

Grenada *National Land Policy*

*Providing for Sustainable Land
Management and
Ecosystem Resilience*



Demand for Land for Housing and Urban Development



Informal Hillside Housing Development



Subsistence Farming on Steep Slopes



Commercial, Tourism and Housing Development in Vulnerable Ecosystems



Conflict Involving Resource Use

Grenada National Land Policy

Providing for Sustainable Land Management and Ecosystem Resilience

1.0. Background and Context

A recent evaluation¹ undertaken for the Government of Grenada provides the following statement concerning the status of land management in the country:

The importance of the country's land resources to economic growth and development, poverty reduction, and the survival and wellbeing of the entire population is well known and cannot be overemphasized. Despite this knowledge, the sustainability of these resources is seriously threatened by various types of incompatible development activities, such as illegal construction, ad hoc urban and rural developments, and squatting. These land use practices have resulted in the degradation of the quality of land thereby compromising its availability for productive uses. Poor land use practices also pose serious threats to national food security, human health, resilience to climate variability, and economic and social instability. The availability and accessibility of the country's limited land resources are further constrained by its steep topography, high rainfall levels, inefficient land tenure system, uncontrollable land prices, and unregulated land use, among other factors. Growing competition and demands among multiple land users are increasing the pressures on this limited and diminishing resource. Without appropriate interventions, these undesirable land use practices would no doubt continue to limit the ability of the land to provide the services and functions that are so essential to the survival and wellbeing of the population.

Acting on recommendations from this evaluation, the Government of Grenada has made considerable progress in the establishment of key elements of the policy, legal and institutional framework needed to improve land management in the country, notably through the enactment of the *Physical Planning Act* and *Building Code Regulations* in 2016, the development of the National Physical Development Plan (2003) and several Local Area Development Plans, and the formulation and adoption of the *Integrated Coastal Zone Management Policy for Grenada, Carriacou and Petite Martinique* in 2015. Additionally, with assistance provided by international development partners, the Government is finalising the development of a comprehensive *Environmental Management Bill*.

Further action is needed to ensure that sustainable land management becomes a reality in Grenada. This *Grenada National Land Policy* outlines the additional measures that the Government of Grenada intends to implement in order to ensure that: (a) the land and natural resources of the country are soundly managed for the benefit of present and future generations; and (b) the resilience of ecosystems, which is threatened by climate change and human activities, is enhanced (where possible) through sound management practices.



¹ Grenada, Carriacou and Petite Martinique Land Policy Issues Paper. Government of Grenada/OECS. July 2013.

2.0. Linkages to International and Regional Framework for Sustainable Land Management

Significant progress has been achieved in many areas of environmental management within Organisation of Eastern Caribbean States (OECS) countries (to which Grenada is a Member), most notable among these is the precedent-setting *St. George's Declaration of Principles for Environmental Sustainability in the OECS* (the Declaration) which was adopted through signature by Member States in April of 2001. The Declaration was informed by previous policy work that includes the 1992 *Rio Declaration on the Environment and Development*, and the *United Nations Programme of Action on the Sustainable Development of Small Island Developing States*, popularly referred to as the Barbados Program of Action (POA), concluded in Barbados in 1994 at the first Global Conference on the Sustainable Development of Small Island States.

The *Barbados Program of Action* and the *St. George's Declaration of Principles for Environmental Sustainability* both recognise that efficient and effective management of natural resources is essential to sustainable development, and both recognise the need for an integrated approach to managing land and natural resources. Article 24.1. of the *Revised Treaty of Basseterre*, signed on the 18th June 2010, provides that each OECS Protocol Member State shall implement the *St. George's Declaration of Principles for Environmental Sustainability* to minimize environmental vulnerability, improve environmental management and protect the region's natural (including historical and cultural) resource base for optimal social and economic benefits for Member States. The *Revised Treaty of Chaguaramas Establishing the Caribbean Community including the CSME*, pursuant to Article 58, makes provision for effective measures to be made “[...] assist Member States in the management of their natural resources in support of the transformation and sustainable development of the agricultural sector.” In addition, measures shall therefore be taken to facilitate the “[...] effective management of the soil, air and all water resources, [...] the conservation of biological diversity and [its] sustainable use.”

In order to further develop the policy and legal framework required to give effect to these imperatives, Grenada has received support under two projects to develop a comprehensive policy and legal framework for sustainable land management. The first project, funded by the Australian Government, sought to improve land policies and land management within the OECS Member States. Under this initiative, the Organization of Eastern Caribbean States (OECS) implemented a project for improving land policies and land management in its Member States. The project's goal was to achieve “enhanced sustainability of development in the OECS - economic development, poverty reduction, social stability and the protection of environmentally sensitive areas - through the formulation, adoption and implementation of comprehensive land policies.” Under this project an evaluation of relevant issues was undertaken, as provided in the document *Grenada, Carriacou and Petite Martinique Land Policy Issues Paper* (2013).

Land “management”, “sustainable land management” and “natural resource management”.

Land management is the practices (legal, policy, institutional) and process for **managing** the use and development (in both urban and rural settings) of **land** resources to support social, economic and environmental development, and can be unsustainable leading to the depletion and degradation of land resources.

Sustainable land management (SLM) refers to practices, processes and technologies that aim to integrate the **management** of **land**, water, biodiversity, and other environmental resources to meet human needs while ensuring the long-term sustainability and resilience of ecosystem services and livelihoods including from threats due to climate change.

Natural resource management refers to the management of natural resources such as land, water, soil and sand, plants, fish and animals, with a particular focus on how management affects the quality of life for both present and future generations (stewardship). Natural resource management deals with managing the way in which people and natural landscapes/seascapes interact. It brings together land use planning, water and soil management, coastal resource management, biodiversity conservation, pollution control, and the future sustainability of human settlements and industries like tourism, agriculture, fisheries and commerce. It recognises that people and their livelihoods rely on the health and productivity of terrestrial and marine resources, and their actions as stewards of such resources play a critical role in maintaining this health and productivity. Natural resource management requires comprehensive information to guide and inform decision-making, and meaningful stakeholder engagement in all aspects of management.

Subsequently, Grenada secured support under the European Union funded *Global Climate Change Alliance (GCCA) project on Climate Change Adaptation (CCA) and Sustainable Land Management (SLM) in the Eastern Caribbean* which is organized to contribute to the achievement of the provisions enshrined in Article 24 of the Revised Treaty of Basseterre, that each Protocol Member State shall implement the *St. George's Declaration of Principles for Environmental Sustainability*. The overall objective of the OECS Project for Island Resilience (iLAND), of which this initiative is a part, is to improve the resilience of the region's natural resource base to the impacts of climate change through the development and implementation of effective and sustainable land management policy and associated legal framework. The development, through a broad-based consultative process, of a policy and legislation for land and natural resource management, is one component of this project. A separate initiative is underway, with support under the OECS GCCA program, to develop the comprehensive *Environment Bill* for Grenada.

The OECS Guidelines (June 2014) state that "a National Land Policy defines what actions a government intends to take in managing its land and related natural resources, including water resources, fisheries, forest and wildlife." Experience from the region is informative. In Jamaica, the *National Land Policy* (January 1997) defined the main policy drivers as 'sustainable, productive and equitable development, use and management of the country's natural resources', to compliment socio-economic development initiatives of the country. The policy is to be achieved by challenging and removing 'inefficient, onerous and outdated legal, administrative, management and other barriers that affect the planning, use, control, development, protection and conservation of Jamaica's physical resources'.

In Grenada as in other Small Island Developing States (SIDS) of the OECS, a comprehensive and inclusive policy and approach to sustainable land management and managing natural resources is relevant due to the very intense competition for such resources between urban settlement, rural agriculture, tourism and other infrastructure, in the face of accelerating rural-to-urban migration, population growth and climate change including rising sea level and increased incidents of extreme events. In developing the *Grenada National Land Policy*, it must be recognised that public policy is a course of action chosen by government to address a given problem, or a set of interrelated problems, for the achievement of declared objectives. Essentially, these constitute the key elements of the *Grenada National Land Policy*.



Coastal erosion in Carriacou.



In 2004 Grenada was struck by hurricane Ivan. Ninety percent of the habitat was damaged or destroyed.

3.0. Process to Develop the Grenada National Land Policy

The development of the *Grenada National Land Policy* has been undertaken through a broad-based consultative process to ensure that any personal or party political biases are set aside in the process of policy formulation in order to ensure its widespread and enduring support. The process has been guided by a National Committee, convened by the Ministry of Agriculture, Lands, Forestry and Fisheries. The National Committee comprises representatives from various governmental agencies, the private sector,

non-governmental organisations, and community-based organisations including representation by land owners and farmers. To avoid any perceptions of bias, the Ministry of Agriculture, Lands, Forestry and Fisheries appointed a team of international/regional consultants to assist with the development and drafting of the policy and supporting legislation. However, ownership of the *Grenada National Land Policy* rests with the Ministry of Agriculture, Lands, Forestry and Fisheries and the National Committee, which led the process. An initial draft of the proposed policy ('Green Paper') was presented for public review and comment before submission of the revised final Policy to the Minister and Cabinet for consideration. The *Grenada National Land Policy* contains the legal text of the proposed legislation to implement the Policy, and also information about the likely scope and scale of any financial implications of the proposed Policy.

4.0. Key Issues to be Addressed in the Policy

With support from the OECS GGCA program, an assessment was undertaken of the key issues that need to be addressed in any proposed National Land Policy for Grenada². These issues have been further evaluated and refined during the situation analysis and consultations undertaken to develop the *Grenada National Land Policy*, and are summarised below.

4.1. Limited Land Available for Housing Development in Urban Areas

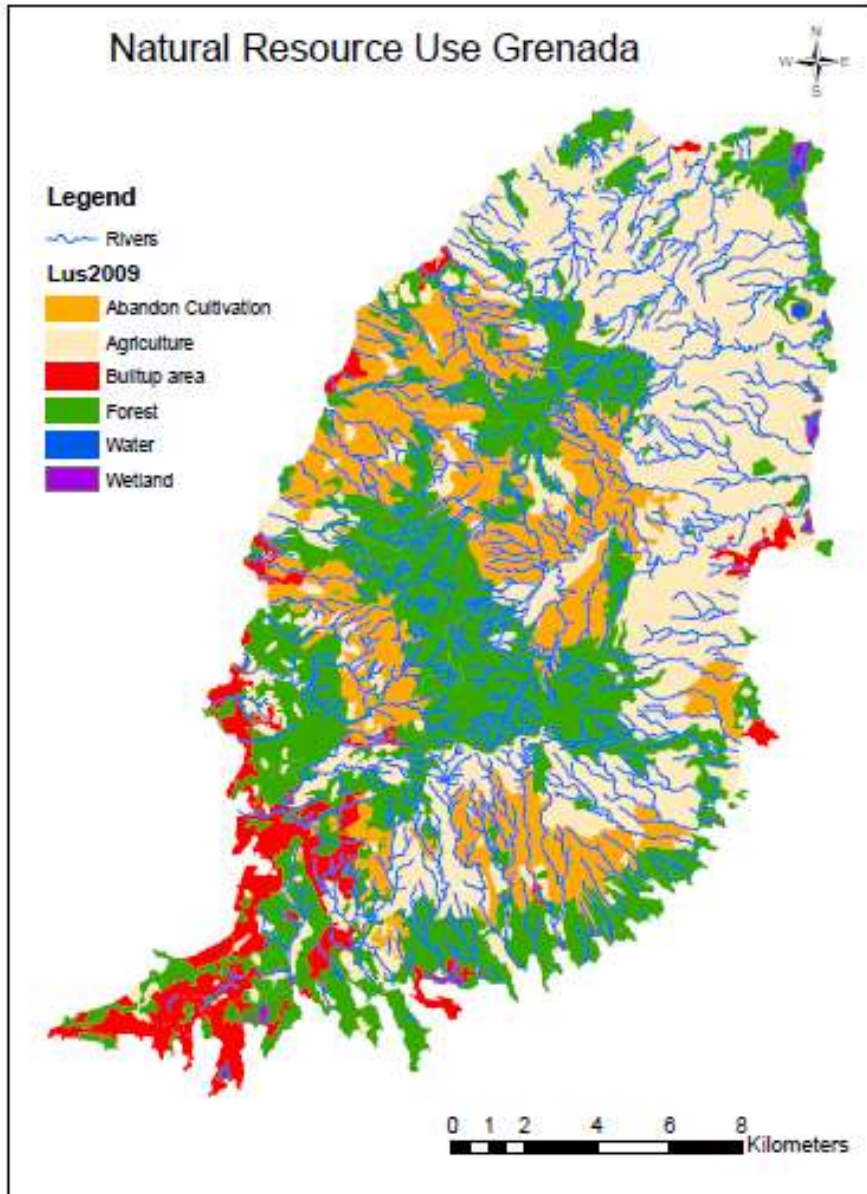
Grenada consists of a group of islands including Grenada, which is the largest, and the smaller islands of Carriacou, Petit Martinique, Ronde Island, Caille Island, Diamond Island, Large Island, Saline Island, and Frigate Island, together with surrounding islets. Grenada, Carriacou and Petite Martinique together have an area of 133 sq miles. The islands are of volcanic origin and represent the exposed summits of peaks on a single narrow bank of submerged volcanic mountains. The interior terrain, especially on Grenada is dominated by very steep slopes. The highest peak in Grenada is Mt. St. Catherine with a height of 840 meters (2,757 feet), while High North in Carriacou stands at 291 meters (954 feet). Only about 5% of the lands on mainland Grenada are within the 0 to 5 degree slope category, while 71 % are within slopes of over 20 degrees. Carriacou is less rugged with approximately 50% of the lands being on slopes over 20 degrees, the remainder being flat or gently sloping with slopes ranging from 0 to 5 degrees. On Petite Martinique 90% of the lands are on slopes greater than 20 degrees. Approximately 3% of the land area is at sea level and these include the



² See - *Grenada, Carriacou and Petite Martinique Land Policy Issues Paper*. Government of Grenada/OECS. July 2013.

main towns and many of the key socio-economic facilities. The land mass of the islands are surrounded by an irregular and indented coastline with several bays and white-sand beaches and a number of mangrove swamps.

Results from the 2011 population and housing census indicated that the Grenadian population is 105,539, comprised of 53,008 males and 52,531 females, with little by way of annual population growth (Central Statistical Office, GOGR, 2011 Population Census).



There are 33,883 households. Most of the population lives on Grenada, and major towns there include the capital, St. George's, Grenville and Gouyave. The largest settlement on the other islands is Hillsborough on Carriacou. Grenada's towns and villages are located mainly in the coastal areas with linear inland extensions following the road network along valleys and ridges.

Decline in agricultural livelihoods has been accompanied by increasing poverty levels, leading to an increase in the rate of rural to urban migration. As a consequence, about 61% of the population lives in the parishes of the two main towns, St. George (population 34,000) and St Andrew.

Urban development in the main island of Grenada largely occurs in narrow bands of coastal areas, while much of the remaining land of the islands are agricultural or forest areas.

90% of land in Grenada is privately owned, with most of the remaining State Land being in rural areas.

The recent increase in land acquisition by foreigners has resulted in a steady rise in land prices and a serious shortage of available land in urban areas to accommodate the large numbers of Grenadians seeking land for housing. The shortage of land has resulted in an increase in informal settlements, squatting, and the construction of inferior quality houses on steeply-sloped land near to areas of urban development. Squatting is a serious problem in Grenada, especially on State Lands. The failure of rural economies to

provide sufficient income earning opportunities for rural people, have forced them to migrate to urban centers. Most of these people are not able to afford the high cost of housing and so they erect make-shift shelters. In the last two decades, the Government has regularized over 1,500 plots, 55% of which have been in the Grand Anse area. Squatter communities usually lack planning or adequate physical infrastructure, often creating risks to human health and the environment.



High density development in Grenada

An additional issue of concern that has been raised by stakeholders during the consultation process relates to inter-generational ownership of land. Many parcels of land have been handed down by grandparents and parents to their descendants, often without the formal transfer of title being completed. In many cases, legal transfer cannot be effected due to the lack of a will. However, the biggest impediment is the old and outdated Land Registry and Cadastral Survey system which has not been computerised and still relies on paper documents dating back over four hundred years. As a result, title searches that are required for the legal transfer of ownership of land are time-consuming and costly, creating a major impediment to the inter-generational transfer of land. Surveys undertaken are not to a uniform standard, and are not geo-referenced, often creating conflict over parcel boundaries. Without legal title, generations of Grenadians are unable to use the land as collateral to secure mortgages for home ownership or for investment purposes. An additional concern raised by young Grenadians relates to their special circumstances which affects their ability to acquire land for housing. Unemployment among the young in Grenada stands at around 56%, with many young people being in short term contract employment or working part time. Without secure employment and land title as collateral, young Grenadians are unable to qualify for financing towards home ownership from commercial banks. Increased shortage of available land and rising land prices serve to further frustrate the home ownership aspirations of many young Grenadians.



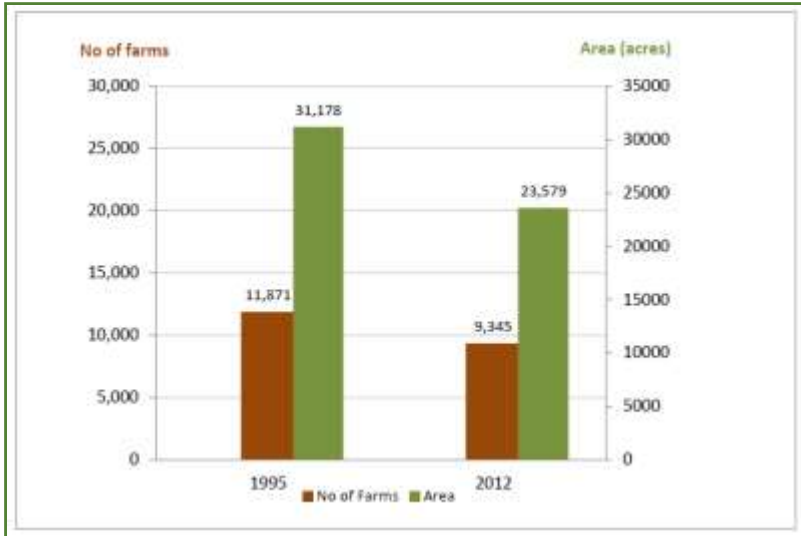
Housing construction in Grenada

The *Grenada National Land Policy* seeks to address these issues, in part, by: (a) establishing the enabling framework to support first time home ownership by young Grenadians; (b) promoting medium-density housing development to reduce stress on available land; (c) facilitating the computerisation of the National Land Registry and land title search process;

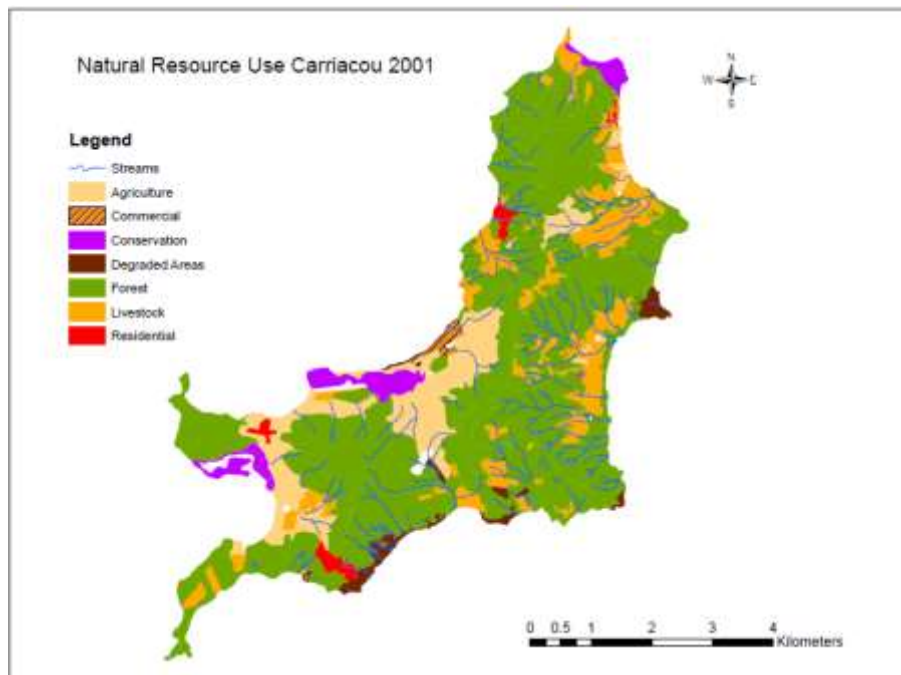
and (d) improving data and information concerning land title, land use and the availability of land suitable for housing, and by ensuring that such information is made available to guide housing development and physical planning.

4.2. Changing Land Use Patterns

Prior to the 1970s, agriculture dominated land use activities in the country. Over the past two decades, the economy has shifted from one of agriculture-dominant into that of services-dominant, with tourism serving as the leading foreign currency earning sector. Currently, agriculture contributes some 5.4% of Grenada's Gross Domestic Product (GDP), but employs 24% of the labour force. The country's principal export crops are the spices nutmeg and mace (Grenada is the world's second largest producer of nutmeg after Indonesia). Other crops for export include cocoa, citrus fruits, bananas, cloves, and cinnamon. Factors such as natural disasters, the removal of foreign preferential markets, aging farmer population, among others, have resulted in the decline of the sector.



The *Grenada Census of Agriculture 2012* (published in 2015) reports that the total number of farms recorded in the 2012 census decreased by 21% compared to the number recorded in the 1995 census; a decrease of 2, 526 farms from 11,871 to 9,345 farms.



The overall area of farms also fell by 24% or 7,798 acres, from 31,177 acres in 1995 to 23,599 acres in 2012. The number of farms in every size classification has fallen. The decline in number of farms ranges from 9% for farms of size 1.00 to 1.99 acres to 54% for farms 50 acres and over. This decrease is consistent with the reduction in both the number of farms and farming area. Large farms 25 acres and over have experienced the largest decline in farm area - a decrease of almost 6,500 acres between 2012 and 1995.

The number of land parcels was approximately 14,000, which is an average of 1.48 or 1 parcel per farm with land under agricultural production. The

average size of parcels nationally is about 1.70 acres. In 2012, approximately 9,300³ persons were actively employed in the agriculture sector (excluding fishing), and the total population of farm households was 30,265 persons, representing nearly 30% of the total population of Grenada.

This change in productivity within the agricultural sector has a significant impact on the land use pattern, as alternative land users occupied once agricultural lands for housing, manufacturing, and other developments. The country has not carried out recent detailed land use change surveys, hence exact land use distribution data is not known. However, a 2009 generalized Land Use System Map of Grenada shows that agriculture occupied 55.57% and forest 22.99% of the land. In Carriacou agriculture occupied 29.31%, while forest occupied 9.36%. Visual observation seems to suggest that agriculture land use has declined significantly over the past three decades, while built development has increased steadily. A significant trend has been the increase in abandoned agricultural land, which in 2001 represented as little as 1.14% of available land, which rose to nearly 20% some nine years later.

Land Use Types	Grenada 2000	%	Grenada 2009	%
Abandon cropland	359.00	1.14%	6,122.15	19.54%
Annual cropland	1,456.00	4.64%	1,583.69	5.05%
Beach	53.00	0.17%	50.66	0.16%
Forest	6,835.00	21.79%	7,204.22	22.99%
Mangrove	172.00	0.55%	159.31	0.51%
Pasture & Grazing	140.00	0.45%	0.00	0.00%
Perennial	16,282.00	51.90%	9,707.08	30.98%
Protected Area's	2,481.00	7.91%	2,481.78	7.92%
Shrub & Grassland	1,730.00	5.51%	1,718.13	5.48%
Urban & Buildup area	1,825.00	5.82%	2,266.72	7.23%
Water	40.32	0.13%	40.32	0.13%
Total Area	31,373.32		31,333.79	

The scarcity of agricultural land and the inability to use land as collateral for loans continues to be a problem, particularly for young prospective farmers with limited resources. A recent policy⁴ calls for the introduction of a Land Use Policy to address the following issues:

- Rationalisation of public and private usage of agricultural land, through improved access to information concerning available and abandoned agricultural land;
- Improvement in land titling, in part through the geo-referencing of land titles under the cadastral land registration system;
- Land use zoning to restrict conversion of agricultural land to housing and tourism development.

The guiding principle is to ‘encourage wherever possible, productive use of private land and explore avenues of utilising state lands for improved agricultural production and model farm demonstration.’ The ***Grenada National Land Policy*** seeks to address several gaps, in part through the establishment of a natural resource registry that also geo-spatially records land ownership in order to inform and guide decision-making and investments in the agriculture sector. **Additionally, the enabling framework will be established to assist young farmers in leasing land suitable for agricultural production from absentee land owners on a profit sharing basis.**

³ 2,800 were employed full time as farmers.

⁴ *Modernising Agriculture in Grenada - A National Policy and Strategy* (undated). Government of Grenada.

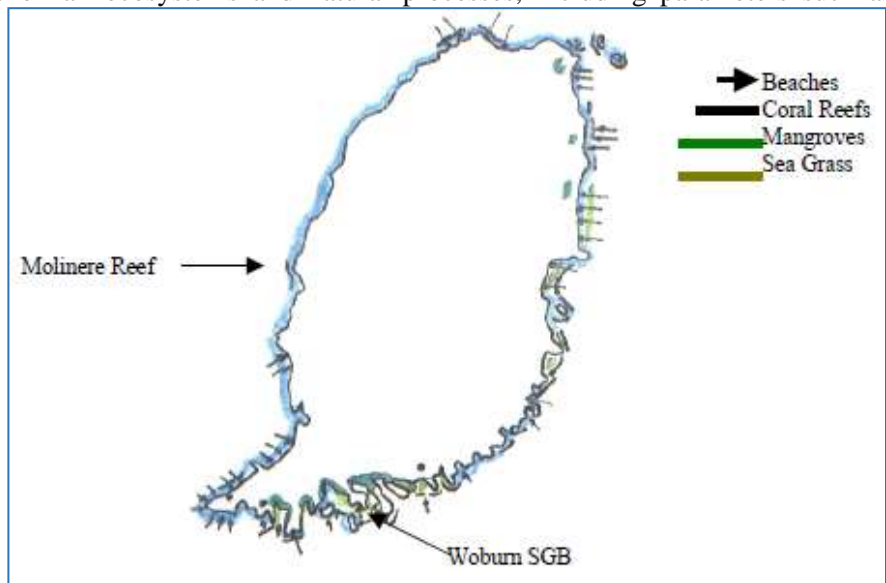
4.3. Absence of Institutional Framework for Integrated Management of Natural Resources

As highlighted in recent policies and studies⁵, Grenada is at an early stage of integrated planning and management of its natural resources. The overarching national policy framework for development is the *National Strategic Development Plan (NSDP) 2007*. This Plan was prepared in the aftermath of Hurricane Ivan, which caused extensive damage to the country in 2004, including considerable damage to coastal resources, low lying coastal areas and infrastructure. The NSDP provides the vision for national development and broad guidance to the development work of core agencies. One of its twelve programme areas is “*Sustainable Environment and Physical Development*”, the goal of which is to have environmental considerations integrally linked to national development (NSDP 2007, Goal 7). This provides policy guidance for integrated natural resource management in Grenada.

While the *National Strategic Development Plan* envisages a high level of inter-agency coordination in its implementation, ***an integrated approach to environmental and natural resource management is not yet a reality***. Rather than supporting the establishment of a single agency for the integrated management of all natural resources which would ensure efficiency in the allocation and use of limited resources (human, technical, financial) and the streamlining of regulatory and management processes, recent policies have advocated for the ***establishment of separate agencies*** that are needed to ensure the sound management of natural resources. A summary of the relevant provisions contained in these policies is provided below.

- The ***Integrated Coastal Zone Management Policy for Grenada, Carriacou and Petite Martinique*** (September 2015) provides for the establishment of a national coordination agency for integrated coastal zone management (ICZM) taking into account both terrestrial and marine responsibilities, and the enactment of enabling legislation for ICZM, incorporating the roles and responsibilities of the future national coordination agency for integrated coastal zone management. The mandate of the ICZM agency will, amongst other responsibilities, include to:

- (a) progressively study, and record information on, coastal dynamics (wave, currents, water circulation, sea level rise, wind, sediment budgets, etc.);
- (b) develop a database on all ecosystems and natural processes, including parameters such as species richness, canopy cover, beach and sediment dynamics; sand transport processes and sources; wave, current and wind circulation patterns; bathymetry and changes in sea level;
- (c) update the data map of the coastal area of Grenada,



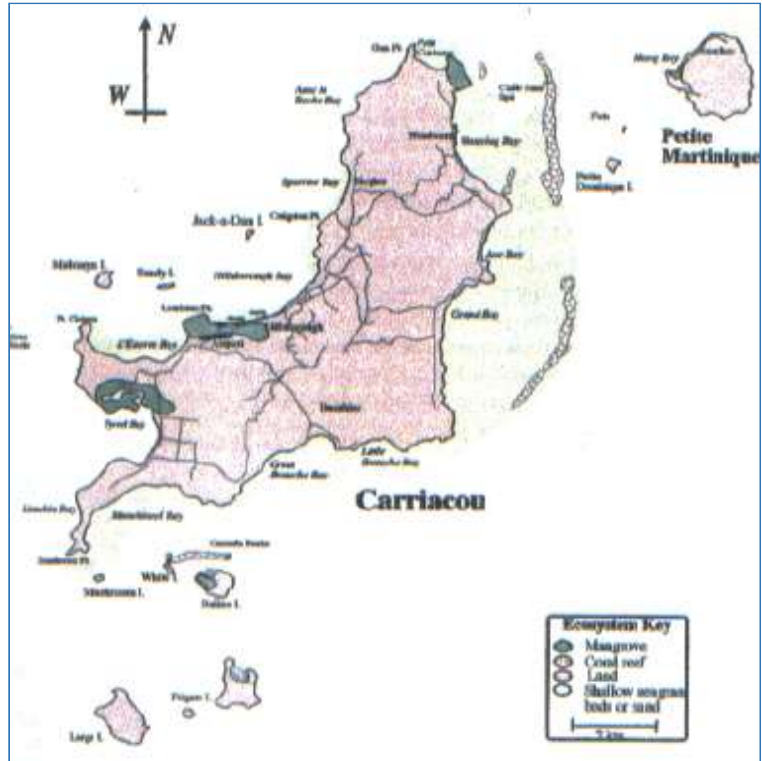
Grenada Coastal Ecosystems

⁵ See - *Integrated Coastal Zone Management Policy For Grenada, Carriacou and Petite Martinique*. Government of Grenada. September 2015.

Carriacou and Petite Martinique to capture the changes due to natural processes and human activities in tandem with the review of the ICZM Policy every five (5) years;

- (d) ensure the conversion of the data into information that can be used holistically by both terrestrial land management as well as integrated management of the coastal zone to ensure a coordinated ‘ridge to reef’ approach;

- (e) establish programmes for monitoring coastal ecosystems and the effects of human activities including ecological and both hard and soft engineering solutions to coastal zone management issues;



- (f) implement a system to monitor the impacts of climate change and extreme events such as hurricanes, storm surge, tsunamis and prolonged sea swells, thereby identifying the most vulnerable areas;

- (g) establish a mechanism for involving local communities and interest groups in managing and monitoring coastal ecosystems;

- (h) enforce relevant provisions of existing legislation related to the coastal zone, including the *Beach Protection Act*;

- (i) implement a system for routinely monitoring coastal water quality, including inputs of pollutants from both marine and land-based sources;

- (j) establish and enforce standards for construction in coastal areas (buildings, roads, revetments and other shoreline stabilisation measures) incorporating the impacts of coastal hazard events such as storm surge and sea level rise;

- (k) assess apparent or potential vulnerable areas along the coast and identify appropriate solutions to stabilise these areas;

- (l) evaluate all stabilisation solutions for their suitability to resolve the presenting vulnerability problem and to minimise or mitigate any potential negative impacts, both on site and downstream;

- (m) develop guidelines and procedures for the design, installation and monitoring of coastal stabilisation measures by public and private entities;

- (n) establish a database from which information can be extracted, analysed and used to inform and enhance planning, decision making and preparedness in order to minimise the impacts of all types of coastal hazards;

- (o) develop and implement early warning systems for coastal hazards;

- (p) terminate or mitigate activities that will directly exacerbate the negative impacts of coastal hazards by directly damaging coastal ecosystems and weakening the resilience of the coastal zone;

- (q) conduct an inventory of land-based and marine-based sources of coastal pollution;

- (r) implement management activities to control and reduce pollution from watersheds and transmitted to the coast via rivers and estuaries;
- (s) incorporate the control of pollution from land-based activities (for example agriculture and residential development) into land use planning and management.

➤ The agriculture sector policy, entitled *Modernising Agriculture in Grenada - A National Policy and Strategy* (undated) seeks to amend the existing institutional and legal framework to ensure efficient use of natural resources in support of clearly defined sector strategies. Originating from volcanic activity, Grenada has been blessed with hilly terrain and rich soils suitable for the production of most crops. Various spices were introduced over the years, and large Nutmeg, Cocoa and spice estates established which included significant amounts of ginger, cloves, mace, cinnamon amongst others. This development gained the island its title as ‘The Spice Isle’ with a reputation of having more spice per hectare than any other place in the world, elevating the spice trade as the largest export of the islands. In later years this exotic title helped to promote the islands as an exclusive tourist destination. In 2003 the combined export of nutmeg, mace and cocoa represented 29.6% of total exports. The arrival of Hurricane Ivan⁶ in 2004 resulted in the removal of an estimated 50% of the nutmeg population and 25-40% of cocoa. Hurricane Emily⁷ added further destruction to the sector which disrupted the recovery efforts forcing the agricultural sector into further decline. The Policy reports that ninety one percent of the forest lands and watersheds now lay bare and stripped of the vegetation, which once supported an ecosystem where much fauna and flora benefited the agriculture sector, either directly or indirectly. The 72 watersheds on the island have been devastated and need to be urgently rehabilitated. The Goal of the Policy is to *“improve the livelihood security and economy of*

Size of Farms (Acres)	Main Water Source							
	River		NAWASA		Wells		Other	
	No.	%	No.	%	No.	%	No.	%
0.001 - 0.49	50	11%	330	30%	2	11%	186	28%
0.50 - 0.99	67	15%	252	23%	5	28%	140	21%
1.00 - 1.99	101	23%	207	19%	1	6%	139	21%
2.00 - 4.99	130	29%	191	17%	4	22%	119	18%
5.00 - 9.99	55	12%	74	7%	4	22%	50	7%
10.00 - 24.99	31	7%	38	3%	0	0%	31	5%
25.00 - 49.99	7	2%	5	0%	1	6%	4	1%
50 and Over	2	0%	2	0%	1	0%	4	0%
Total	443	100%	1,099	100%	18	100%	673	100%

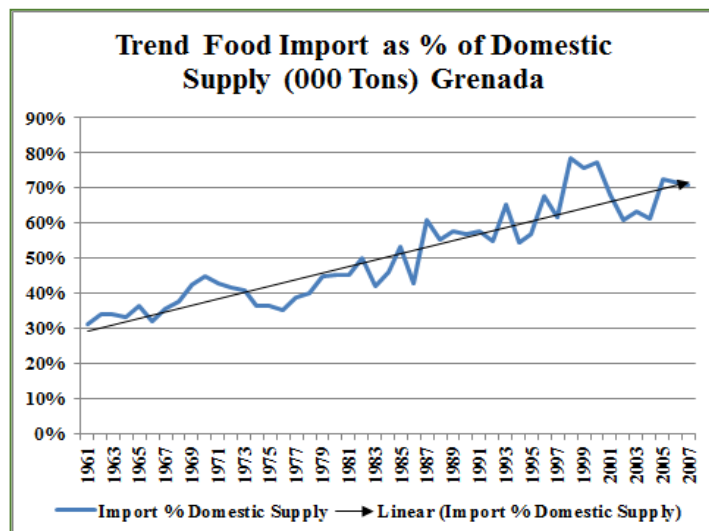
the nation by building an efficient and internationally competitive agricultural sector”, which is to be achieved, in part, through improved access to information on soils, water and agricultural lands, and the

⁶ The impact of Hurricane Ivan was widespread as a result of the high velocity winds. Extensive losses were recorded in the crop, livestock and fisheries sub-sectors and in the seventy two (72) water catchments. The nature of the damage ranged from toppling to uprooting, snapping, defoliation and scorching. The total cost to the sector was estimated at EC\$119m.

⁷ Hurricane Emily was the earliest Category 5 Atlantic hurricane on record, arriving in Grenada on the 14th July 2005, resulted in one reported fatality and significant damage in the northern part of the country, including Carriacou. Hurricane Emily caused further devastation particularly to crops, farm roads and farm soils. The heavy rainfall accompanying Hurricane Emily caused widespread flooding resulting in heavy silting of the rivers and sea. Approximately 85 per cent of the bananas that were replanted after Hurricane Ivan were destroyed. Damage suffered by the agricultural sectors was estimated to exceed EC\$35.5m.

establishment of the legal and administrative framework for the conservation and improved management of agricultural lands, water, fisheries and forests. Improved management of natural resources and access to information concerning the status and location of agricultural lands is essential to encourage new investors and to persuade the youth to stay on the land whilst increasing production capability and standards of management. The *Grenada Census of Agriculture 2012* (published in 2015) reports farmers accessing irrigation water from a diverse range of sources, highlighting the need for improved coordination of water resource management in order to sustain agricultural production in the face of climate change. The Policy calls for, as a first priority, *the establishment of a dedicated unit (National Resource Coordination Centre and a National Resource Coordination Database for collection and dissemination of data relating to land utilisation, soils, water, crop and livestock production, farming systems practices, etc.)* to be provided with a mandate to undertake a comprehensive soil, water and agricultural resources mapping, formulation of an agricultural resource map, and the *development of community management plans for the conservation of soils, watersheds, and other vulnerable agricultural resources.* Under the established Natural Resource Registry and Database, productive land areas will be mapped out identifying and highlighting those agricultural areas of particular interest especially those with high productive potential. Areas which are of high agricultural potential, even where not currently used shall be delineated and protected as agricultural lands preventing their acquisition for industrial or housing development. The demarcation of these areas will assist in the planning of interventions and focusing of resources in some cases. It will protect watersheds from unsuitable development to ensure future water supplies and preserve and enhance the overall landscape for the benefit of both citizens and the development of tourism. Appropriate locations for leisure/tourist development can also be identified.

- The *Grenada Food and Nutrition Security Policy* (2013) identifies seven strategic sectors, (ICT, Tourism, Agriculture, Education, Trade, Manufacturing, and Oil/Gas and Renewable Energy) as strategic components of the *New Economy* for the development agenda of Grenada. The Policy provides that an important step is to define the institutional framework required to realize the main outcomes of the *New Economy* (i.e. economic growth, competitiveness and job creation). The economic challenges are little or no economic growth, high unemployment, high debt and the debt overhang is a binding constraint on growth. To ensure the achievement of the strategic outcomes of the *New Economy*, intervention is required in the following areas:-
 - Development of a strategic policy framework for all strategic sectors, especially Agriculture;
 - Compilation of data regarding the level of contribution of the sectors to the national economy to facilitate economic planning and forecasting;



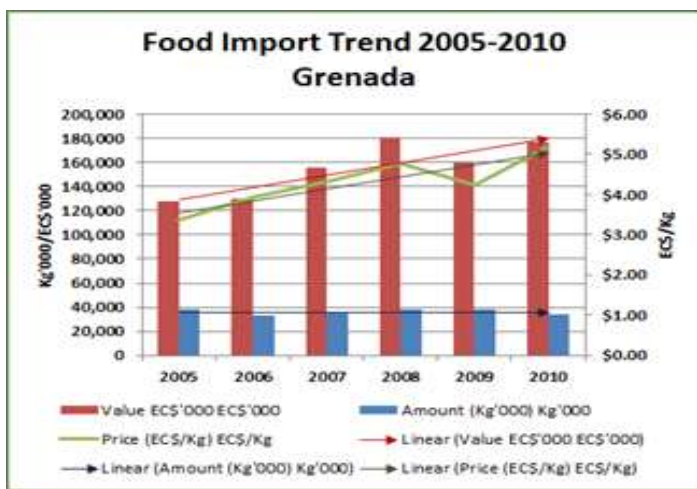
- Accountability mechanisms for Managers in the Public Service to report on results/outputs and outcomes of the implementation of programmes;
- Effective inter-agency collaboration with the aim to realize policy coherence and implementation and as such realize savings;
- Capacity building of human resource; and
- Integrated management information system to support programmes relative to food and nutrition.

The first Policy Goal is to “*Conserve the natural resources and meet the challenges of a changing climate*”, with the following objective:

Objective 1: Increase the sustainable use of domestic production resources for food production (land, marine resources, water, forests).

Strategic interventions to achieve this objective include to:

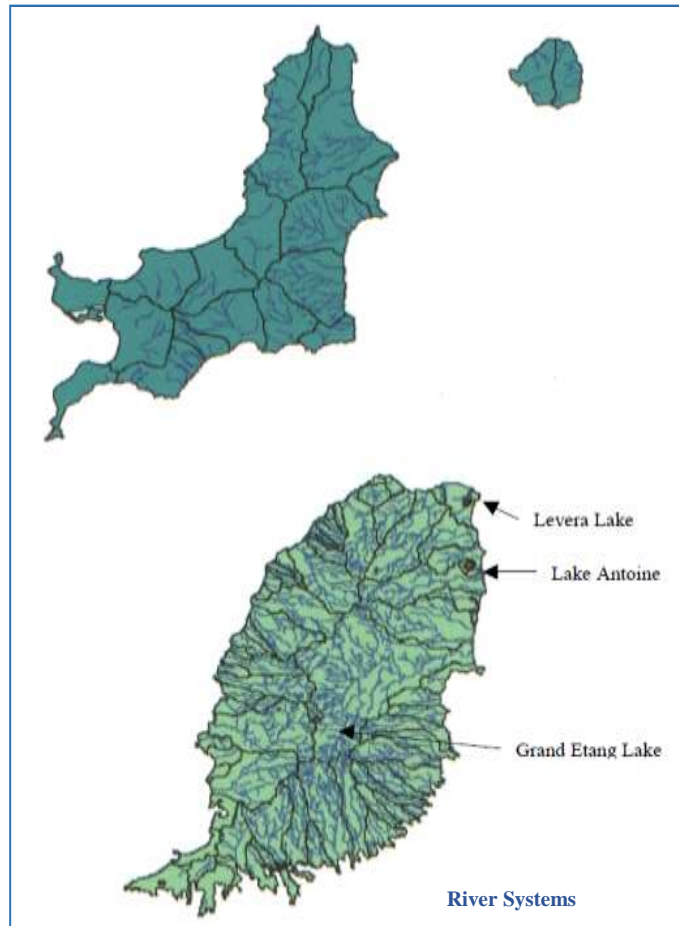
- develop, implement and enforce sustainable agricultural land protection and development, the protection of plant genetics, the conservation of marine and coastal resources, and the implementation of forestry conservation and management policies;
- establish a land bank⁸ of agricultural lands that are currently uncultivated or under-utilized;
- introduce a system of taxation of underutilized agricultural lands and tax credits for cultivated lands.



The Policy also calls for the *establishment of an improved information system for resource management, including for the monitoring and mapping of changes in rainfall patterns and distribution, and the development of hazard maps* and an Early Warning System to inform farmers of changes in rainfall patterns and adjustments in planting seasons. Additionally, the Policy advocates the development and implementation of management plans for key natural resources.

⁸ A current project supported by the FAO aims to develop National Land Banks in Grenada, St. Lucia and St. Vincent to promote food and nutrition security and support sustainable management of rural lands, in particular idle and underutilized lands. The project also aims to strengthen the capacity of staff of the Land Administration Divisions in each country to manage and operate the Land Banks, thereby promoting good governance of land tenure in the respective countries. The project will significantly contribute to increasing food production, sustainable land management and rural development in the three countries. The project will assist in the establishment of pilot land banks in the three countries; and based on this experience, will prepare an institutional framework and operational guidelines for the establishment and operation of National Land Banks. Databases will be developed with an inventory of the rural lands, including idle or underutilized state lands, with relevant information on plot sizes, soil type, slope, existing land use, infrastructure, and crop possibilities. A list of prospective farmers who may be interested in leasing the land will also be developed. Support services such as extension, credit and linkages to markets will be provided to farmers who acquire land from the land banks. Efforts will also be made to link these pilot land banks with school feeding programmes and existing value chains so that they serve as food zones for their respective communities.

- The ***Draft National Water Policy*** (2007) recognises that water resources in all its forms (surface, groundwater, rivers, lakes, coastal, wetlands and springs, developed or not) are all linked through the hydrological, ecological and social cycles. Regulating any one system without taking into account the other systems will not contribute to sustainable development. There are direct relationships not just within the water sector, but across other sectors of the economy and society as well. Decisions and practices on land use, economic and industrial development, water management, agriculture and the environment cannot be separated or treated in isolation from each other. Integrated management of water and water resources must be based on reliable and sufficient information, the systematic evaluation of impacts, benefits and costs, and the application of the precautionary principle in all management decisions. The Policy calls for the establishment of appropriate institutional arrangements to collect the necessary data and information, and regulate the management of water resources and the management and operation of water supply and sanitation services in an effective and integrated manner including appropriate mechanisms for stakeholder participation. The Policy provides that responsibility for the management of water resources - which under current legislation falls under the National Water and Sewerage Authority (NAWASA) - is to be separated from responsibility for the provision of water and wastewater services (performed by NAWASA). The Policy calls for the Water Resource Management Unit to be established in the Ministry of Agriculture, Lands, Forestry, Fisheries, and be responsible for resource management, allocation, coordination, and pollution control as well as inter-ministerial and cross-sector coordination of water, land, coastal areas and public health issues.



The ***Grenada National Land Policy*** seeks to address several factors that have prevented the establishment of a coordinated framework for integrated management of natural resources, which include:

- absence of an over-arching coordinating mechanism to ensure the integration of natural resource management issues into all national and sectoral policies, plans and programmes;
- **absence of clearly defined jurisdictional responsibility for the Ministry responsible for land, environment and natural resources;**
- limited dedicated human and technical capacity for integrated natural resource management;

- fragmentation of legal and institutional responsibility for various types of natural resource management functions;
- the need for data and geo-spatial information on various aspects of natural resources to inform decision making for physical planning, land use and natural resource management.

These measures are to be undertaken in recognition of the fact that sound and sustainable natural resource management requires four pillars: (1) a natural resource management policy that gives high level direction to development interventions affecting the resilience of natural resources; (2) a comprehensive **natural resource inventory and management plan** at the ecosystem level that guides on-the-ground interventions at the local and community level; (3) **mechanisms to ensure that land owners obtain benefits from the implementation of sound management practices**; and (4) supporting national legislation.

4.4. Gaps in Policy and Legislation⁹

The concept of a national land policy is not new to Grenada. A draft “Land Development Policy” was formulated in 1986, which was revised in 1992. The formulation of this policy was intended to ensure optimal and sustainable use of land, through the establishment of strong and efficient Land Management and Administration Systems. Despite the importance of such a policy to the country’s sustainable economic growth and development, it was never implemented. Issues such as the lack of political will and high financial costs implications have been cited as two of the main reasons.

The 1999 *National Forest Policy* and the 2002 *National Housing Policy* are the only land-related policies that have been approved by the Parliament of the country. The goal of the *Forest Policy* is to maximize the contribution of forests to environmentally sound social and economic development. It has four objectives:

- conserve species, ecosystems, and genetic diversity;
- maintain, enhance and restore the ability of forests to provide goods and services on a sustainable basis;
- optimize the contribution of forest resources to social and economic development;
- maintain a positive relationship between the Grenadian people and their forest environment.

Due to a lack of supporting legislation and regulations, the policy has not been implemented. The *National Housing Policy* seeks to ensure equitable provision of state land and housing for low and medium income and vulnerable individuals.

A number of draft land use related policies have been developed over the years. These include the 2001 *Crown Lands Management Policy*, *Agricultural Policy and Programs for 1997 to 2010*, *Integrated Watershed Management Policy*, *National Hazard Mitigation Policy*, the *National Environment Policy and Management Strategy*, in addition to the policies mentioned in section 4.3.

Additionally, a number of land use enabling plans and strategies have been developed. These include the 2000 *Forestry and Wildlife Management Strategy and Action Plan*, the *Integrated Physical Development and Environmental Management Plan for Carriacou and Petit Martinique*, the 2003 *National Physical Development Plan*, the *National Disaster Management Plan*, the 2000 *Grenada Biodiversity Strategy and Action Plan*, the 1997 *Tourism Master Plan*, and the 2011 *Land and Marine Management Strategy*. These plans and strategies can no doubt enable and support land policy implementation, however their current

⁹ Extracted from *Grenada, Carriacou and Petite Martinique Land Policy Issues Paper*. Government of Grenada/OECS. July 2013.

draft state and the lack of supporting legislation render them useless at this time. There is urgent need therefore for their revision and finalization, and the development of supporting legislation and regulations.

The legal framework in the Caribbean is often like a dusty library, with laws and regulations passed in responses to problems long ago in the colonial period. These litter the legal landscape as their relevance has receded. In some cases, the importation of legal codes also implies the importation of concepts which do not include the subtleties of land tenure arrangements such as family or inter-generational land. Grenada is no exception to this phenomenon. There is no shortage of direct land or associated laws in the country. In a number of cases their relevance and applicability is grossly limited. The following are some of the prevailing laws.

Physical Planning Act (2016) and National Building Code (2016)

This is by far the most expansive land related statute in Grenada. However, the focus is on regulating physical development through a permitting process, compliance with building standards, and the development of National and Local Area Development Plans which seek to define the type of development that is to be undertaken in any location.

Forest, Soil and Water Conservation Act (Cap 116).

This Act makes provision for the conservation of the forest, soil, water and other natural resources of Grenada. Its main objective is to prevent flooding and soil erosion. It also makes provision for the prevention of squatting. There is an overlap between the Act and the *Physical Planning Act* in regards to the jurisdiction over the declaration of crown lands as forest reserves and private lands as protected forest subject to special protection.

National Parks and Protected Areas Act (Cap. 206).

This Act establishes a national parks system for Grenada. Under the Act any government land may be declared to be a national park. The Act is aimed at the preservation and protection of environmentally sensitive areas. Under this Act, the Governor General is responsible for the national parks system and has the responsibility of declaring an area a national park which may then be declared a protected area by the Minister responsible for the national parks system.

Grand Etang Forest Reserve Act (Cap. 124).

Under this Act the Grand Etang Forest was declared a protected forest reserve area. In addition the Grand Etang Forest Reserve is declared forever to be part of Government land and shall be strictly reserved and set apart for the public purposes of forest conservation.

Beach Protection Act (Cap 29).

This Act was established to regulate sand mining activities which were causing severe beach erosion. The Act makes it an offence to remove or carry away sand and other coastal aggregates from the seashore without permission.

Crown Lands Act (Cap. 75).

Under the Crown Lands Act, the lands vested in the Governor General for the public uses of Grenada are called "Crown lands". Subject to the National Parks and Protected Areas Act, the Governor General may grant, sell, exchange or lease any Crown Lands or any right or easement over them, for such price or consideration or rent and for such estate or term of years as he/she may think fit. The Act grants the Crown the rights to mines and alluvial deposits, and deposit of precious metals and minerals. The act makes provision for the resumption of possession of forts for military purposes.

Land Acquisition Act (Cap. 159).

This is an Act to authorize the acquisition of land for public purposes (good). The Act empowers the Government, through the Governor General to acquire land in accordance with procedures set out therein for public interest, with due compensation paid to the seller. However, compensation is rarely paid promptly and duly. In fact, the records would show that Government is yet to make full compensation to land owners whose lands have been acquired way back in the 1970s.

Property Transfer Tax Acts 1995 and 1997

This Act provides for the imposition of tax on the transfer of certain categories of property. Under this Act, property tax is charged, levied, collected and paid to the Comptroller at such rates to be determined by the Minister on the taxable value of every taxable property under the Act. Property shall be classified according to use as agricultural, commercial, residential, hotel, institutional, amenity, reserve and waste or such other use class on the basis of such criteria as may be prescribed.

Land Transfer Valuation Act (No. 39/1992).

This Act provides for a better system of appraising property transfer where such a transfer attracts a tax. The taxing authority, the Comptroller of Inland Revenue, requires the Valuation Division of the Ministry of Finance to determine the prevailing market value of land for tax purposes. The *Property Transfer Tax Act* is complimented by the *Land Transfer Valuation Act*.

Land Settlement Act (Cap. 161.)

This Act provides for the establishment and location of small holdings and for other purposes. It establishes the Land Settlement Development Board, a body corporate and vested with power to acquire property by various means for small holdings.

Deeds and Land Registry Act (Cap. 79).

This Act makes provisions for the establishment and operations of a Land Registry for the registration of deeds and other instruments. It is administered by the Ministry of Legal Affairs. It registers deeds but does not provide a means for identifying the location of any specific aspects of any parcel of land.

Boundary Settlement Act (Cap. 36).

The Act makes provision for the settlement of disputes over land boundaries. According to the Act, a judge appoints a surveyor on recommendation by the Director of Surveys to survey properties of the disputing parties to determine the boundaries. The surveyor submits the survey plans to the Judge with his/her findings and recommendations. The judge then issues his judgement which is subject to an appeal by the parties.

In addition, a *Draft Environmental Management Act* has been developed and is in the final stages of public consultation prior to enactment. The *Draft Environmental Management Act* provides a comprehensive framework for environmental management in Grenada. The Act makes provision for the establishment of a Department of the Environment, the establishment of an Environmental Trust Fund, the development of an Environmental Management Plan, the establishment of a Sustainable Development Council (SDC), among other provisions. It is worth noting that the SDC is actively operating although the act has not been enacted into law.

Notable gaps in the existing policy and legal framework relate to sustainable land management, the sound management of natural resources, and the management of impacts from climate change on natural resources and ecosystem resilience. The ***Grenada National Land Policy*** seeks to address several factors that have prevented the establishment of a coordinated policy and legal framework for integrated management of natural resources, which include:

- *the legal establishment of a Land Information Systems (LIS)* which is essential for effective and efficient management of land and natural resources;¹⁰
- *the legal establishment of a central agency for the management of natural resources* in order to centralize land administration and natural resource management operations for cost effectiveness and greater efficiency in the delivery of services;
- *the legal designation of natural resources as common property* which the Government has the responsibility to manage for the public good and for the benefit of present and future generations thereby codifying a key principle under common law;
- *the legal establishment of an access and benefits sharing framework* to ensure that the interests of land owners are recognised and that benefits are provided for the sound management of natural resources and vulnerable ecosystems.

4.5. Building Resilience to Climate Change

Small Island Developing States (SIDS) such as Grenada are characterized by their relatively small size and remoteness, limited natural resource base, limited human capacity and technical capability, and fragile ecosystems. Grenada is also susceptible to the vagaries of natural hazards like hurricanes and other extreme weather events. The onset of the climate change phenomenon has imposed new hazards on Grenada and exacerbated existing ones. Due to its climatic and biophysical attributes, Grenada is prone to a wide range of hazards including climate change. The severity of the destruction that can be inflicted by extreme events associated with climate change can be exacerbated by human-induced disruptions in the natural resource balance due to over exploitation and poor management. This is usually driven by increases in human population, rising economic disparities, and rural to urban migration, among other factors. The problem can be further compounded by a lack of regard for the observance of basic risk and vulnerability reduction principles in people’s daily practices. Disasters associated with these hazards have reaped havoc on the lives and resources of Grenadians in the past. Evidence of this lies in the unforgettable destruction that was caused by hurricanes Ivan and Emily in 2004 and 2005 respectively.



Damage from Hurricane Ivan

Approximately 52.1 percent of the population of Grenada is exposed to risk of mortality from 2 or more hazards. Given the islands’ size, 100 percent of the population can be exposed during a single storm event. While infrequent, Hurricanes Ivan and Emily demonstrate Grenada’s vulnerability to storm-related risks. Apart from storms, Grenada is regularly exposed to risk of landslides which occur with frequency during

¹⁰ In 1995, Government with assistance from the UN Food and Agriculture Organisation (FAO) established a Geographic Information System based LIS system called the Grenada Land Information System (GLIS). This system is managed by the Land Use Division of the Ministry of Agriculture. The system has a wide collection of geophysical data on soils, land use, water and other resources. The system facilitates exploration of the best land use options in the context of economic viability and environmental sustainability of the use of land resources. However, in the absence of a legal mandate, it is currently used primarily for the management of geo-physical and hydrological data, and hence it is grossly underutilized. Additional cadastral information concerning individual land titles and use are not currently accessible on the geo-spatial data.

the annual rainy season from June to December, caused by tropical waves and upper-level troughs. Storm surge is problematic in exposed coastal areas either through localized flooding in low-lying reaches or through cliff side erosion which has its greatest impact on the island's principal road, linking coastal and interior communities. Flood risk in Grenada is largely associated with storm surge in low lying coastal areas. Flash flooding from mountain streams coupled with storm surge events are the primary causes of flood events and effects are generally limited to communities located in the coastal margins along stream passages. As much of the island's coast is formed by steep cliff formations, fishing villages are located where access to the sea is often along stream mouths. Among the areas of particular risk to storm surge (or tsunami) is the country capital, St. Georges. This is a harbor town and supports the island's principal port. Impacts to this area are particularly important as the port is the island's principal supply link. Landslides are a common event in Grenada, with much of the impact experienced along the roadway network. Grenada's mountainous terrain, coupled with its volcanic geomorphology, promotes an increased risk of landslides, particularly where slopes are cut to accommodate construction. With little flat land available for construction, much of Grenada's housing stock is found on steeply sloping hillsides. Structures built without adequate design or quality controls are at greatest risk. Landslides are usually associated with periods of prolonged rainfall which occurs during the rainy season from June to December. Much of Grenada's construction occurs on steep slopes often exceeding 45 degrees. There is little protection from the direct impacts of wind forces and prolonged rainfall promotes slope destabilization. Informal constructions are at greatest risk as they do not benefit from adequate engineering. New construction, particularly in relation to tourism, continues with little formal land use planning or construction code enforcement. Construction codes exist but are not evenly applied. Informal settlement continues to occur and vulnerabilities associated with these activities are greatest as settlements tend to be located in areas of increased risk without benefit of engineering support.

The Grenada *Strategic Program for Climate Resilience* (SPCR) (March 2011) states that the most vital sectors susceptible to climate change in Grenada are: water resource management¹¹, coastal infrastructure, human health, agriculture and tourism, and that the national priority is to focus on build climate resilience in these sectors. The *Pilot Program for Climate Resilience* (PPCR) housed within the *Strategic Climate Funds* (SCF) established under the *Climate Investment Fund* (CIF) aims to help countries transform to a low carbon climate resilient development path, consistent with poverty reduction and sustainable development goals. The PPCR is expected to complement the currently available adaptation financing for climate resilience in development planning, and assist in the development of core development policies and strategies. The PPCR is designed to catalyze a transformational shift from the "business as usual", sector-by-sector and project-by-project approach to climate resilience by promoting a participatory approach towards development of a broad-based strategy to achieving climate resilience at the national level in the medium to long-term.

Key priority adaptation actions proposed under the *Grenada National Climate Change Policy* (2007 – 2011), the *National Water Policy* (2007) and numerous other climate change related workshops and seminars have been incorporated in the formulation of the SPCR objectives and the associated investment plans. **A priority is hazard risk mapping.** Various risk mapping exercises have been completed, including a school construction risk assessment, school landslide vulnerability assessment, shelter vulnerability and a coastal multi-hazard analysis prepared for selected communities. However, no comprehensive multi-hazard map compilation has been prepared. Supporting the development of hazard maps, a comprehensive

¹¹ Grenada's water supply system depends mainly on gravity flow surface water and to a lesser extent on bore holes while Carriacou and Petit Martinique rely on ground water and rain water harvesting. A prolonged dry period resulted in a drop in water production between December 2009 to June 2010. The decline in production affected more than 10,000 persons in the parish of St. George alone. It also affected hotels, apartments, schools and manufacturing sector. A truck delivery and valve schedule system was instituted, complimented by a ban on the use of water for irrigation of lawns and washing of vehicles.

natural resource inventory and mapping is required in Grenada including national topographic maps, soils, infrastructure, rainfall and other base map elements required to support hazard mapping. The ***Grenada National Land Policy*** seeks to support the establishment of a comprehensive Natural Resource Information System to support and facilitate climate change hazard mapping, and the building of climate change resilience within ecosystems and in vulnerable communities.

In addition Grenada participated in Coastal Ecosystem-Based Adaptation demonstration project entitled “*Building Capacity for Coastal Ecosystem based Adaptation in Small Islands Developing States*” implemented in Grenada and Seychelles. Grenada implementation activities included, inter alia, the establishment of two coral reef nurseries established (site locations Grand Anse Bay and Windward Cariaccou); outplanting of over 1,500 coral fragments on degraded reefs; the establishment of community based taskforce to provide strategic guidance and supervision of demonstration activities and also provide a meaningful avenue for facilitating the active participation of the local community in the project activities; coral reef management programme established with senior coral gardeners and community coral gardeners recruited and trained as scuba divers, covered under the necessary insurance and extensively trained on coral nursery monitoring and maintenance, coral biology, ecology and identification. The next phase of this initiative is to upscale it to the entire country and while doing so establish a framework for the monitoring of the interaction between activities taking place on the land and implications for marine ecosystems.

5.0. Key Objectives of the Grenada National Land Policy

The *Grenada National Land Policy* aims to:

- establish the framework for the sustainable, productive and equitable development, management and use of Grenada’s land and natural resources (including coastal resources) to compliment socio-economic development initiatives of the country;
- establish the framework (legal and administrative) to support the sound and sustainable management of the **land**, terrestrial and coastal natural resources of Grenada for the benefit of present and future generations;
- establish the information system required for sound management of land and natural resources and to map and manage risk from climate change;
- **establish the jurisdictional responsibilities and functions of the Ministry responsible for land, environment and natural resources, thereby guiding and informing the organisation re-structuring of the Ministry.**

5.1. Strategic Objectives

The objective of the policy is to achieve and maintain, over the next 5 years, the following measurable policy and strategic planning goals/outcomes for sustainable land management to support social and economic development:

- establishment of the policy, legal **and institutional** framework necessary for the maintenance of the distinct natural resource uses that constitutes Grenada, including through the following measures:
 - i. all natural resources defined and recorded on a national inventory;
 - ii. all threats and hazards to natural resources identified and mapped;
 - iii. all lands suitable for agricultural production identified and mapped;
 - iv. all State lands available for housing in urban areas identified and mapped for possible inclusion in the Grenada Land Bank;

- v. community-based management plans developed for vulnerable land and natural resources and available in geo-spatial format to inform decision-making on physical planning and resource use;
 - vi. all vulnerable land and natural resources managed in a manner that conserves their ability to support social and economic benefits for present and future generations;
 - vii. land, natural resources and coastal areas managed to preserve ecosystem resilience and biodiversity and support ecosystem based livelihood and tourism activities;
- establishment and effective operation of a natural resource management agency to coordinate the pro-active management of all natural resources so as to conserve biodiversity, reduce pollution from land and marine based sources, and support sustainable and environmentally sound social and economic opportunities;
 - establishment of the enabling framework to support first time home ownership by young Grenadians while promoting medium-density housing development to reduce stress on available land and also facilitating the computerisation of the National Land Registry and land title search process to support inter-generation transfer of land;
 - restructuring of the Ministry responsible for land, environment and natural resources so as to ensure it possess the resources (human, technical, financial, legal) to oversee and coordinate the effective and timely implementation of this Policy.

6.0. Time Period

The Policy defines measures to be taken over the next 5 years, and should be reviewed and updated every five years.

7.0. Vision

The establishment and implementation of the enabling framework (policy, laws and institutions) for Sustainable Land Management and Ecosystem Resilience so as to -

- ensure a safe, clean and pristine natural environment;
- conserve biodiversity and ecosystem integrity;
- support and sustain agricultural productivity and food security **while promoting investment in and diversification of the agricultural sector;**
- maintain a distinct archipelagic landscape/seascape;
- facilitate improved access to land for housing;
- build and maintain resilience to climate change;
- promote/advance balanced national development (sound/sustainable environment, social and economic development).

8.0. Guiding Principles

1. The terrestrial and marine natural resources of Grenada are the common heritage of all citizens, and it is their legal right and duty to ensure that such resources are responsibly managed and used in a sustainable manner for the benefit of present and future generations.
2. The duty to manage natural resources for the benefit of present and future generations is the responsibility of Government working in collaboration with all segments of society, including the private sector and visitors.

3. The sustainable management of natural resources can only be achieved: (a) with access to sound information and data concerning such resources; (b) when fully integrated into Grenada’s fiscal, physical and infrastructure planning development processes; (c) when supported by enabling legislation.

9.0. Policy Directives

The following directives define measures required to address inefficient, onerous and outdated legal, administrative, management and other barriers that affect the planning, management, use, control, development, protection and conservation of Grenada’s land and natural resources in order to facilitate sustainable land management and ecosystem resilience.

9.1. Strategic Planning - Directives

1. In recognition of commitment by the current administration¹², the Government of Grenada shall enact at the earliest opportunity, laws to prevent pollution and ecological degradation, promote ecosystem resilience and conservation, and secure ecologically sustainable development and use of natural resources while promoting justifiable economic and social development while addressing threats and risks from climate change. In this regards, the Government will facilitate public consultation leading to the finalisation and enactment of the proposed *Environment and Natural Resources Management Bill*. An outline of the key elements of the new additional Part of the proposed legislation is provided in the Appendix to this *Grenada National Land Policy*.
2. To provide the legal framework for the sustainable use and management of the natural resources of Grenada, the Government of Grenada will establish and administer:
 - (a) a comprehensive policy, legal and administrative framework for the sound and sustainable management of natural resources within Grenada (see the conceptual framework for the new Part 2 of the proposed *Environment and Natural Resources Management Bill* attached as the Appendix to this *Grenada National Land Policy*);
 - (b) a coordinated process and computerised geo-spatial information system for the inventory and sustainable management of natural resources, the recording of land titles, leases and land transfers, and for the mapping of hazards from climate change.

However, given the multiplicity of initiatives (e.g. coastal zone management unit and legislation; ecosystem-based adaptation; the establishment of a water resource management agency with support from the Green Climate Fund; the formulation of a green growth development strategy; green growth institute), the Government of Grenada shall consider how best all of these initiatives could be rationalised within the context of the proposed legislation in and within a coordinated institutional framework in a restructured Ministry responsible for land, environment and natural resources.

¹² The *Manifesto* (2013) of the New National Party (NNP) establishes a commitment to the “Green Economy” including through the sustainable management of all natural resources on an integrated and comprehensive “ridge to-reef” basis, and through the strengthening of natural resource governance at the national and community levels. A commitment is also provided to: (a) improving access to information in support of sound land and water use; (b) creating “green spaces”; (c) conserving and protecting beaches, reefs, corals, fish and other valuable marine resources; (d) developing a comprehensive coastal zone management plan in collaboration with communities and other stakeholders; (e) rationalising and consolidating core public sector services to lower administrative costs and improve service delivery; (f) establishing mechanisms for climate change and disaster hazard risk mapping and management; (g) encouraging best practices for the sustainable management of natural resources to meet the needs of present and future generations; (h) providing management accommodations for community groups actively involved in the management of natural resources; (i) rationalise housing development; and (j) pursuing climate change resilience building.

3. To facilitate the administration of this legislation the Government of Grenada shall establish, with a proposed Department responsible for Environment and Natural Resources Management, a Natural Resource Management Unit to coordinate and guide the implementation and periodic review/revision of this Policy that shall be undertaken no later than every 5 years.
4. To address the shortage of land available to Grenadians for housing/agricultural development, the Government of Grenada shall identify which parcels of Crown Lands are suitable for residential and agricultural development. Such land shall be made available to Grenadians who are first time home owners or new to farming to be provided as a guarantee to secure a home mortgage or farm loan from a locally registered commercial bank. The Government of Grenada will ensure inter-generational equity by placing certain conditions on persons securing Crown Land under this program, including the following requirement:
 - (i) the mortgage/loan should be for a long term (not less than 15 years) at a fixed rate;
 - (ii) the property used as collateral cannot be sold for 5 years, and if it is sold, then only the improved value of the property is paid back to the Grenadian first time homeowner/farmer, and the land (including any improvement) reverts back to the pool of land available to be provided as collateral to other Grenadian first time homeowners/farmers;
 - (iii) the program shall remain in force only if the Grenadian first time homeowner/farmer remains in employment for at least 9 months in every year that the loan/mortgage is in place;
 - (iv) any housing scheme under this program shall provide for a variety of housing styles (condominium, townhouses, single unit homes) to ensure that it meets the needs of young people at different stages in their live (single, couples, young families with children) while also reducing the pressure on the land through promoting medium density development.

9.2. Natural Resources Management – Directives

1. The Ministry responsible for land, environment and natural resources shall, through a broad-based consultative process, conclude the development of the *Environment and Natural Resource Management Bill* that gives effect to this Policy which shall be presented to Cabinet for consideration no later than 6 months after the approval of this Policy.
2. The Ministry responsible for land, environment and natural resources, working in collaboration with other government agencies, shall:
 - (a) for natural resources of special significance such as watersheds, wetlands and mangrove, develop a natural resource management plan through community consultation and engagement in order to inform and guide future planning decisions concerning proposed development involving these resources;
 - (b) assist and support communities in the establishment of community natural resource management plans, community trust funds and the negotiation of access and benefits sharing agreements to facilitate the sound and sustainable management of natural resources at the local level;
 - (c) maintain a register of abandoned agricultural land which could, with the approval of the land owner, be made available to young people for farming. The Ministry shall facilitate the negotiation of a lease between the land owner and the prospective young farmer for a fixed period with benefits being paid to the land owner. The lease shall ensure the rights and interests of both the land owner and the prospective young farmer are protected, to ensure, amongst other matters, that the young farmer is not summarily evicted by the land owner once the land is making money, and that the land owner obtains suitable benefits for the use of the land. The identification and geo-referenced location of suitable abandoned agricultural land and the negotiation of leases for young farmers should be the responsibility of the Natural Resources Management Unit within the Ministry responsible for land, environment and natural resources.

10. Financial Implications of the Policy

The measures to be implemented under this policy are to be financed to a large part, under existing projects and programs that are being implemented by the Ministry responsible for land, environment and natural resources. The development and drafting of the enabling legislation that is required to implement this Policy is being supported by the Global Climate Change Alliance (GCCA) Project on Climate Change Adaptation (CCA) and Sustainable Land Management (SLM) in the Eastern Caribbean. It is foreseen that any additional costs not already covered will be financed from international sources that are available to support sustainable land management and climate resilient measures at the national and community levels.

Appendix

Outline of new Part of proposed *Environment and Natural Resources Management Bill*

(EXPLANATORY NOTE: The Draft Environmental Management Act has been developed and is in the final stages of review and revision prior to enactment. The Draft Environmental Management Act provides a comprehensive framework for environmental management in Grenada. The Act makes provision for the establishment of a Department of the Environment, the establishment of an Environmental Trust Fund, the development of an Environmental Management Plan, and the establishment of a Sustainable Development Council (SDC), among other provisions. The focus of the Draft Environmental Management Act is pollution control, with no provision made for establishing the legal and administrative framework for the sound management of natural resources.

The following Part seeks to address this deficiency and is to be inserted into a proposed consolidated Environment and Natural Resources Management Bill.

This consolidated Environment and Natural Resources Management Bill should also incorporate the proposed Coastal Zone Management Bill that seeks to establish the process for managing development in the coastal zone, facilitate the integration of Ecosystem-Based Adaptation approaches into development planning, and for harmonising this process with the physical planning process and the local area plans that have been developed under the new Physical Planning Act. Consideration should also be given to including a separate Part dealing with the management of water access and rights, and regulating water extraction and water distribution.

Additionally, the consolidated Environment and Natural Resources Management Bill should also establish the enabling financing framework to ensure that community-based measures undertaken to enhance ecosystem resilience can be supported by enhanced direct access to international climate change financing available under the United Nations Framework Convention on Climate Change.

Currently several different pieces of legislation are being developed/ updated including the Coastal Zone Act, Forestry Legislation, Environmental Legislation, Climate Change Policy and a Climate Change Bill. It is important to ensure that the development of these different pieces of legislation, which all have some impact on the management of natural resources, are coordinated and where possible, brought together into a single harmonised Bill for consideration by Parliamentarians.)

Part ??

Sustainable Management of Natural Resources

Interpretation

In this Part, the following definitions shall apply –

“agriculture” includes horticulture, fruit growing, seed growing, dairy farming and livestock breeding and keeping, the use of land as grazing land, pasture lands, market gardens and nursery grounds;

“agricultural land” means land used (a) for agriculture or (b) defined pursuant to section ?? as agricultural as land;

“agricultural unit” means land- (a) comprising or including one or more parcel of agricultural land (whether contiguous or not) of not less than the prescribed acreage in the aggregate; and (b) having the same person as occupier/.owner within the meaning of this Act, which is either being farmed as

a unit or as respects which the Minister directs that it should be so farmed in the interest of full and efficient production;

“crown land” means any land which belongs to and is vested in the Crown;

“farm” means to carry on in relation to land any agricultural activity with a view to the proper development and utilization thereof; “

“idle land” means land in respect of which an order under section ?? is in force;

“idle land order” means an order under section ?? declaring land idle for the purposes of this Act;

“mineral” means any substance in liquid, solid or gaseous form occurring naturally in or on the earth or on, in or under the sea bed and formed by or subject to a geological process, but does not include water;

“natural resources” means the living plants, animals, organisms and other biological factors within the environment, and the geological formations, mineral deposits, renewable and non-renewable assets, and the habitat of the living plants, animals, organisms and other biological factors, and includes the following biological resources that are common property which the Government has the responsibility to manage for the public good and for the benefit of present and future generations:

- (a) wildlife including fish, birds and animals that are not in captivity;
- (b) corals;
- (c) water, including surface and underground water;
- (d) forests;
- (e) sand;
- (f) minerals;
- (g) mangroves;
- (h) seagrass.

“occupier” in relation to land, means the person having for the time being the right to farm the land;

“owner” in relation to land, means the person in whom for the time being is vested the legal estate in fee simple;

“prescribed acreage” means, subject to section ??, 100 acres or such other acreage, not less than 50 acres, as may be prescribed;

“relevant circumstances”, in relation to land, includes all circumstances affecting the farming or, for the purposes of ??, the use or development of the land other than the personal circumstances of the occupier thereof.

“resource” includes land, fish, wildlife, biota, air, sunlight, surface water, ground water, marine water, coastal ecosystems, minerals and other resources belonging to, managed by, held in trust by, appertaining to, or otherwise controlled by the Crown or persons;

“resource commission” means the Sustainable Development Council established under section ??;

“resource unit” means the Natural Resource Management Unit established under section ??;

“resource protection area” means any area declared to be a resource protection area under section ??.

Objectives

The objectives of this Part of the Act is to establish the policy, legal and institutional framework for the sound and sustainable management of Grenada's natural resources while establishing the management framework to address risks to such natural resources from climate change in keeping with commitments under the *Revised Treaty of Chaguaramas established the Caribbean Community Including the CARICOM Single market and Economy*, *St. George's Declaration of Principles for Environmental Sustainability in the OECS* (2001), the *United Nations Convention to Combat Desertification* (CCD) and the *United Nations Framework Convention on Climate Change* (UNFCCC).

Principles

- (1) This Part of the Act implements Article 3 of the *Convention of Biological Resources* (CBD) which provides that "States have, in accordance with the *Charter of the United Nations* and the principles of international law, the sovereign right to exploit their own resources pursuant to their own environmental policies, and the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other States or of areas beyond the limits of national jurisdiction."
- (2) Based on the provisions of Section 6 of the Grenada Constitution Act (Chapter 128 A)¹³ and the *Convention of Biological Resources* (CBD), the following natural resources are common property which the Government has the responsibility to manage for the public good and for the benefit of present and future generations:
 - (a) wildlife including fish, birds and animals that are not in captivity;
 - (b) corals;
 - (c) water, including surface and underground water;
 - (d) forests;
 - (e) sand;
 - (f) minerals;
 - (g) mangroves.
- (3) The right to investigate, use, control, protect, manage and administer the natural resources of Grenada for domestic, stock, irrigation, agriculture, industrial, commercial, hydroelectric, geothermal, navigation, fishing, preservation of flora and fauna and other beneficial purposes and to prevent or mitigate the effects of climate change, erosion, deposition, solution, flotation, drainage, pollution and flooding is vested in the Government and shall be exercised on its behalf by the Minister and the Ministry responsible for Agriculture, Lands, Forestry and Fisheries in accordance with this Part.

Establishment and Functions of Natural Resource Management Unit

(1) For the purposes of this Part of the Act there shall be a Natural Resource Management Unit established in the Ministry responsible for (*NOTE: to be determined after further consultations with stakeholders and in view of the overall focus of the proposed Environment and Natural Resources Management Bill*) hereinafter referred to as "the NRMU".

¹³ Section 6 (6) of the *Constitution of Grenada* provides that compensation does not have to be paid for anything done under the authority of any law to the extent that the law in question makes provision for the taking of possession or acquisition of any property, interest or right for so long only as may be necessary for the purposes of the conservation of natural resources.

(2) The Natural Resource Management Unit established pursuant to subsection (1) is undertake the following functions:

- (a) the inventory of all natural resources;
- (b) the maintenance of a natural resource information database;
- (c) the formulation, through active participation and engagement of affected communities that have any rights or interests in any resource, of community natural resource management plans for vulnerable resources;
- (d) the negotiation of access and benefits sharing agreements with any developer concerning any natural resource in accordance with provisions of any community natural resource management plans;
- (e) the formulation and periodic review of any community Natural Resource Management Plan;
- (f) the implementation of land and resource use and management programmes under the Community Natural Resource Management Plan; and
- (g) the issuing of permits and approvals for resource use activities within the approved community Natural Resource Management Plan.

(3) In furtherance of the functions outlined in subsection (2), the duties of the Natural Resource Management Unit shall include, but not be limited to:

- (a) co-ordinating the formulation of Grenada's Natural Resource Inventory;
- (b) the formulation and maintenance of community vulnerability maps to document risks at the local level from climate change and natural disasters;
- (c) the formulation and maintenance of a coastal sensitivity atlas for use, inter alia, in instances of oil spill and disaster response planning and management;
- (d) developing and submitting for public review community Natural Resource Management Plans;
- (e) the implementation of community Natural Resource Management Plan in accordance with requirements under this Act and the *Physical Planning Act 2016* and Regulations thereunder;
- (f) keeping the Natural Resource Inventory and community Natural Resource Management Plans under constant review;
- (f) in collaboration with other government agencies –
 - (i) assist and support communities in the establishment of community natural resource management plans, community trust funds and the negotiation of access and benefits sharing agreements to facilitate the sound and sustainable management of natural resources at the local level;
 - (ii) maintain a register of abandoned agricultural land which could, with the approval of the land owner, be made available to young people for farming;
 - (iii) facilitate the negotiation of a lease for the use of abandoned agricultural land between land owner and prospective young farmer for a fixed period with benefits being paid to the land owner;
 - (iv) identify parcels of Crown Land that are suitable for residential development;
 - (v) negotiate with developers and affected communities appropriate access and benefits sharing agreements consistent with any approved community Natural Resource Management Plans;
 - (vi) undertake periodic inspections of suspected resource management irregularities;
 - (vii) initiate legal action against offenders, and assisting other ministries, departments or statutory bodies in cases of resource management irregularities;
 - (viii) produce public information materials relating to resource management issues;
 - (ix) liaise with the public, business community, and non-governmental organizations in relation to resource management issues.

(4) In furtherance of the responsibilities and duties outlined in subsections (2) and (3) above, the Natural Resource Management Unit shall have the power to:

- (a) carry-out surveys and inspections, and collate geographic and natural resource information for the purpose of establishing the Natural Resource Inventory;
- (b) perform inspections, conduct public consultations, and carry out such other activities as may be required to formulate any community Natural Resource Management Plan.

(5) The Natural Resource Management Unit (NRMU) shall -

- (a) advance the purposes of this Act as set out in this Part;
- (b) institute, complete, maintain and keep under review a study of matters pertinent to the resources of Grenada;
- (c) prepare or cause to be prepared a national inventory of resources in Grenada;
- (d) prepare or cause to be prepared, and keep under regular review, a policy for the protection, conservation and management of resources in Grenada;
- (e) prepare or cause to be prepared community management plans for the protection, conservation and management of resources in Grenada;
- (f) prepare, and submit to the Minister reports on matters which the NRMU or the Minister may from time to time consider necessary or desirable having regard to the provisions of this Act;
- (g) do all other things necessary for carrying out the purposes and provisions of this Act as may be authorised by this Act.

(6) The Natural Resource Management Unit shall remain at all times responsible for the proper performance of its functions under this section, but subject to subsection (??) may, for the purpose of such performance, as it thinks fit -

- (a) consult with or obtain advice from other authorities, persons or bodies of persons;
- (b) engage other persons to carry out work on its behalf; or
- (c) with the approval of the Minister the NRMU, delegate any of its duties to the Physical Planning Department.

(7) The Natural Resource Management Unit shall be responsible for the implementation of the policies framed by the Minister pursuant to the requirements of this Part, and shall act in accordance with directions of a general character which may be given by the Minister as to the policy to be followed in the exercise of its functions.

(8) The Natural Resource Management Unit shall, from time to time, consult local authorities either generally on any development applications or in relation to specific cases which show a major departure from a resource plan or where such consultation is desirable in the interests of protection, conservation or management of resources.

(9) For the purpose of performing its duties under this Part of the Act, the NRMU may require owners and occupiers of any land to furnish such information pertaining to land owned by them or in their possession or control, as the NRMU may require, and without prejudice to the generality of the foregoing, the NRMU may require from owners or occupiers of land information as to-

- (a) the area of the land owned, occupied, **abandoned, or not in active use** as the case may be, and the boundaries thereof;
- (b) the area of the land in use, and the nature of use;
- (c) the form of tenure under which the land is occupied;
- (d) the number of tenants (if any) in occupation of the land;
- (e) any encumbrances relating to the land;
- (f) the particulars of any registration number, volume, folio, or other information in relation to the land or persons having interest therein recorded in any official records concerning the land or title thereto.

(10) For the purpose of properly administering this Part of the Act, the Natural Resource Management Unit shall develop, implement and maintain a public involvement and education programme to promote:

- (a) public awareness of the provisions and requirements of this Part of the Act; and
- (b) public involvement in efforts to address risks to natural resources from climate change and conserve and promote the sustainable development of natural resources.

Director of NRMU

(1) The Director of the Natural Resource Management Unit shall be a public officer shall be appointed to exercise and perform the duties specified in subsections ??.

(2) The Director of the NRMU shall be responsible to the Minister for the administration and operation of the NRMU and system of natural resource management for which this Act provides.

(3) The Director of the NRMU may delegate in writing to any officer of the NRMU, any duty or function authorised under this Part of the Act.

(4) Subject to subsection (3) any member of the NRMU or any person authorized in writing by the Director in that behalf may at any time in daylight-

(a) enter upon any land for the purpose of- (i) inspecting the condition of the land or of any agricultural activity thereon; (ii) ascertaining what crops are cultivated and the conditions under which such crops are so cultivated and the crops which are most suitable to be cultivated upon the land; or (iii) ascertaining the expediency or otherwise of the doing upon the land of any agricultural activity;

(b) inspect the condition of such land or of any agricultural activity thereon; and

(c) take such angles, bearings or measurements of the land or samples of the soil upon the land as may be necessary for the purpose for which that person entered upon the land.

(5) A person shall not enter upon any land under the provisions of this section without the consent of the person in residence on the land or, if there is no such person, the occupier of the land- (a) unless he has given to such person or to such occupier, as the case may be, not less than three days' notice of his intention to enter upon such land; or (b) if the name or address of such person or of such occupier, as the case may be, is not known to and cannot reasonably be ascertained by him, unless a period of not less than three days has elapsed since he has posted on or near to the land a notice of his intention to enter upon the land.

(6) Functions assigned to the Director by or under this Act, other than those mentioned in section (??) may be exercised by any Natural Resource Management Officer authorised by the Director in writing, either generally or specially, in that behalf.

(7) Any person exercising a function assigned to a Natural Resource Management Officer by or under this Act shall be deemed, for the purpose of the exercise of that function, to be the proper officer for the exercise of that function, if authorised for the purpose by the Director in writing, and shall be deemed to have the powers of a Natural Resource Management Officer for the purpose of that function.

(8) The Minister, members of the NRMU, the Director of the NRMU or other public officer shall not be personally liable in any court for or in respect of any act or matter done, or omitted to be done, in good

faith, in the exercise or purported exercise of any function under or power conferred by this Act.

Natural Resource Inventory

(1) The Natural Resource Management Unit shall, no later than 12 months after its establishment pursuant to the provisions of section ??, initiate the production of a Natural Resource Inventory.

(2) The Natural Resource Inventory produced pursuant to the provisions of subsection (1) shall contain, information concerning Grenada's natural resources, including inter alia, an inventory of:

- (a) geographic and topographic features;
- (b) soil types and geological formations including known mineral deposits and geothermal resources;
- (c) ecological systems and classifications, including:
 - (i) locations of nationally significant flora and fauna;
 - (ii) locations of endangered species of flora or fauna, threatened ecological habitats, and biodiversity reserves;
 - (iii) surface water catchment areas together with surface and sub-surface water reserves;
 - (iv) marine and coastal resources including coral formations, mangrove areas, sand deposits, tidal estuaries, fish breeding areas and aquaculture areas;
 - (v) forestry resources and activities, including forest types and densities, and forestry management plans; and
 - (vi) agriculture resources and activities, including, where appropriate, crop varieties, rotational routines, animal husbandry areas, and land tenure systems;
- (d) cultural, archaeological and historic sites;
- (e) cadastral surveys **and associated land titles and leases** of all plots of land **including Crown Lands**;
- (f) human resource activities, including population centres, industrial and commercial centres, settlement patterns, communication corridors, educational and social support services and infrastructure, and civil works including electricity networks, waste management sites, sewage and potable water networks; and
- (g) economic development activities and infrastructure, including tourism developments, mines and quarries;
- (h) areas vulnerable to sea-level rise, storm surge, flooding, landslides, erosion, soil loss and land degradation, ecosystem degradation, and other significant risks from climate change.

(3) The Natural Resource Inventory produced pursuant to the provisions of subsection (1) shall be presented geo-spatially on a Geographic Information System (GIS) that shall facilitate:

- (a) public access;
- (b) the preparation of community Natural Resource Management Plans pursuant to the provisions of section ??;
- (c) **the identification of lands suitable for residential and agricultural development**;
- (d) consultation on climate change risk management options and priorities during the environmental impact assessment process pursuant to the provisions of Part ??;
- (e) the formulation and maintenance of community vulnerability maps to document risks at the local level from climate change and natural disasters that can facilitate the formulation of natural resource and climate change risk management and adaptation plans at the community level;
- (f) the establishment of a Coastal Sensitivity Atlas that can facilitate consultation on oil spill and disaster response and management options;
- (g) **monitoring and reporting on ecosystem resilience to impacts from climate change.**

Community Natural Resource Management Plan

(1) The Natural Resource Management Unit shall coordinate the formulation and approval of community

resource management plans for important natural resources and ecosystems, including but not limited to, wetlands, watersheds, beaches, coral reefs, and forests.

- (2) A Community Resource Management Plan formulated pursuant to subsection (1) shall serve to identify the most appropriate use for natural resources in the area and identify areas and management options for, inter alia:
 - (a) protection from the impacts of climate change;
 - (b) the protection of unique ecological, cultural and historic features;
 - (c) the conservation of biodiversity;
 - (d) the protection of ecosystems from desertification, degradation or soil loss;
 - (e) the maintenance and enhancement of natural streams, rivers and water supplies;
 - (f) the promotion of silviculture;
 - (g) agricultural activities;
 - (h) urban-settlement;
 - (i) where appropriate, mining and quarrying activities, commercial and industrial activities, transportation, service and communications systems;and as such shall provide the basis for all sound resource planning, management and use decision making,
- (3) A Community Resource Management Plan formulated pursuant to subsection (1) shall contain in inventory of natural resources within the area of the plan, and shall set out:
 - a. a statement of the principal aims and objectives with respect to the protection, conservation and management of resources in that community;
 - b. a map delineating the spatial extent of the plan;
 - c. an access and benefits agreement defining access to natural resources within the area of the plan, and providing the terms and conditions of any benefits that shall accrue to any land owner or person who have any rights or use of any natural resource located within the area of the plan.
- (4) The access and benefits agreement concluded pursuant to sub-section (3) (c) must provide for reasonable benefit sharing arrangements, including protection for, recognition of and valuing of any land owners rights or interests in any natural resource, and must include the following:
 - (a) full details of the parties to the agreement;
 - (b) full details of all measures undertaken to obtain the prior informed consent of the resource access provider, including information that demonstrates:
 - (i) adequate knowledge of the proposed resource use by the resource access provider;
 - (ii) that the resource access provider was able to engage in reasonable negotiations with the applicant about the benefit-sharing agreement; and
 - (iii) that the resource access provider was given adequate time to consult with relevant people;
 - (c) whether the resource access provider has received independent legal advice about the application, the proposed benefit-sharing agreement and requirements of this Part of the Act;
 - (d) if the resource access provider is the person granting physical access to the area where the resources are located – details regarding the time and frequency of entry to the area that has been agreed to be granted;
 - (e) the resources (including the name of the species, or lowest level of taxon, to which the resources belong, if known) to which access has been agreed to be granted;
 - (f) the purpose of the access, as disclosed to the resource access provider;
 - (g) a statement regarding benefits to be provided or any agreed commitments given in return for the use of or access to any natural resources;
 - (h) the details of any proposals to benefit natural resource conservation in the area if access is granted;

- (i) include provisions in mutually agreed terms to cover, where appropriate, dispute resolution including:
 - (i) the jurisdiction to which they will subject any dispute resolution processes;
 - (ii) the applicable law; and/or
 - (iii) options for alternative dispute resolution, such as mediation or arbitration.

(5) A Community Resource Management Plan formulated pursuant to subsection (1) shall be forwarded to the Sustainable Development Council for consideration.

(6) Upon receipt of a community Natural Resource Management Plan pursuant to the provisions of subsection (4), the Sustainable Development Council may:

- (a) refer the Plan to the community Natural Resource Management Unit with such recommendations as may be considered necessary to correct any deficiency in the Plan; or
- (b) approve the Plan, which approval may contain such modifications as the Council considers desirable to give effect to the requirements of this Act.

(7) Upon approval by the Sustainable Development Council pursuant to the provisions of subsection (6) (b), every government ministry, department or statutory body shall observe, and to the extent of its authority, enforce the observance of the community Natural Resource Management Plan.

(8) The community Natural Resource Management Plan, once approved by the Sustainable Development Council pursuant to sub-section (6) (b), shall provide the basis for evaluating development approvals under the environmental impact assessment process established under this Act or under the *Physical Planning Act 2016* and Regulations thereunder.

(9) In undertaking any activity connected with the use of soil, water, energy or any natural resource, the activity shall, at all times be in accordance with the provisions of any community Natural Resource Management Plan approved by the Sustainable Development Council pursuant to the provisions of sub-section (6) (b), and any relevant national resource policy specifying acceptable soil, water, energy and mineral conservation standards, conditions or limitations prescribed by this Act.

(10) In issuing any permit for any activity connected with urban development, agriculture or resource use, the government agency responsible for issuing such permit shall have regard to any community Natural Resource Management Plan approved pursuant to sub-section (6) (b) and shall ensure that a reasonable balance is achieved between the following considerations:

- (a) the conservation and enhancement of any natural resource, the natural beauty and amenity of the rural areas;
- (b) the promotion and maintenance of a stable and efficient agricultural and tourism industry; and
- (b) the economic and social interests of local communities as provided in any community Natural Resource Management Plan and access and benefits sharing agreement.

Community Ecosystem Management Trust Funds

- i. The NRMU shall coordinate and assist any community in the establishment, funding and operation of a Community Ecosystem Management Trust Fund to finance the implementation of any community Natural Resource Management Plan that has been approved by the Sustainable Development Council pursuant to section ?? (6) (b).

- ii. Any Community Ecosystem Management Trust Fund established pursuant to sub-section (1) shall be administered in accordance with the relevant provisions of the *Public Finance Management Act* (Chapter 282 B).

(NOTE: It may be necessary to make special provisions to ensure that any Community Ecosystem Management Trust Fund established pursuant to sub-section (1) can access any national financing framework created to channel international climate change financing available under the United Nations Framework Convention on Climate Change. In this regards, linkages may be required to the proposed Environment Trust Fund as proposed under the Draft Environmental Management Act. In this manner, it will be possible to channel international climate change financing to support sustainable land management and climate resilient measures at the community level. Additionally, the Enforcement Section under the Draft Environmental Management Act should make provision for the appointment of Community Enforcement Officers who are empowered to issue spot fines (for each and every day that an offence continues) for any violation of the community natural resource management plan. Provision should be made that any person can appeal the imposition of a spot fine to a Magistrates court. Any fine for a violation of the community natural resource management plan should be paid into the Community Ecosystem Management Trust Fund and not to the Consolidated Fund. This will ensure that benefits are paid to land owners and communities for managing their natural resources in a sustainable manner.)

Resource Enforcement Notice

(1) If it appears to the NRMU that any lease agreements that have been registered and recorded and made with persons interested in any land, are not being fulfilled in respect of conditions or requirements for the conservation or protection of any soil, water, energy or mineral resources that have been established in any community Natural Resource Management Plan approved by the Sustainable Development Council pursuant to the provisions of section ?? (5), the NRMU may issue a Resource Enforcement Notice on the Department or Statutory body or persons concerned, to enforce the conservation conditions as set out in such lease agreement.

(2) A Resource Enforcement Notice issued pursuant to subsection (1) may require the Department, statutory body or persons concerned to do any one or more of the following in any designated land area:

- (a) ensure that the conservation conditions set out in the community Natural Resource Management Plan are fulfilled;
- (b) provide conservation management plans, specifications and any other information that may be required with respect to enhancing and maintaining the quality of the soil, water, energy or other natural resources;
- (c) maintain or adopt particular resource management methods or undertake remediation activities that are likely to facilitate conservation, enhancement or protection of the soil, water, energy or other natural resources.

(3) If at the end of 30 days from the date a Resource Enforcement Notice was issued pursuant to subsection (1) was served, the Department, statutory body or persons served with the notice, has not:

- (a) fulfilled any requirement specified in the notice; or
- (b) presented an operational plan indicating how such requirements shall be undertaken within specified time limits,

the Natural Resource Management Unit may serve a notice on the Ministry responsible for Public Works to take any action which is authorized by a Resource Enforcement Notice to facilitate

conservation, enhancement or protection of any natural resource.

(4) Any costs incurred by the Ministry responsible for Public Works in giving effect to a notice served pursuant to the provisions of subsection (3) shall be levied against the responsible Department, statutory body or persons.

Penalties

- (a) Provision to be made creating offences for failing to comply with Resource Enforcement Notice.
- (b) Provision to be made for the NRMU to appoint an Enforcement Officer under any approved Community Resource Management Plan
- (c) Any Enforcement Officer appointed by the NRMU may issue a spot fine not exceeding EC\$50 for each and every day that a violation continues of any approved Community Resource Management Plan.
- (d) Any person issued with a spot fine under sub-paragraph (c) may appeal such fine in a Magistrates Court.
- (e) Any spot fine collected under sub-paragraph (c) shall be applied to the management of the approved Community Resource Management Plan.

Planning Gain/Obligation

1. Community Infrastructure Levy may be imposed by the Natural Resources Management Unit upon any developer undertaking new building projects that have an impact upon existing use of or rights over any natural resource.
2. The money raised from any Levy imposed pursuant to sub-section (1) may be used to fund any infrastructure that is needed as a result of development, including but not limited to new or safer road schemes, flood defences, schools, hospitals and other health and social care facilities, park improvements, green spaces and leisure centres.

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ORGANISATION OF EASTERN CARIBBEAN STATES

GLOBAL CLIMATE CHANGE ALLIANCE (GCCA) PROJECT ON CLIMATE CHANGE ADAPTATION (CCA) AND SUSTAINABLE LAND MANAGEMENT (SLM) IN THE EASTERN CARIBBEAN



Technical Assistance for the Establishment of National Land Policies

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