

ANTIGUA AND BARBUDA



ENVIRONMENTAL PROTECTION AND MANAGEMENT (SIRF FUND CLIMATE
CHANGE ADAPTATION WINDOW) REGULATIONS 2020

STATUTORY INSTRUMENT

2020, No. 54

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**ENVIRONMENTAL PROTECTION AND MANAGEMENT (SIRF FUND CLIMATE
CHANGE ADAPTATION WINDOW) REGULATIONS 2020**

ARRANGEMENT OF SECTIONS

REGULATIONS

1. Short title and commencement
2. Scope, Intent and Objectives of Regulations
3. Interpretation
4. Establishment, Administration and Objective of Climate Change Adaptation Window
5. Establishment and Objective of the Revolving Fund Programme Pilot
6. Administration of the Revolving Fund Programme Pilot
7. Eligibility for Loans
8. Details of the Loans
9. Independent Performance Evaluation of the Revolving Fund Programme Pilot

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**ENVIRONMENTAL PROTECTION AND MANAGEMENT (SIRF FUND CLIMATE
CHANGE ADAPTATION WINDOW) REGULATIONS, 2020**

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REGULATIONS under section 121 of the *Environmental Protection and Management Act, 2019* (EPMA 2019) for the establishment and administration of the Climate Change Adaptation Window of the Sustainable Island Resources Framework Fund (SIRF Fund) and its Revolving Fund Programme.

1. Short title and Commencement

(1) These Regulations may be cited as the Environmental Protection and Management (SIRF Fund Climate Change Adaptation Window) Regulations, 2020.

(2) These Regulations shall come into force on the date of its publication in the *Gazette*.

2. Scope, Intent and Objectives of Regulations

These Regulations establish the governance structure and the administrative procedures of the SIRF Fund Revolving Fund Programme for Adaptation.

3. Interpretation

In these Regulations –

“Act” means the Environment Management and Protection Act, 2019;

“Board” means the SIRF Fund Board established under section 94 (1) of the Act;

“climate change adaptation” means any adjustment in natural or human systems in response to actual or expected climatic stimuli or their effects, which moderates harm or exploits beneficial opportunities, and includes various types of adaptation, including anticipatory and reactive adaptation, private and public adaptation, and autonomous and planned adaptation;

“Climate Change Adaptation Window” means the thematic funding Window for the climate change adaptation window established pursuant to section 98 (1) of the Act;

“Department” means the Department of Environment specified under section 4 (1) of the Act;

“Fund” means the Sustainable Island Resources Framework Fund (“SIRF Fund”) established under section 91 (1) of the Act;

“Green Climate Fund” means the operating entity of the Financial Mechanism under United Nations Framework Convention on Climate Change established by its Conference of the Parties in 2010.

“Loan” means a loan established under the Revolving Fund Programme outlined regulation 8 of these Regulations;

“Minister” means the Minister with responsibility for the environment;

“Revolving Fund Programme” means the pilot programme of the Fund established under regulation 5 of these Regulations which makes provision for issuing of concessional loans to certified Funding recipients to address the incremental cost of climate change adaptation, in expectation of the future repayment of the loan plus interest to the Fund by said recipients;

4. Establishment, Administration and Objective of Climate Change Adaptation Window

(1) Notwithstanding section 98 (1) of the Act, there is hereby established a Thematic Funding Window of the Fund to be known as Climate Change Adaptation Window.

(2) The objective of the Climate Change Adaptation Window is to allow for designated financing for climate change adaptation projects or programme as may be established by the Board from time to time in accordance with

(3) Without prejudice to section 98 (2) of the Act, the Board shall manage and administer the Climate Change Adaptation Window.

5. Establishment and Objective of the Revolving Fund Programme Pilot

(1) Further to regulation 4 (2) of these regulations, there is hereby established a pilot Revolving Fund Programme within the Climate Change Adaptation Window of the Fund established under section 95 (2) (c) of the Act.

(2) The objective of this pilot Revolving Fund Programme is to support the provision of adequate, sustainable, and accessible financing for climate change adaptation in accordance with the provisions of the United Nations Framework Convention on Climate Change.

(3) While not in any manner limiting the generality of regulation 5 (2) of these regulations, this pilot Revolving Fund Programme shall focus on, *inter alia*—

(a) achieving Enhanced Direct Access status with the Green Climate Fund by enhancing country ownership of projects and programmes through devolving decision making at country level, thereby allowing greater involvement and input from impacted stakeholders which is based on transparent criteria that are aligned with the Green Climate Fund’s investment criteria and results management framework; and

(b) piloting vulnerability assessments to determine loan flexibility in which these assessments will allow for payment and/or debt forgiveness, using the

indicators/criteria such as gender, local area vulnerability to the adverse effects of climate change, underlying social vulnerability, and financial vulnerability.

(4) Further to section 96 of the Act, the activities and operations of the pilot Revolving Fund Programme are to be implemented in compliance with the following principles—

- (a) avoid significant harm to the environment, human health, cultural or historic sites, or ecosystem resilience;
- (b) avoid activities that significantly degrade or convert critical natural habitats;
- (c) avoid financing the introduction or use of potentially invasive, non-indigenous species;
- (a) avoid activities that cause adverse social or economic effects on any community, group of persons, or any individual, and where avoidance is not practical, mitigate adverse risks and impacts;
- (e) promote inclusiveness and avoid discrimination against any group of persons, including children, women and girls, the elderly, people living with disabilities, and people living with human immunodeficiency virus infection and acquired immune deficiency syndrome (HIV/AIDS);
- (j) respect the right to privacy and confidentiality of persons, while being sensitive to the need for transparency;
- (g) when screening any application, the pilot Revolving Fund Programme shall assess and consider particular impacts on marginalized and vulnerable groups;
- (h) the pilot Revolving Fund Programme shall not finance the cost of involuntary relocation of people;
- (i) loans awarded by the pilot Revolving Fund Programme shall –

(1) not use or promote the use of any substances listed under the Stockholm Convention on Persistent Organic Pollutants;

(2) promote soil conservation and avoidance of degradation or conversion of productive lands or land that provides valuable ecosystem services; and

(3) not be used for any technology that uses fossil fuel.

(5) Regulations 5, 6, 7, 8 and 9 of these regulations shall expire at the end of six (6) months beginning with the day on which the independent evaluator submits to the Board the written outcomes of the independent performance evaluation conducted in accordance with regulation 9 of these regulations.

6. Administration of the Revolving Fund Programme Pilot

(1) Without prejudice to section 98 (2) of the Act, the Board shall manage and administer the pilot Revolving Fund Programme of the Climate Change Adaptation Window.

(2) The Board may from time to time establish further procedures of the pilot Revolving Fund Programme.

(3) Loan applications shall be approved or rejected by the Board.

(4) The Board shall appoint an Officer shall—

(a) collect and collate all loan applications;

(b) input all loan applications into the database specifically designed for the pilot Revolving Fund Programme;

(c) check for completeness and compliance of all loan applications; and

(a) submit all loan applications for relevant for technical assessments as established by the Board.

(5) The Board in collaboration with the Department shall—

(a) conduct technical assessments for all loan applications which includes site visits and engineering assessments;

(b) monitor the compliance of the Board's functions as established in regulation 6 (1) of these regulations; and

(c) submit technical assessments to the Department for review.

(6) The Board shall—

(a) review all loans applications and accompanying technical assessments;

(b) assess risk levels of these loan applications;

(c) conduct vulnerability assessment of each application;

- (a) approve or reject loan applications based on their review; and
- (e) monitor and evaluate the performance of the pilot Revolving Fund Programme and prepare quarterly reports on its portfolio performance.

7. Eligibility for Loans

For an applicant to be eligible for a loan, they must be—

- (a) the owner of the home or business;
- (b) employed or have a source of income;
- (c) willing to be subjected to direct debits on their salary/account for loan payments, where applicable; and
- (a) willing to adhere to all the terms and conditions of the loan agreement.

8. Details of the Loans

- (1) Loans shall be unsecured and amortized over the term of the loan.
- (2) The interest rate on the loan shall be concessional at a rate determined by the Board at the direction of the Cabinet and taking into consideration donor requirement as captured in relevant Term Sheets.
- (3) A loan shall be repaid in monthly instalments over a period of not more than twenty (20) years from the time of disbursement, barring force majeure after which mutually agreed terms of the loan may be renegotiated for extension of payment period or Payment forgiveness as allowed by the donors.

9. Independent Performance Evaluation of the Revolving Fund Programme Pilot

- (1) The performance of the pilot Revolving Fund Programme shall be appraised and evaluated by an independent evaluator once three hundred (300) loans have been issued under the aforementioned programme.
- (2) The Board shall develop Terms of Reference to guide this independent performance evaluation with its focus on evaluating, *inter alia*, the extent to which achieve its objectives in regulation 5 of these regulations.
- (3) The Board shall select the independent evaluator through an open and transparent procurement process.
- (4) The independent evaluator shall submit in writing and report to the Board on the outcomes of this independent performance evaluation.

(5) The purpose of this independent evaluation is to inform the Board on whether the continuation of the Revolving Fund Programme is in the best interest of the Fund and the achievement of its purpose.

(6) The Board shall review the evaluation and take it into consideration if it decides to propose the development of any new regulations, policies, manuals, and procedures for the Revolving Fund Programme.

Made on the 14th day of August, 2020

Hon Molwyn Joseph,
*Minister cf Health, Wellness
and the Environment.*