



Legal/Institutional & Policy Environment for Natural Resource-Based Livelihood Strategies

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INTRODUCTION

The core objectives of DFID's sustainable livelihoods approach include the promotion of more secure access to and better management of Natural Resources (NR) and the promotion of a policy and institutional environment that supports multiple livelihood strategies.

Access is a determinant of the way in which NR assets are transformed into livelihood outcomes, hence constraints on access by the poor to NR may contribute to poverty, while unconstrained access to NR may be a cause of environmental degradation. In addition, as observed by Brown et. al. -

“The conflicts over managing coastal zones are a set of trade-offs between values and interests, articulated through science and power, and resolved and mediated through institutions.”

(Brown, K, E L Tompkins & W N Adger; Making Waves; Earthscan Publications, 2002)

In this context, research questions were addressed on the basis of the existing literature, secondary data gathering and field investigations in St Lucia and Belize, with specific reference to the coastal communities of Praslin and Anse La Raye, in St Lucia, and Sarteneja and Hopkins, in Belize.

Research Questions

- Who owns and controls the terrestrial and marine NR at the Land-Water Interface (LWI)?
- Does the pattern of ownership and control limit access, particularly by the poor, to NR? In particular, to what extent does the protection of land and marine areas at the LWI affect NR-based livelihoods?
- What interventions, if any, are necessary to promote secure access by the poor to, and better management of, NR at the LWI?
- How and by whom are decisions about the management of the terrestrial and marine NR at the LWI made? In particular, how are NR-users involved in decision-making concerning the management, including protection, of NR in which they have a stake?
- What interventions, if any, are required to promote a policy and institutional environment that supports multiple livelihood strategies?

KEY ISSUES ADDRESSED:

This Policy Brief looks at existing governance policies and practices in St Lucia and Belize; and lessons learned from the analysis, which was part of a project funded by the UK's Department of International Development (DFID).

Relevant Acts

St Lucia has a relatively complete and modern scheme of legislation for the management and regulatory control of natural resources at the land-water interface. The principal enactments include the

- Physical Planning and Development Act
- Fisheries Act
- Beach Protection Act
- Forest, Soil and Water Conservation Ordinance
- Land Conservation and Improvement Act
- Water and Sewerage Authority Act
- Crown Lands Ordinance
- Pesticides Control Act.



Novel Measures

Generally, this legislation takes a command-and-control approach to natural resources management. However, some of these enactments contain novel and interesting measures, some of which have been put into practice. For example,

- The Forest, Soil and Water Conservation Ordinance provides for the protection of forests on private land and the remission of land taxes on lands declared protected forests.
- The Water and Sewerage Authority Act enables the Authority to take action to enforce the Forest, Soil and Water Conservation Ordinance to control deforestation if it threatens watershed areas.
- The Fisheries Act allows for the establishment of Local Management Authorities, and the Soufriere Marine Management Authority (SMMA) established under this Act is a considered to be a model for co-ordinated natural resources management.
- The Physical Planning and Development Act provides for public participation in the land use planning process, the decentralisation of decision-making and the appointment of local advisory committees with respect to development control.

Issues to be Addressed

- The relevant legislation is administered by several agencies. This does not facilitate an integrated approach to natural resources management, and the existing laws need to be harmonised.
- Capacity building is also required if the laws are to be implemented as intended.
- Moreover, some of the existing legislation is not being implemented—notably the 1992 Land Conservation and Improvement Act which provides for the designation of Conservation Areas; the appointment of Conservation Officers and the regulation of methods of cultivation; the control of slash-and-burn agriculture and the fragmentation of land within Conservation Areas, including Crown lands.

St Lucia National Trust (SLNT)

The SLNT is a national-level NGO established by legislation, the St Lucia National Trust Act, No 16 of 1975. The Trust's objects include:

- listing of buildings, objects and monuments of prehistoric, historic and architectural interest and places of natural beauty with their animal and plant life;
- preservation of submarine and subterranean areas of beauty or natural or historic interest and their natural aspect, features, animals and plant life;
- promoting conservation of the flora and fauna of these areas, and raising public awareness of the value of this heritage.

SLNT was responsible for preparation of the 1992 plan for a system of Protected Areas for St Lucia by a thoroughly participatory process that lasted four years. But the SLNT has no legal power to protect the designated sites. Considerable institutional strengthening would be necessary to realise the independent capacity implicit in its NGO status. The SLNT is actively involved in the co-management of NR with community based organisations in Praslin.

Governance in Belize

Relevant Departments & Acts

Responsibility for developing NR management policy and administering laws relating to NR, is vested in agencies of the central government; mostly departments of the Ministry of Natural Resources, Environment and Industry (MNREI). This Ministry's budget amounted to only 1.6 per cent of the national budget in 2002-2003. The Fisheries Department is responsible for administering the Fisheries Act, and the Forestry Department for administering the National Parks System Act in addition to the Forests Act. However, neither department has the institutional capacity to fully discharge its responsibilities. Although 45 per cent of the land area of Belize is within the Protected Areas (PAs) system, MNREI's PAs programme receives only 0.5 per cent of the Ministry's limited budget.

Innovative Co-Management

In this context, Belize's tremendous reputation as an eco-friendly country, which is central to its major industry, tourism, depends almost entirely on innovative co-management and funding mechanisms that Belize has adopted with respect to the management of PAs. The four co-management modalities in operation in Belize are:

- Co-management of public PAs between the GOB and NGOs;
- Co-management of public PAs between the GOB and NGOs, with CBO participation managed by the NGO;
- Co-management of public PAs between the GOB and CBOs; and
- Co-management of private reserves between the landowner (usually an NGO) and the Government of Belize (GOB).



This Policy Brief is one output of a project to share *Policy Relevant Knowledge on Feasible Alternative Natural Resource Based Strategies for Enhancing Livelihoods*. The research base was generated in an earlier project titled, *Feasibility of Alternative, Sustainable Coastal Resource-Based Enhanced Livelihood Strategies, undertaken in 2002-2003 with case studies in St Lucia and Belize*.

Other Policy Briefs in the series include:

– *Achieving Community-Based Tourism that Benefits the Poor in the Land Water Interface;*

– *Poverty & Sustainable Livelihoods in the Caribbean.*

Series Editor: Suzanne Francis Brown
For further reading see: *People and the Caribbean Coast. Feasibility of Alternative, Sustainable Coastal Resource-Based Enhanced Livelihood Strategies (SEDU, 2004) and Feasibility of Alternative, Sustainable Coastal Resource-Based Enhanced Livelihood Strategies (R8135). Technical Report of Team Activities and Findings (SEDU)*

LESSONS LEARNED

- **Poor people's access to NR in the coastal zone and the pattern of land tenure are problems both in the land-rich continental country of Belize and in the land-scarce small island of St Lucia.** In both countries, many **constraints on the generation of alternative livelihood opportunities for poor people in the coastal zone have been recognised. A number of initiatives are underway to address these constraints.** However, most of these initiatives must be restructured to ensure that the needs of vulnerable groups are addressed, and that poor people have an effective voice in the making of decisions that affect them.
- In both countries, the State is a major landowner, and the redistribution of land is a general policy objective. But land policy is not well articulated. In St Lucia, where the State owns all coastal land outside of the major town, this land ownership has not been recognised, for example, as providing a unique tool for coastal zone management, including guaranteeing public access to coastal resources. Although the available data are inadequate, it appears **landlessness impacts most severely on women, young adults and (in Belize) the indigenous people.** This suggests that generating alternative livelihood opportunities will require that specific attention is paid to providing poor people with credit facilities that are not based on land title as collateral.
- The issue of access and/or resource use rights in marine areas is not generally recognised. In particular, **the impact of the protection of marine areas on the livelihoods of the poor has been largely ignored.** Only in the St Lucia SMMA has provision been made to compensate fishers when restrictions have been placed on fishing. Even with the SMMA, the compensation paid was very small. Moreover, where, in Praslin, an alternative livelihood, in mariculture (sea-moss farming) has been introduced, no measures (notably leases of the seabed) have been put in place to protect the poor.
- Formal structures for local government are weak. Although changes in this respect have been in train in both countries, **poor communities do not have an effective voice in decision-making concerning the NR on which their livelihoods depend.** Although participatory methods and “bottom up” development projects have been introduced in both countries, there is a limited sense of empowerment at the village level. Many NR management institutions appear to have quite limited commitment to participatory modalities.
- In both countries **a number of innovative attempts are being made to involve NGOs and CBOs in the NR management process.** One of the problems of this approach is the weakness of civil society organisations, particularly CBOs. In both countries, it was noted that CBOs cannot be sustained solely on the basis of voluntarism.

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