15th December 2017

WHAT IS BEHIND THE CURTAIN

Comments on the August 2017 draft of the National Environmental Policy (NEP)

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PREAMBLE

This is the 3rd iteration of national environmental policy development. The first NEP was approved by parliament in 1998 according to Section 18 of the Environmental Management Act (1995). The 2nd NEP was prepared in 2005 and approved in 2006.

The Environmental Management Authority of Trinidad and Tobago commissioned local consulting company "Eco-Engineering" (EE) to revise the 2006 National Environmental Policy and to create an updated 2018 NEP. EE is well known to the EMA. Its core business is submitting applications for Certificates of Environmental Clearance (CECs) to the EMA on behalf of developers whose actions are likely to have significant environmental impacts. According to the EMA, EE was the sole responder to the invitation for bids to undertake this assignment.

The Terms of Reference (TOR) for the revision requires EE to:

(i) review and analyse the existing NEP (2006) with regard to its implementation over the last 10 years,
(ii) review the extent to which the described objectives have been met,
(iii) determine the positive and negative effects the NEP had on the environment and,
(iv) conduct a policy, institutional and regulatory gap analysis related to the NEP.

The revision included engagement of three "specialists and "distinguished persons". Comments from EMA Technical Staff and Board were also received. Eleven Focus Group meetings were convened by EE to solicit the views of environmental groups and relevant state agencies. Nine open Public consultation events were hosted to receive comments on the prepared draft 2017 NEP. Consultations were held during the week starting at 6pm, over several months. The Administrative Record did not include numbers of participants.

I made a request to view the Record as only the draft policy document was available on the EMA's website. I am grateful that the EMA granted my request as it allowed me to see what other stakeholders had contributed to the consultation process. I must say however, that my own comments made at the POS consultation were very poorly recorded by EE, with most of what I said omitted. I am not sure it is fair to say that this might be the case for other contributors. My review of the record forms the basis for my comments. They are made in a language I hope everyone finds accessible and easy to understand. Those of you who take the opportunity to review my comments, I hope if you agree, that you will disseminate them through your networks.

A final draft of the NEP is currently in the public domain for final comment by December 15th 2017. The EMA Board will submit the finalized NEP (2018) to the line Minister, who will present it to Parliament for ratification.

COMMENTS

1. "Sustainability" an unapplied Concept

The 1998 NEP recognized that T&T suffered from environmental problems associated with production of petroleum products and acknowledged that resource exploitation had been *characterized by the search for short-term economic gain with little attention paid to long-term sustainability*. According to the 1998 NEP**,** development was to be conservation-based. Renewable resources like soil, wild and domesticated organisms, forests, agricultural lands and marine and freshwater ecosystems were to be used sustainably. Non-renewable resources like oil, gas and minerals were to be conserved and optimally used to obtain the best possible benefits to all citizens and without impairing the value of other resources.

By 2006, the Government was *duty bound* to ensure that T&T found *the right balance* between economic development and environmental conservation. The Government's focus was now on sustainable management of the country's assets *rather than on the narrower concept of environmental protection,* which tends to bring into conflict environment and development.

The latest version of the draft 2018 NEP opens with "Wise use of the environment is compatible with economic and social development. Wise use is the cornerstone for ensuring that the needs and interests of present and future generations are met. It goes on to assure us that *a* healthy and sustainably managed environment *enables foreign investment,* job creation, security and *enjoyment of property.* Later on, the draft 2018 NEP declares "development and the pursuit of peace, justice and strong institutions in T&T must be done in a manner that strives to *balance social, economic and environmental considerations.*

It is clear that a policy shift from the 1998 environmental "conservation" approach and the *narrower concept of "protection"* was replaced in 2006 by an attempt to strike a *"balance"* between economic growth and environmentally sound practice. In 2018, "*wise use*" assures a sustainably managed environment and that development must strive to balance not just economic and environment but also social considerations.

What both the 2006 and draft 2018 NEPs do not do is to continue to acknowledge that short-term gains from resource exploitation (especially oil and gas) compromise long-term sustainability. This may be a mistake since revenues gained from this exploitation are still not being directly invested in economic diversification especially towards self-sufficiency in food production, renewable energy, long-term water security, poverty alleviation and bottom-up investments to give the disadvantaged meaningful economic opportunities. The 2018 NEP does not adequately acknowledge this current challenge.

Most importantly, let us accept that the pursuit of *sustainable development* is in fact a balancing act of social, economic and environmental considerations. However, this balance can only be meaningfully achieved if the Terms of Reference (TORs) for Environmental Impact Assessments (EIAs) required by the EMA as the basis for determining applications for Certificates of Environmental Clearance (CECs) by proposed developers, include assessments of economic and social impacts. In other words, a mechanism for ensuring sustainability must be built into the existing CEC decision-making process. Policy lip service to sustainability is no substitute for this.

Currently EIA TORs for proposed development only require ecological impacts to be thoroughly assessed. When they are damaging it is usually assumed that this damage can be reasonably mitigated (which is not obviously always the case). Social impacts are much less scrutinized but assessed positively due to employment opportunities, even when the proposed activity poses significant health risks (as do all heavy gas based industries – someone has to bear this cost). The extractive sector is the largest contributor to the treasury but employs less than 5% of the workforce.

The elusive component in the pursuit of sustainability is a thorough assessment of economic impacts. These are usually hidden from sight, concealed in oil/gas/mineral supply contracts, concessions, in subsidies and in wealth expatriation agreements that guarantee the wholesale transfer of economic benefits outside of the local economy.

This is the crux of "wise use" and sustainability. It requires full transparency and disclosure. It requires a mature society with great expectations. It requires good governance. It requires perhaps what we have yet to create. The 2018 NEP, if it is to in any way stem the tide of destruction we have already wrought upon ourselves and allow us to turn the proverbial corner, onto a path of sustainable development in T&T, it must include a bold commitment to ensure that the CEC decision making process itself, is open to and capable of assessing the full social-economic-ecological impacts of major development decision making.

If the 2018 NEP fails to make this commitment then economic interest will remain seated alone at the head table of development decision-making, unscrutinised and representing a minority, while societal and ecological values remain outside, - poor, polluted and in want of redemption.

2. Unknown Cost-Benefits of further fossil exploitation and failure to follow Standard Procedures at EMA

With regards mineral resources the 1998 NEP sought to establish and enforce standards for the methods and rates of extraction, including rehabilitation of mined areas. Wastage of oil and gas was to be discouraged. The 1998 NEP also contained an 'energy clause' encouraging the use of energy recovery and *"environmentally friendly"* energy sources such as natural gas. Regular inventories of Greenhouse gases such as carbon dioxide, nitrous oxide and methane were to be conducted.

By 2006, the 2nd iteration of environmental policy recognized that development of the petroleum and petrochemical sector had expanded to the extent that Trinidad and Tobago was then the largest supplier of LNG to the United States and the number one exporter of ammonia in the world. These

developments had given the country global recognition and attention. The 2006 NEP contains an important "Energy Clause" this time more specific and elaborated than in 1998. It acknowledges direct macro-economic implications to the country in the form of over-dependence on the exploitation of scarce fossil energy resources, with market regimes outside the influence of the Trinidad & Tobago Energy System. These could lead to reduced energy security for Trinidad & Tobago.

Government would now support initiatives to assess the true costs of exploiting fossil energy resources and develop strategies for accounting for these costs in its decision-making process by providing the required political, administrative and technical support to enable a **systematic assessment of the external costs and benefits of exploiting fossil energy resources**, including the comparison of costs associated with the various uses to which these energies are applied (e.g. direct export as LNG, petrochemicals processing, electricity generation). These assessments were to be used to determine those uses that contribute to development that is economically, socially and environmentally sustainable.

Another 2006 NEP initiative is to strengthen existent, or develop and implement appropriate, institutional and regulatory regimes to support exploitation of the primary energy resources for sustainable development, and to pursue research to develop a framework to support Full Cost Accounting Practices that will support the establishment of fees/funding consistent with the Polluter Pays Principle.

Alarmingly, the draft February 2017 NEP put out for public consultation ***contained no energy clause*** despite mentioning "energy" 98 times. It is a glossy document very different from the first two, full of 'feel good' colour pictures of intact natural spaces.

At the POS public consultation I questioned why the energy clause was dropped and urged that it be included, especially the policy commitment to "provide the required political, administrative and technical support to enable a systematic assessment of the external costs and benefits of exploiting fossil energy resources". I was assured by the CEO of the EMA that the policy "belongs to the people" and that my comment would be taken into consideration.

The August 2017 version of the NEP is supposed to include all public comments and inputs from "specialists" and distinguished persons, as well as EMA staff. The number of times "energy" is mentioned reduced to 62 and there are less 'feel good' photos. In a section called "Mineral and Hydrocarbon Resources" the latest version of our NEP is to "utilise Environmental Impact Assessments (EIAs) and cost-benefit analysis to inform the approval, and/or mitigation measures required of projects that may have significant environmental impacts or where there is great uncertainty regarding potential impacts and to ensure that all stakeholders likely to be impacted by the exploitation of minerals and hydrocarbon resources have meaningful participation in the process of developing social and environmental safeguards."

It seems as if the EE took some note of my comments at the POS public consultation. However, what is presented in the draft 2018 NEP is a watering down of the 2006 NEP. While it does place the responsibility for conducting cost-benefit analyses into the TORs for the EIAs, it is not supported by

systematic assessment as previously required in 2006. Final TORs are formulated with inputs from both the EMA and the applicant. It is unlikely that the EMA will commence doing this as it has never done so before despite its 2006 policy commitments. I would like to see the 2006 Energy Clause stand and welcome the proposed addition.

I want to be meticulous about this because even the requirement for EIAs in the issuance of CECs by the EMA is already a very contentious issue. For example in the issuance of CECs for Seismic Surveys (SS) used to explore for fossils below the seabed, the EMA has never to date required an EIA (far less cost-benefit analyses), despite scores of SS conducted in coastal water in the last decade and despite longstanding pleas from fishers, including the most recent plea by Tobago fishers made during the consultation for preparing the 2018 NEP.

What is most troubling about this matter is that the EMA's Practitioners Guide (a legally binding document) requires the EMA to comply with their Standard Operating Procedures (SOP). The Guide requires the EMA to give reasons why an EIA is not required in the issuance of a CEC and to follow the SOP in arriving at this determination. The decision is to be included in in the CEC Application File and placed on the Public Register. The EMA has never followed their Guide and never given any reasons for not requiring EIAs for Seismic Surveys.

This is why it is imperative that the Energy Clause in the 2006 NEP should be retained in the 2018 NEP.

Failure to do so will result in a continued "loss of confidence in the EMA's ability to act in the Public Interest" (a comment made by *bona fide* community leaders during NEP consultations in La Brea).

3. Failure to review and analyse the implementation of the 2006 NEP

The TOR requires EE to review and analyse the implementation of the 2006 NEP over the last ten years, to determine the extent to which Policy Objectives were achieved, and if not, to determine why not. There are three significant regulatory instruments developed so far by the EMA to ensure sustainable development in T&T:

(i) The Certification for Environmental Clearance for proposed activities likely to have significant environmental impacts,
(ii) the Water Pollution Rules, which issue polluters with a 'Permit to Pollute' or discharge harmful effluents above approved levels or 'concentration based standards', while taking steps to reduce their discharges to the agreed levels within a specified period, and
(iii) the Air Pollution Rules [they were only recently introduced and have yet to be applied]

Any analysis of the success of environmental policy implementation would also require a review of the effectiveness of these three policy driven instruments. This did not happen. Further, an analysis of the State of the Environment (SOE) Reports that the EMA is required to publish annually is also outstanding. While no SOE reporting was made public by the EMA since 2012, there is no evidence in the Administrative Record that the consultants took the SOE Reports that do exist for the period 2006 to 2012 into account, when drafting the latest NEP.

Why this issue is so important is that the Privy Council ruled recently, in favour of Fishermen and Friends of the Sea, that the 'flat fee' system used by the EMA in applying the Water Pollution Rules does not follow the Polluter Pays Principle established in the 2006 NEP. This means that while Permits are issued to polluters to pollute, the polluters are not paying for the resulting social and ecological damage. The Public therefore continues to internalize costs associated with loss of health, environmental quality and associated livelihoods.

Court documents that led to the Privy Council ruling show that the EMA did not actually recommend the 'flat fee' system. The presiding politicians in 1998 and 2006 were responsible for the decision. It is unfortunate that local NGOs like FFOS have to resort to the Privy Council to ensure effective policy implementation. This underscores that the EMA on its own is unable to effectively apply its own Principles, and that civil society is essential to the entire policy rollout process.

I hope it is clear that in finalizing the 2018 NEP, previous policy commitments associated with regulating pollution control and awarding CECs be scrutinized. Where deficiencies are found, the 2018 NEP should be strengthened to address them.

4. EMA Comments on the draft 2018 NEP

The Administrative Record shows that the Legal Department of the EMA requested that the following "damaging statement" recorded during the consultation process be removed: "During Stakeholder Consultations, it was clearly stated that systems of environmental monitoring either had not been established or are not effectively undertaken. The result is that it is difficult to track progress on specific topics or to rely on available results for informed decision making".

It is not clear from the Record who made this statement but it certainly seems reasonable (despite being damaging). It might refer to the failure to apply the Polluter Pays Principle in the Water and Air Pollution Rules. It might also refer to 'Consent Agreements' made between the EMA and CEC applicants after the CEC has been awarded, where the applicant seeks to reduce or remove CEC compliance obligations made at the time of issuance. It is hard to say but this is why transparency and accountability is so essential to policy formulation. I endorse a good hard look at all the challenges that we face in ensuring the integrity of our national assets. In this regard, I believe the EMA is duty bound to interrogate rather than remove important public comments so that informed policy formulation is possible.

5. Public Comments on the draft 2018 NEP

For transparency, it is always essential for a public consultation process to allow all stakeholders to have full knowledge of what is said by other stakeholders. I have included several noteworthy public comments on the draft 2017 NEP below followed by my own comment [in sq. brackets]:

(i) "The 2018 NEP should include policy on Whistle Blowers so consumers and workers can report environmental violations". Interestingly, the consultant (EE) dismissed this, saying they "Do not consider this appropriate for NEP but for individual industry policies. <u>There is</u>

therefore no need to consider this comment further" [astounding, the dismissal of this suggestion by EE. Even in the USA, according to the National Whistle Blower Centre "Seven major federal environmental laws (Clean Air, Toxic Substances, Clean Water, Atomic Energy, Solid Waste, Safe Drinking Water, and Superfund) have special provisions protecting corporate whistle blowers". The EMA is often keen to cite USEPA regulations. Why should EE determine this and what does the EMA think about its exclusion? I am sure the member of the public who suggested this during the consultation has a right to know and since the CEO of the EMA declared "the policy belongs to the people" at the POS consultation, this citizen has the right to have his/her suggestion taken more seriously]

(ii) "post issuance of CEC monitoring is inadequate" and "What follow-up does the EMA do after CECs are issued?" [2018 NEP needs to analyse and commit to addressing this]

(iii) "there needs to be more consultations in the CEC process" [2018 NEP needs to commit to this as inadequate appreciation of community interests nation-wide remains a sore point when extractive industries gain permission to do unregulated damage at their fence lines]

(iv) "How does the EMA assess Cumulative Impacts?" [the 2018 NEP needs to define this term and provide policy direction which clearly answers the question. This type of assessment is routinely required by the EMA in the TORs for CECs. This is a hot topic in the recently certified 5km portion of the proposed 32.5 km Churchill Roosevelt Highway Extension project from Cumoto to Manzanilla, which passes through the Aripo Savannas. FFOS has contested this EMA decision through the Judicial Review process since no cumulative impacts were assessed].

(v) "The EMA is operating outside its mandate and needs to focus on regulating pollution" [this should be carefully considered by the EMA, as it appears unable to achieve meaningful environmental quality improvements by actually reducing pollution. In other words the 2018 NEP should refocus the EMA on its core business – pollution control and monitoring]

(vi) "EMA needs to devise new strategies to improve enforcement of existing laws and legislation" [the 2018 NEP needs to support this sentiment]

(vii) "there should be harsher penalties for polluters" [$TT 10,000 for a Pollution Permit will not achieve meaningful reductions in pollution. The 2018 NEP needs to commit to establishing meaningful penalties for polluters]

(viii) "polluters should not be allowed to pay to pollute" [this is interesting since successful pollution control alternatives exist elsewhere which punish polluters with heavy fines if they do pollute. Unfortunately corporate interests and influence over politicians way surpass public interests as things presently stand in T&T].

6. Inadequate GAP Analysis Report (GAR)

The TOR requires the Consultant to report on gaps in the implementation of the 2006 NEP. The GAR is a very weak, repetitive, void of meaningful analysis and full of grammatical errors that are sometimes alarming and result in a loss of confidence in the credibility of its contents. I do not want to go into the details of these errors but would like to point out that the GAR states that "Despite the comprehensive nature of the Environmental Management Act (2000) there still exist major issues in the environmental management framework for T&T. These include outdated legislation, lack of enforcement and inadequate penalties…there has not been any significant improvement in environmental enforcement since 2006".

Unacceptably, the 2018 NEP does not seek to redress enforcement failure nor provide new policy will to make improvements. Surely, our 2018 NEP should underscore the need for acceleration of the legal instruments to have these inadequacies, major issues and lack of enforcement addressed.

6.1 Multilateral Environmental Agreements

The GAR documents all the relevant Multilateral Environmental Agreements - international environmental treaties, conventions, protocols and programmes - to which the GOTT is signatory. Unfortunately, the GAR does not clearly show which MEAs have been ratified locally (this is a major gap in the GAR). From what I can gather, many, if not most of these international obligations (which are certainly beneficial to the people of T&T) have not been ratified. Examples include the Basel Convention (Control of Transboundary Movements of Hazardous Wastes and Their Disposal), the RAMSAR Convention (National action and international cooperation for the Conservation and wise use of Wetlands and their Resources), CITES (regulation of Trade in Endangered Species of Wild Flora and Fauna) and MARPOL.

MARPOL is the International Convention for the Prevention of Pollution from Ships, (1978). This is recognized worldwide as one of the most important international marine environmental conventions. It is of particular importance to public interest in T&T as it regulates oil and garbage pollution of the sea. Despite being a signatory, these international conventions "have no legal basis in a particular country until legislation has been enacted to domesticate such a convention". Annex 3 of the 2006 NEP lists the international agreements to which T&T was signatory at that time but does not actually specify that these agreements be undertaken. In other words, the 2006 NEP does not reinforce the need for enactment of MEAs.

Surely, given the new MEAs that T&T has signed since 2006, especially the Paris Climate Change Agreement (2016) and the longstanding failure to fulfil MEAs dating back to the 1970s, the public has every right to expect that the 2018 NEP makes specific commitment to enact all signed MEA as a matter of public priority or at the very least, make some form of commitment to do so. It would not be acceptable to leave them listed in an Annex of the 2018 NEP.

6.2 Designation of Environmentally Sensitive Areas

The GAR points out that to date three locations in Trinidad, the Matura National Park, the Nariva Swamp and the Aripo Savannas were designated as Environmentally Sensitive Areas (ESAs) under the Environmentally Sensitive Areas Rules (2001). There is a gap in the analysis of the GAR in the consideration of whether or not the policy expectations in 1998 and 2006 were fulfilled, in terms of the number of locations actually designated as ESAs. The first point to note is that *no ESAs were designated in Tobago.* The obvious two requiring urgent designation is the forested Main Ridge (the source and cause of all Tobago's freshwater) and the Bucco Reef Complex (BRC) including the Bon Accord Lagoon and surrounding mangroves.

Moreover, what is important to note in the case of Tobago's BRC - a long-standing recipient of uncontrolled and untreated sewage – is that the Water Pollution Rules as they exist, require the most stringent effluent quality discharge standards for designated ESAs. Bucco Reef is in dire need of protection from sewage. The GAR does not come to terms with this fact and therefore does not add any urgency to the 2018 NEP to address the need for what are arguably Tobago's greatest physical assets – the Main Ridge and the BRC. This is not acceptable.

Tobagonians will remember failed efforts by the EMA to designate the BRC as an ESA in 2012. Why did these efforts fail? Are there other locations that are of enormous public value or are essential to attract rainfall and fresh water to T&T that urgently need such designation? Surely, parts of the Northern Range in Trinidad need to be protected from logging, squatting, quarrying and other destructive activities so that they can act as a freshwater generating resource areas to be protected in perpetuity in the form of designated ESAs (as recommended in the EMA's 2004 Annual Report). Surely, we are a people not so foolish as to depend on taking the salt out of the sea as our long-term means of supplying domestic drinking water. Desalination is expensive, polluting, and energy intensive. Desalcott is only able to supply water to Point Lisas industries at the charged price because the natural gas supply costs are subsidized and below market rates. We pay for this subsidy. Qui Bono?

Tobagonians in the 218 NEP consultations made clear that "what is good for Trinidad may not be good for Tobago". Participants pointed to the urgent need to desilt the Hillsborough Dam (a major source of *free*, fresh and mineral rich healthy potable water), something that has not been done for decades. Yet, we read in the papers that WASA is inviting bids to establish a desalination plant in Tobago to desalt 5 million gallons per day, roughly 50% of existing supply, under similar conditions to what prevail in Trinidad (private build-own- operate contracts). While the industrial sector on Point Lisas might be able to afford to pay for desalted water, domestic consumers in Tobago ought not to. In any event, it will bankrupt WASA's Tobago operations unless the industrial scale *Sandals* is willing to pick up the bill.

The main point here is that T&T is a water rich country with ample naturally occurring potable water supplies to meet domestic needs. This is indisputable. From a public interest perspective, the 2018 NEP is obligated to promote water security through the designation of strategic locations such as mountainous water bearing forested areas as ESAs. Failure to do so would not only be a failure to balance "environment" with "development" but to betray the very policy essence of natural resource management, and in doing so fail to guarantee future generations their right to an adequate and

affordable supply of drinking water. WASA cannot afford to repeat in Tobago what has accomplished in Trinidad, not with the staggering $TT 8B debt they have on their books.

The 2018 NEP must therefore, acknowledge the imperative of "water security" giving primacy to natural sources and not to desalted seawater, which is vulnerable to oil spills, persistent pollution off Point Lisas and ultimately illogical as a public water supply source in a water rich islands like T&T.

Finally, issues like water security reinforce the need for the retention of cost-benefit analysis as a core policy principle and in doing so; ensure such analyses are required of all TORs in the determination of CECs for further allocation of fossil resources, promoting food and energy security and land use allocations, especially when high lost opportunity costs are apparent.

7. Carrying Capacity (CC)

The 2006 NEP has as a specific objective to "develop within the carrying capacity (assimilative capacity of the environment) of the country through national physical development and planning; and the sustainable use of renewable resources and the conservation of non-renewable resources". This objective is also a "Basic Principle" under Respect and Care for Community Life as follows: "National physical development and planning policies must address in a realistic and holistic way the need to stabilize population growth, reduce poverty and promote equal access to all national services.

An ecological approach to human settlements planning must be implemented in order to make our villages, towns and cities clean green and efficient. Strategies and plans must also be introduced to reserve the most fertile soils for agriculture and to utilize existing agricultural land optimally. Resource conservation, waste minimization and recycling must be promoted as a way of life. Economic incentives environmental taxes and "Green" consumer movements must become an accepted part of our environmental management strategy".

Interestingly the concept of "Carrying Capacity" has not only been dropped as a specific objective and a basic principle in the draft 2018 NEP, it has been removed altogether. Again, this is astounding and demands an explanation from the EMA. It does not take an expert to conclude that the oil rush that took place in Trinidad for more than a century and the gas rush which has taken place over the last two decades has not only exceeded the carrying capacity of coastal and off-shore assets, but has also severely polluted fishery spawning grounds and destroyed marine ecosystems. Indeed much has been lost beyond the view from "the commanding heights" of our "mature energy province" (oil being "very mature" (hardly any left worth getting) and gas "mature", (following close behind).

Despite the complete failure to succeed in achieving the CC objective of the 2006 NEP, the CC principle is even more important now since "the era of cheap gas is over" as declared to local media in 2012 by Robert Riley (ex-CEO and Chairman of British Gas T&T) at the Piarco Airport (on his departure). The fact of the matter is that further extraction of fossils through secondary recovery methods in already mined areas have more severe environmental implications than when the resource was initially exploited. Our readily accessible oil/gas fields are not only mature but also tired. Spent "product water" used to help what remains of the fossils out of the ground by pumping it back in, has to be discharged. This is

contaminated. Its disposal is unregulated. This means environmental consequences of exhausting these oil/gas fields are greater than when they yielded their economic goods at the beginning. To compound the problem the infrastructure that conveys pumped oil/gas is old, decrepit and poorly maintained. This, according to one of the "distinguished experts" engaged by the EMA, is why "we have frequent oil spills".

The Administrative Record notes that at one of the consultations a citizen said, *"extractive industries are there to act exhaustively"*. They do so by seeking more and more concessions and risk uptake by Government. The Government, having failed to diversify from its dependency on revenues from fossil extraction, keeps clinging on, conceding more and more, and exaggerates the benefits and understates the costs. This *race to the bottom* is disastrous and will make the *Dutch Disease* seem like a trifling sniffle to Trinbagonians when fossils indeed become too expensive to exploit.

I have elaborated the above in the CC comment section to help the EMA and others to again think carefully though issuing further CECs for oil/gas exploration-exploitation (in whatever phase) without the requirement of an EIA. I can see no good reason for dropping commitments to observing past NEP objectives and principles such as CC (despite the damage that is already done).

I would invite the CEO to explain the motive behind abandoning CC. If it is because successive governments have failed abjectly to adequately concern itself with ecological and public interests in the pursuit of oil/gas, then the day has come for citizens everywhere (including technocrats in the EMA) to not only object but to insist that this diabolical failure be corrected.

8. Failure to Form National Council for Sustainable Development (NCSD)

Both the 1998 and 2006 NEPs required the GOTT to establish a NCSD as a mechanism for furthering the implementation of sustainability. This Council would legitimize the role of civil society as a partner with government in making policy for implementation of the sustainable development agenda and thereby moving it from agenda to action. It will bring together different groups within society to get a balanced agreement on policies activities for sustainability. This Council is supposed to provide a forum for Government, business and the environmental movement to have ongoing oversight with advisory functions. This forum is supposed to help build confidence in industry by discussion on objectives, processes and practices and the open disclosure of the results of monitoring. It is to be adaptive, continually re-directing its course in response to experience and to new needs.

The draft 2018 NEP has retained Government's commitment to the NCSD. *It is 20 years late.* Consequently, civil society remains outside of the policy implementation process and in some cases has to resort to the Privy Council to have basic principles honoured. This might also explain partly the diabolical failure referred to earlier. Comments received from the "distinguished experts" suggest that the NCSD be "high level so Permanent Secretaries should be the responsible participants here bringing along his/her technocrats when necessary. Similarly the EMA Head must be the Chair inviting relevant technocrats as necessary".

I would advise the CEO of the EMA to consider this suggestion carefully as it sounds like a recipe for more bureaucracy and an avenue for more political interference. Technocrats have failed to act independently of politicians. Politicians are widely deemed corrupt. What I would like to see is an immediate establishment of the NCSD giving prominence or at least parity to civil society representation, especially from uncompromised organizations that have functioned at the grass roots and demonstrated longstanding commitment to public interest matters. Hence, the 2018 NEP needs to emphasize public interests over technocrats.

9. Public Interest Crisis

Finally, the most recent national environmental literacy rates published in 2016 by the EMA alarmingly reveal that only 2% of the national population is even aware that a National Environmental Policy exists. This in my view is a public interest crisis.

If the 2018 NEP does not in fact "belong to the people" and is perceived to belong to the "1%" (special interests) and their attendant politicians, then the 2% who are actually aware of not only its existence, but its inherent weaknesses (including technocrats), may become increasingly apathetic and disillusioned. The other 98%, especially the youths, already feel betrayed and even angry at how a place as rich and blessed as we once were, could have succumbed to so much crime, corruption, pollution and poverty. Any NEP will remain insignificant to them unless it is crafted to serve their very best interests.

END

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