelines should include provisions on how participation is to take place
 - Inform the public about environmental matters so they can participate
 - Inform the public about the project beforehand so they can participate in the environmental impact assessment (EIA)
 - Make the results of the EIA available to the public
2. Measures and strategies to improve public notification of environmental decision-making processes:
 - Text messages via mobile phones
 - Posters, videos, billboards and graphics via social media
 - Scrolling messages (on-screen) on television
 - Information clearing house or repository for environmental information and decision-making matters
 - Incorporate messages for community and faith-based organizations, cultural groups and icons, and local artists
 - Utilize local government to reach relevant groups, such as Rastafarian and grassroots groups
 - Adopt appropriate information sharing formats and methods (e.g., Kwéyòl, braille, sign language and child-friendly formats) to reach specific audiences
 - Utilize drama, song, jingles (edutainment) and infomercials
 - Utilize bookmarks, exercise books, brochures, factsheets, umbrellas, totes, T-shirts, hats, etc

Access to justice in environmental matters (art. 8)

1. Implement measures to publicize the right of access to justice and procedures for seeking justice:
 - Procedures in cases where the right to receive environmental information under the Constitution (and any other related law) is breached
 - Court challenges using judicial review
 - Administrative appeals related to the right to participate in decisions about the approval of conservation area plans and the declaration of environmental protection orders under the Land Conservation and Improvement Act
2. Measures and strategies should be used to publicize these rights and procedures:
 - Create public service announcements with critical and targeted information about the environment through governmental and non-governmental organizations such as schools, faith-based organizations and grassroots organizations and communities
 - Use the student population as an extremely important vehicle to facilitate the dissemination of information on the environment to the home and community

Human rights defenders in environmental matters (art. 9)

1. An assessment of the situation of human rights defenders in environmental matters in Saint Lucia can be carried out (including indicators for measuring the situation of defenders) to inform public policy
2. Measures and strategies to ensure that information on the situation concerning human rights defenders in environmental matters is comprehensive and accurate:
 - Develop a focused environmental awareness and education programme that the public can understand, process and internalize
 - Develop programmes to inform strategic offices about environmental matters (e.g., the executive, the judiciary, permanent secretaries, heads of department and senior public officers)
 - Develop specific public service announcements targeting various groups

Source: Prepared by the authors.

VI. Regional cooperation

This section outlines the measures for collaboration between the Government of Saint Lucia and other States parties to support the implementation of the Escazú Agreement in other countries.

The proposed collaboration will contribute to the implementation of article 11 of the Escazú Agreement, dealing with regional cooperation, which requires States to cooperate to strengthen their national capacities, giving special consideration to least developed countries, landlocked developing countries and small island developing States in Latin America and the Caribbean.

The Agreement also encourages partnerships with States in other regions, with intergovernmental, non-governmental, academic and private organizations, with civil society organizations and with other relevant stakeholders. Collaboration can include capacity-building actions such as training, technical assistance and technical visits, among others.

There are opportunities for Saint Lucia to support capacity-building measures for Caribbean States parties in particular, with actions to implement the Escazú Agreement through information sharing and knowledge exchange. Saint Lucia and other Caribbean countries, particularly those in the eastern Caribbean, share common characteristics such as judicial and economic systems, common law jurisprudence, cultural traits and regional political associations. These are supported through shared institutions such as ECSC, the Caribbean Community (CARICOM), the OECS Commission, CCJ and the University of the West Indies (UWI), among others. Two areas of opportunity for learning exchanges are described below.

(i) Information sharing to support the development of implementation plans for the Escazú Agreement in other countries

Within the Caribbean subregion, Saint Lucia has already participated in and spearheaded inter-island capacity-building and cooperation missions to Grenada and Dominica and participated in seminars related to the Escazú Agreement together with the Bahamas, Belize and Trinidad and Tobago. The process of preparing the road map and developing the Implementation Plan has delivered lessons, and this experience can be shared with other States parties that are embarking on the process of assessing compliance with the Escazú Agreement.

(ii) Collaboration with regional bodies to support information sharing and knowledge exchange with a view to strengthening access rights in the Caribbean region

Saint Lucia has signed a Memorandum of Understanding with the OECS Commission and ECLAC to collaborate on implementation of the Escazú Agreement. In pursuit of this objective, Saint Lucia has collaborated with the OECS Commission in conducting consultations with stakeholders that focus on access rights. There are member countries of OECS which are also States parties to the Escazú Agreement. It is envisioned that Saint Lucia can continue its engagement with the OECS Commission in its future national consultations as part of the Implementation Plan, as well as in outreach such as information sharing workshops with other OECS member countries.

Additionally, there are opportunities through CCJ, UWI and ECSC to explore judicial training programmes and sensitization sessions dealing with environmental law, access rights and the Escazú Agreement. Through collaboration with regional bodies such as UWI and CARICOM, Saint Lucia can support the development of national information systems by sharing its experiences with the development of the Saint Lucia National Environmental Information System.

Saint Lucia can also encourage important expert exchanges between a variety of established regional agencies dealing with access to information (e.g., media organizations such as the Caribbean Broadcasting Union (CBU) and Caribbean News Agency (CANA)) and access to justice (CCJ and others). Public participation can be further enhanced through regional cooperation efforts entailing monthly podcasts or virtual discussions, examples being civil society dialogues involving Friends of the Earth Grenada, Alliance for Action Antigua, the UBAD Educational Foundation in Belize and the Saint Lucia National Trust.

The development of voluntary codes of conduct, guidelines, good practices and standards can also be encouraged through intraregional cooperation between standards bureaus across the region and greater synergy between departments with responsibility for sustainable development and the environment.

Additionally, the establishment of regional committees or creation of greater synergies between existing councils and committees such as the recently formed Network of Law Professors of the Latin America and Caribbean Region or Latin American indigenous networks can help carry forward the implementation process and the overall development of access rights and the rule of law, including the promotion and protection of, and prevention of harm to, human rights defenders in environmental matters in the region.

Lastly, by continuing with established collaboration arrangements at an international level with organizations such as the Women's Earth and Climate Action Network (WECAN) International, the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women), the United Nations Office for Disaster Risk Reduction (UNDRR) Regional Office for the Americas and the Caribbean (ROAC), the Raoul Wallenberg Institute of Human Rights and Humanitarian Law in Sweden, China Dialogue and others, Saint Lucia can continue to improve the effectiveness of its activities as they relate to the development of institutional, regulatory and legal frameworks to support the implementation of the Escazú Agreement.

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Annexes

Annex A1 Stakeholders consulted during the preparation of the road map

Stakeholder
1 Chief Technical Officer, Department of Sustainable Development (DSD) of the Ministry of Education, Sustainable Development, Innovation, Science, Technology and Vocational Training
2 Legal Officer, DSD
3 Sustainable Development Officer, DSD
4 Sustainable Development and Environment Officer, DSD
5 Permanent Secretary, DSD
6 Deputy Chief Sustainable Development and Environment Officer, DSD
7 Biodiversity Officer, DSD
8 Chemicals and Hazardous Waste Officer, DSD
9 Deputy Permanent Secretary, DSD
10 Science Officer, DSD
11 Human Resources Officer, DSD
12 Information Assistant, DSD
13 National Project Coordinator, DSD
14 National Ozone Assistant, DSD
15 Sustainable Development and Environmental Assistant, DSD
16 Member, Nationally Determined Contributions Partnership for Saint Lucia
17 Environmental Engineer, Government of Saint Lucia
18 Board member, Saint Lucia National Conservation Fund
19 Member, Caribbean Youth Environment Network
20 Chief Physical Planning Officer, Department of Physical Planning
21 Physical Planning Officer, Department of Physical Planning

Stakeholder

22	Commonwealth Advisor (Antigua and Barbuda)
23	Member, United Black Association for Development (UBAD)
24	Director of Legislative Drafting, Attorney General's Chambers
25	Legal Drafter, Attorney General's Chambers
26	Elected representative of the public for the Escazú Agreement
27	Energy Science and Technology Assistant, Ministry of Education, Innovation, Gender Relations and Sustainable Development.

Source: Prepared by the authors.

Annex A2

Standards on transparency, participation and accountability for the subcommittee

Standards on transparency and access to information:

- Information about the co-creation process must be timely, i.e., delivered with sufficient time to ensure the participation of the largest number of community members.
- All the content that is developed must be understandable and clear to the various actors. This content needs to be delivered in the appropriate languages and forms of expression, in such a way that it is well understood (avoiding technical language as much as possible).
- The communication style should be welcoming and attractive, so that no one feels intimidated or demotivated.
- The information must be truthful. This standard implies not only the absence of deception, but also that the information provided is sufficient for participants to form for themselves an opinion of the topics being discussed. Partial information, even if it does not contain falsehoods, can mislead by omitting needful background, so lacking transparency and hindering participation.
- Information that is transparent must be updated, so as not to generate discrepancies between the background information delivered and the actual situation, since this could give rise to ill-informed judgments.

Participation standards:


- Efforts must be made to ensure the inclusion of the various actors making up territories. Inclusion measures are needed when there are groups of the population that have historically found themselves marginalized, underrepresented or self-excluded from participation processes. Along with this, inclusiveness also requires that participation arrangements be appropriate to the cultural, social, economic and political circumstances of the actors belonging to the community.

- Participation in co-creation should be organized in a way that ensures equal opportunities for all groups participating in the forum, whether directly or indirectly. Everyone needs to be able to present their needs and proposals so that the Implementation Plan is not an incomplete reflection of the actual situations and needs of territories.
- A continuous dialogue should be facilitated, using a variety of spaces and platforms appropriate to the context of the territory and its inhabitants.
- Participation must be voluntary and the result of genuine conviction, never coercion or threats. This is a requirement both for the results to be authentic and for participants to commit to the implementation of the plan.
- Effective participation occurs when actors are willing to actively listen to and consider others' points of view. This requires a special effort by the authority calling for co-creation to engage in dialogue with a view to understanding and incorporating the opinions of the different groups in the community. Government, civil society and other stakeholders must recognize each other as co-responsible and undertake the process together. Active listening is reflected in real consideration of and impact for the community in the preparation of the action plan.
- As in all participatory processes, it is not always possible to incorporate all the suggestions and demands of the community. To validate the process, therefore, it is necessary for the authority or whoever makes decisions about what is and is not incorporated into the plan to deliver an informed and timely report on the decisions taken. It is recommended that the authority try to include proposals that could not be incorporated into the Implementation Plan for the Escazú Agreement into other local government programmes.

Accountability standards:

- Accounts should be rendered regularly and frequently. It is recommended that progress be reported at the end of each phase of the action plan co-creation process.

- When accounts are rendered, the highest authority and those responsible for the co-creation of the plan must be present to clarify doubts and receive comments on the process. Their participation helps validate and build trust in the process.
- The information provided must be up-to-date and supported by evidence. This is a requirement for it to be relevant and not dismissed as worthless.
- The information provided must be understandable, so that the community can make an informed assessment of the actions carried out and their results. To this end, clear information must be provided on the level of compliance and progress with the co-creation process in relation to the objectives initially set, and on the factors that influenced any changes or modifications.
- Truthfulness is a fundamental part of accountability in the action plan construction process. It consists in delivering all the elements that the participants in the process need to form an opinion on the progress and current situation of the plan.
- The information delivered when accounts are rendered should be disseminated by the media normally used by the community to inform itself. In addition, special efforts must be made to reach the members of the community with the greatest connectivity difficulties.



This document contains the road map for the implementation in Saint Lucia of the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean (Escazú Agreement), prepared by the Government of Saint Lucia with the support of the Economic Commission for Latin America and the Caribbean (ECLAC).

Its purpose is to provide a normative and practical analysis of access rights in Saint Lucia, systematizing the progress made and the gaps that remain. A workshop-consultation was held with a number of stakeholders, including public officials, to discuss the legal analysis and gather proposals on priority actions for implementation of the Escazú Agreement in Saint Lucia. This document includes those priority actions and details the governance system for implementation of the Escazú Agreement in the country.