

**Address delivered by Her Honour Sandra Paul, Chairman of
the Environmental Commission of Trinidad and Tobago, on
the occasion of the National Launch of The Environmental
Commission's Informational Material**

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Crowne Plaza Hotel
Wrightson Road,
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Trinidad & Tobago

It is my singular pleasure to welcome you to the National Launch of the Environmental Commission's Informational Material. Your attendance in such large numbers is sincerely appreciated.

The Commission inaugurated on November 16th, 2000 is now in its fifth year of existence – a relatively short period of time in the life of any institution. The Environmental Commission of Trinidad and Tobago is proudly the first of its kind in the region and one of the few in the world. Please permit me to give a short background on the establishment and jurisdiction of the Environmental Commission of Trinidad and Tobago.

The Environmental Commission is a superior court of record, established by the Environmental Management Act, 2000. The Commission has an official seal that shall be judicially noticed and has in addition to the jurisdiction and powers conferred upon it by the Act of 2000, all the powers inherent in a superior court of record. The Commission has the power to enforce its own judgments and orders, and the same power to commit for contempt as the High Court of Justice.

The Act provides that the Commission consists of a Chairman, a Deputy Chairman, and four Commissioners. His Excellency the President of the Republic of Trinidad and Tobago appoints the Chairman and Deputy Chairman who are required to be attorneys-at-law of at least ten years standing. He also appoints the other Commissioners, who are appointed from among such persons as appear to the President to be qualified by virtue of their knowledge of, or experience in environmental issues, engineering, the natural sciences or the social sciences.

The Commission has the power to hear and determine a number of matters provided for under the Act of 2000, which include, among other things, the jurisdiction to hear and determine appeals from decisions or actions of the Environmental Management Authority (EMA), applications by the EMA for the enforcement of any Consent Agreement or any final administrative order, and

complaints brought by a private party against any other person for a claimed violation of an environmental requirement, these complaints are known as Direct Private Party Actions.

In addition to its adjudicatory powers, the Commission has been given the power to resolve disputes using alternative dispute resolution, ADR. The ADR process selected by the Commission for resolution of disputes is mediation. Mediation is a non-adversarial process where the parties in dispute are encouraged to negotiate a settlement of their dispute with the assistance of a third party neutral, a mediator. Members of the Commission conduct the mediation.

In keeping with its status as a superior court of record, the Commission's work is supported by the Registry whose head is the Registrar. The Registrar of the Commission is an attorney-at-law appointed by the Judicial and Legal Service Commission. The Commission's Registrar is Mrs. Nicole Ramcharran-Ramdass.

I trust that my short lecture on the establishment and jurisdiction of this institution has assisted you in recognizing and understanding that the Environmental Commission is a court of law. A court, however, that is uniquely different from, for example, the High Court of Justice, in that its membership is multi-disciplinary. The composition of the Commission, a specialist court, is uniquely beneficial because of the types of matters that have been filed and are likely to be filed at the Commission. Some of these matters will contain evidence that are highly technical and scientific, can have issues dealing with public health, and of course not to be left out are the legal issues that inevitably arise. The scientific and technical experts on the Commission are in a position to effectively evaluate the evidence so that the court's decision will be balanced, having regard to all facts and issues presented.

There has been much said that the Environmental Commission has no work and thus has been doing nothing. You may well ask what has the Commission been doing? The Commission has been working. The Court uses caseload management techniques and thus does not measure its work by the number of trials. The Commission without trial has settled most of the matters which have come to the court in mediation. Mediated matters tend not to make the legal news. I am happy to report that there are no part-heard matters pending before the Commission.

However, it is true that the court is greatly unused. The Commission is a creature of statute with a limited jurisdiction. Consequently, the Commission's jurisdiction and caseload are dependent on the written laws conveying jurisdiction upon it. Apart from the Environmental Management Act, 2000 and the subsidiary legislation passed thereunder, no other pieces of legislation exist which would contribute to the Commission realizing its full potential. We at the Commission look forward to the enactment of the Air Pollution Rules, the Water Pollution Rules, the Hazardous Waste Rules and the Beverages and Plastic Containers Act, which would establish jurisdiction in the Commission to hear disputes arising thereunder. The enactment

of these pieces of legislation will go a long way in ensuring that the Commission meets the mandate for which it was established.

I submit that that mandate is consistent with the policy of the Government of Trinidad and Tobago which declares, *inter alia*, in the preamble to the Environmental Management Act, that the Government of Trinidad and Tobago is committed to developing a national strategy for sustainable development, being the balance of economic growth with environmentally sound practices, in order to enhance the quality of life and meet the needs of present and future generations. To accomplish this goal of sustainable development, the Commission is cognizant of the very delicate role it must play.

We have been working assiduously to ensure that we are prepared and suited to the tasks that lie ahead of us. Over the last twelve months, we have undergone in-house training in Judicial Decision Making, facilitated by Mme. Justice Monica Barnes (retired), a three-day Workshop in Judgment Writing facilitated by Dr. James Raymond, of the USA, a writing expert. Dr. Raymond has conducted, regionally, similar workshops for the Supreme Courts of Trinidad and Tobago, Guyana and the Organisation of Eastern Caribbean States. I wish to express the Commission's thanks to the Embassy of the United States of America for facilitating the attendance of Dr. Raymond.

The Deputy Chairman, Her Honour Indira Ramrekeringh, attended the Environmental Law Center of the Vermont Law School, Vermont USA, where she participated in the course on Alternative Dispute Resolution and the Environment. With one exception, all the Commissioners are certified mediators. Her Honour Anne Marie Sirju attended a conference on Environmental Sciences, in New Orleans, USA, and in my capacity as Chairman I participated in a capacity building visit to Winnipeg, Canada. The Canadian International Development Agency (CIDA) and the Institute of Public Administration of Canada (IPAC) made this visit possible.

We at the Commission are mindful of the fact that we perform judicial duties, and therefore embarked upon the tasks of drafting a Code of Conduct which though non-binding will inform the manner in which we conduct ourselves as Members of the Environmental Commission.

Training was not just limited to the Commission's members but extended to its staff, who participated in a four-day workshop hosted by DRA Consulting on Professionalism in the Workplace. A Code of Conduct was also prepared and adopted by the staff. Everyone at the Commission is mindful of his/her responsibility as a member of a superior court of record and staff of such a court that he/she has pledged him/herself to a higher standard of behaviour and performance.

While we are poised and ready to discharge our responsibilities, we have however recognized that the Environmental Commission is a little known institution in Trinidad and Tobago. In a bid to enlighten members of the public about the existence and jurisdiction of the Commission, over the last year, we invited various stakeholders to meet with us. These meetings were fruitful. We nonetheless acknowledged that that approach was limited, and that there was a need for a higher level of visibility for the Commission.

There are members of the public who may have heard of the Commission, but many of them are of the view that it is either the Environmental Management Authority or a department of the EMA or even a department of the Ministry of Public Utilities and the Environment. We have even heard ourselves being described as a Board of Directors. We are constantly placed in the position of having to explain who we are and what we do, and that the Commission is a court of law whose decisions can be appealed to the Court of Appeal.

It is against this background that we decided that we needed to undertake a concerted public education initiative. To this end we have produced a series of brochures and booklets:

- (1) A Guide to the Environmental Commission of Trinidad and Tobago.
- (2) A Guide to Applications for deferment of decisions made by the Environmental Management Authority, under sections 25 & 41 of The Environmental Management Act, 2000.
- (3) A Guide to Appeals against decisions of the Environmental Management Authority under The Environmental Management Act, 2000.
- (4) A Guide to instituting civil action (Direct Private Party Action) against other persons for violation of environmental requirements.
- (5) A Guide to hearings of matters arising under the Environmental Management Act, 2000 and subsidiary legislation made thereunder.
- (6) A Guide to Mediation at the Environmental Commission.

I am pleased to report that these brochures and booklets will soon be available in Spanish.

As I pointed out earlier, the Environmental Commission of Trinidad and Tobago is the first of its kind in the region and one of the few in the world. Consequently, we thought it important to develop a website, so that national, regional and international recourse could be had on the operations of the Environmental Commission of Trinidad and Tobago.

We have targeted the medium of television to enlighten the population of our existence and jurisdiction. To this end, the Government Information Service has facilitated the production of an info-video on the Commission. Finally, the Commission wishing to symbolize what we stood for, commissioned and approved a logo, the Environmental Scales of Justice, which will be our mark.

It is our intent, through the informational material being launched today, to raise the level of consciousness about the existence, role, jurisdiction and powers of the Environmental Commission.

I wish to recommend that it would go a long way in assisting the public to appreciate the nature and jurisdiction of the institution, if there were a name change to the Environmental Court. The institution is still in its infancy. Now is the time to set things straight and get them right. A change in name from Environmental Commission to Environmental Court will go a long way in the eyes of members of the public in their appreciation of the fact that we are a court, an institution to which they can have recourse.

At this juncture, I would like to introduce the members of the Environmental Commission. Her Honour Indira Ramrekersingh is the Deputy Chairman of the Commission, Her Honour Dr. Judith Gobin, is the Environmental Scientist on the Commission, His Honour Dr. Eugene Laurent, is the Environmental Health Specialist and Her Honour Anne Marie Sirju, is the Environmental and Industrial Chemist on the Commission. The enabling legislation provides for a fourth Commissioner. We look forward to that post being filled in the not too distant future.

I wish to acknowledge the sterling contributions of the former Registrar of the Environmental Commission, Mr. Andrew Dalip, in the preparation and production of the informational material, and that of the Registrar, Mrs. Nicole Ramcharan-Ramdass.

Distinguished guests, I thank you for your kind attention.

May God's Blessings fall richly upon you.