

OECS PROTECTED AREAS AND ASSOCIATED LIVELIHOODS PROJECT

**REVIEW OF THE
POLICY, LEGAL AND INSTITUTIONAL FRAMEWORKS
FOR
PROTECTED AREAS MANAGEMENT
IN
ANTIGUA AND BARBUDA**



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TABLE OF CONTENTS

	<i>Page No.</i>
List of Tables	3
List of Figures	3
Acronyms	4
Executive Summary	6
1. INTRODUCTION	11
1.1 Methodology	11
2. OVERVIEW OF DEVELOPMENT PLANNING PROCESS	12
2.1 Macro-Economic Planning Process	14
2.2 National Environmental Planning	15
2.3 Cross-Sectoral Linkages	18
3. PROTECTED AREAS POLICY AND LEGISLATIVE FRAMEWORK	20
3.1 Protected Areas Policy	20
3.2 Legislative Framework for Protected Areas	23
4. INSTITUTIONAL FRAMEWORK	29
4.1 Protected Areas Management Institutions	29
4.2 Supporting Institutions	31
4.3 Institutional Gaps and Current Initiatives	33
4.4 Institutional Capacity for Protected Areas Management	34
5. CURRENT STATUS OF PROTECTED AREAS MANAGEMENT	37
5.1 Overview of the Current System of Protected Areas	37
5.2 Support Systems for Protected Areas Management	45
5.3 Current and Planned Initiatives	48
6. MAJOR ISSUES	51
6.1 Threats to Protected Areas	52
7. SUMMARY AND RECOMMENDATIONS	54
Bibliography	55
Appendix 1: Summary of OPAAL Project	57
Appendix 2: Terms of Reference	61
Appendix 3: Institutions Consulted	66
Appendix 4: Questionnaires for Protected Areas Management Institutions	68
Appendix 5: Legislation Relevant to Protected Areas Management in Antigua and Barbuda	73

LIST OF TABLES

Page No.

Table 1:	Protected Areas in Antigua and Barbuda	38
Table 2:	Proposed Protected Areas	39

LIST OF FIGURES

Page No.

Figure 1:	Location Map of Antigua and Barbuda	13
Figure 2:	National Coordinating Mechanism for Environmental Conventions	34
Figure 3:	Protected Areas on Antigua	41
Figure 4:	Protected Areas on Barbuda	42
Figure 5:	Places of Historical and Cultural Interest on Antigua	43
Figure 6:	Places of Historical and Cultural Interest on Barbuda	44
Figure 7:	Site Designation Process used by the Fisheries Division	47

ACRONYMS

CARICOM	Caribbean Community
CARIFORUM	Caribbean Forum
CBD	Convention on Biological Diversity
CBO	Community-based Organisation
CREP	Caribbean Regional Environmental Programme (Project)
EAG	Environmental Awareness Group
EIA	Environmental Impact Assessment
EPPU	Economic Policy and Planning Unit
ESDU	Environment and Sustainable Development Unit
FAO	Food and Agriculture Organization of the United Nations
FFEM	Fonds Français pour l'Environnement Mondial
GEF	Global Environment Facility
GIS	Geographic Information System
GTZ	Gesellschaft für Technische Zusammenarbeit (German Agency for Technical Cooperation)
IICA	Inter-American institute for Cooperation on Agriculture
IRF	Island Resources Foundation
MACC	Mainstreaming Adaptation to Climate Change in the Caribbean
MEA	Multi-lateral Environmental Agreement
MPA	Marine Protected Area
MTESP	Medium Term Economic Strategy Paper
NEMS	National Environmental Management Strategy
NGO	Non-governmental Organisation
NICE	National Implementation Coordinating Entity
NPC	National Project Coordinator
NTAC	National Technical Advisory Committee
OAS	Organisation of American States
OECS	Organisation of Eastern Caribbean States
OPAAL	OECS Protected Areas and Associated Livelihoods (Project)
OPM	Office of the Prime Minister
PA	Protected Area

PMS	Participating Member State
PSC	Project Steering Committee
PSIP	Public Sector Investment Programme
SIE	Site Implementing Entity
SATAP	Structural Adjustment Technical Assistance Programme
TOR	Terms of Reference
UNDP	United Nations Development Programme
UNESCO	United Nations Educational, Scientific and Cultural Organization

EXECUTIVE SUMMARY

The OECS Protected Areas and Associated Livelihoods (OPAAL) Project is a 5-year project designed to improve the management of protected areas in the Participating Member States of the Organisation of Eastern Caribbean States (OECS). Associated objectives include increased participation in protected areas management by private and civil society organizations, and facilitating sustainable community livelihoods for those communities traditionally dependent on protected areas resources.

This Review is part of an assignment designed to review the policy, legal, and institutional frameworks for protected areas management in the six Participating Member States of the OECS.

The Review for Antigua and Barbuda consisted of a review of relevant literature and consultations with national institutions, with the consultations taking place during the period February 27-March 3, 2006.

Current Status of the Policy Framework

Antigua and Barbuda does not have a policy and plan for a system of protected areas, and thus, protected areas initiatives are driven by sector strategies, primarily tourism and fisheries. A draft Policy for the Development of Forestry, Wildlife, and National Parks prepared in 1988 was not completed and approved. The current planning to prepare protected areas guidance is driven primarily by biodiversity and tourism considerations.

In addition to the development of a national policy and plan for protected areas, other issues requiring policy guidance include:

- (a) The planned declaration of heritage sites as protected areas, and the management of such sites by community organizations or private corporations.
- (b) Commercial activities within marine protected areas.
- (c) Determination of a direction for forestry development, and the role of forests in the development process.
- (d) Management of natural and cultural heritage resources, and linking national heritage management programmes to regional and international efforts.

Current Status of the Legal Framework

There are a number of laws that affect different aspects of the development and management of protected areas. Laws under which protected areas can be declared are:

- Fisheries Act, 1983;

- Marine Areas (Preservation and Enhancement) Act, 1972;
- Forestry Act, 1941;
- National Parks Act, 1984;
- Public Parks Act, 1965; and
- Physical Planning Act, 2003.

The laws are used to varying degrees, with the Fisheries Act (1983) being the most actively used. Priority issues to be considered in the development of the legal framework include:

- (a) None of the legislative instruments provide for the establishment and management of a system of protected areas. As such, coordinating mechanisms, agreement on national objectives, and integrated programming are not currently supported in law.
- (b) Additional regulations are required to support implementation of the many provisions of the various laws.
- (c) The expanded role of civil society supported in policy and used in implementation of specific initiatives need to be supported in the legal framework.
- (d) A number of the laws, particularly the Public Parks Act and the Forestry Act, need immediate and substantial overhaul.
- (e) The provisions for the establishment of a special fund to provide financing for protected areas development and management need to be revised and implemented, ensuring access for all management institutions to meet agreed national goals.
- (f) Given the concern about the negative environmental impacts of development activities, the environmental protection area provisions of the Physical Planning Act should be implemented, with additional policy guidance and more clearly defined rules.

Current Status of the Institutional Framework

Protected areas management functions in Antigua and Barbuda are shared by three (3) institutions, though the laws provide for the establishment of other institutional structures (such as the Public Parks Commission under the Public Parks Act, 1965). There is an even larger group of supporting institutions, including public sector and civil society institutions. Private firms have benefited financially from the use of both natural and historic sites, and the current policy directions suggest an expanded role for private sector, community organisations, and civil society institutions in protected areas management. The main issues to be addressed in the rationalization of the institutional framework for protected areas management in Antigua and Barbuda are:

- (a) Institutional cooperation in programme planning is limited, there are tensions between different institutions, and there is no mechanism for institutional

coordination. The establishment of a formal institutional coordinating mechanism for protected areas management is therefore of paramount importance.

- (b) There is no repository for protected areas information, resulting in loss of information and use of incorrect information. The single exception to this problem is the availability of the laws of Antigua and Barbuda on the Government's website. An information/data management system for protected areas should be established immediately.
- (c) Disaster planning and mitigation is not a major feature of protected areas management in Antigua and Barbuda, despite number disasters in the recent past experienced by Antigua and Barbuda and neighbouring islands. All management institutions should develop threat reduction strategies for the sites for which they are responsible.
- (d) The institutional capacity for protected areas management in Antigua and Barbuda is severely limited, and those limitations are due mainly to insufficient funds to provide the required resources and meet the costs of site establishment and operation.

Current State of Protected Areas Programmes

The current management framework for protected areas in Antigua and Barbuda is fragmented. In addition to the policy, legal, and institutional issues previously identified, the following background information provide an overview of the current state of affairs.

- (a) There are eight (8) protected areas in Antigua and Barbuda, one of which is a Ramsar site. There is no information to verify that the Ramsar site is legally protected under national laws, and the "fate" of the two public parks is currently unknown. Only one site, the Nelson's Dockyard National Park, is actively managed.
- (b) Forest Reserves designated in 1941 under the Forest Act (1941) cannot be located.
- (c) There is no information to determine the current status of the sites, including the ecosystem component of the Nelson's Dockyard National Park.
- (d) There are 41 proposed protected areas, covering national parks, marine parks, marine reserves, marine sanctuaries, wildlife reserves, and historic sites.
- (e) There are approximately 680 historic properties in Antigua and Barbuda, but there is no information on the priorities for protected areas designation.
- (f) In addition to the ongoing programmatic activities, the major protected areas initiatives are the:
 - CREP Amenity Area Demonstration Project – Codrington Lagoon;
 - OPAAL Demonstration Site – North East Marine Management Area;

- Sustainable Islands Resources Management Project – Demonstration activities to be undertaken at the Codrington Lagoon; and
- Pending development of Fort James as a National Park.

The major issues relevant to protected areas management in Antigua and Barbuda identified by this Review are the following:

- (a) **Absence of a National Policy Framework** – Antigua and Barbuda does not have in place a comprehensive policy framework for protected areas development and management. As such, protected areas programming is being driven by sector and sub-sector needs rather than by any systematic planning process.
- (b) **Lack of Institutional Coordination** - The absence of any formal institutional coordinating mechanism reduces the level of cooperation, information sharing, and programme planning between the various institutions concerned with protected areas planning. This results in institutional conflicts, inefficient use of scarce resources, and missed opportunities for advancing the protected areas agenda and development process.
- (c) **Absence of Data Management Systems for Protected Areas** – Research, monitoring, and information management systems are generally absent. GIS datasets for physical planning are being developed, though supporting infrastructure and trained personnel are limiting.
- (d) **Inadequate Institutional Capacity** – Institutional capacity for protected areas management is extremely limited.
- (e) **Threats to Protected Areas** – There are several sources of natural and man-made threats to protected areas, with the threat from storms being very high. Disaster/threat reduction planning is not apparent in existing protected areas programmes.

Summary and Recommendations

Antigua and Barbuda has eight (8) declared protected areas, with an additional 41 sites proposed for protected areas status. Additionally, there are 780 heritage and cultural sites on both islands. The Codrington Lagoon is a site of international importance, and there are other sites of regional and international significance.

Both the natural and cultural heritage sites are increasingly being targeted to support community and sector economic growth. This is particularly true of the tourism sector, which includes strategies and plans to develop ecotourism sites and heritage properties. Additionally, there are current and planned initiatives that will result in more sites being developed, but with no clear improvement in capacity to ensure the continuity of the management regime into the future.

In order to meet these various demands, the following actions are recommended:

- (a) Initiate a protected areas system planning process to develop a comprehensive policy framework and rationalise the legislative and institutional frameworks.
- (b) Undertake institutional assessment of protected areas management institutions for the purpose of designing a capacity development programme for said institutions.
- (c) Establish an institutional coordinating mechanism to assist with oversight of the current initiatives, and support the system planning process.
- (d) Establish a funding mechanism (such as a trust/development fund) to provide a consistent source of financing for protected areas development and management.

**REVIEW OF THE
POLICY, LEGAL AND INSTITUTIONAL FRAMEWORKS
FOR
PROTECTED AREAS MANAGEMENT IN ANTIGUA AND BARBUDA**

1. INTRODUCTION

The OECS Protected Areas and Associated Livelihoods (OPAAL) Project is being implemented by the Environment and Sustainable Development Unit (ESDU) of the Secretariat of the Organisation of Eastern Caribbean States (OECS), in partnership with the governments of Antigua & Barbuda, Dominica, Grenada, St. Kitts and Nevis, St. Lucia, and St. Vincent and the Grenadines. This five-year project is supported by financing provided by the International Bank for Reconstruction and Development (the World Bank) acting as an Implementing Agency of the Global Environment Facility (GEF); the Fonds Français pour l'Environnement Mondial (FFEM) of the Government of France; and the Organisation of American States (OAS).

The OPAAL Project aims to improve the effective management of protected areas by strengthening the national capacities in the Participating Member States (PMS), including facilitating the increased involvement of the private and civil society sectors in protected areas planning and management (Appendix 1). An associated objective is to support sustainable livelihoods by those communities or groups that traditionally depended on natural resources located within protected areas for economic survival.

This Country Report for Antigua and Barbuda is generated as one of the outputs of Component 1 of the project, which “seeks to facilitate more effective institutional framework for conservation management through providing a critical focus on the existing natural resources, legal and institutional frameworks to promote conservation and protected area establishment and management” (Terms of Reference – Appendix 2). The report is based on a review of the current policy, legal, and institutional frameworks for protected areas management in Antigua and Barbuda.

1.1 Methodology

As indicated by the Terms of Reference (TOR), the country review was supposed to involve two distinct, and sequential, steps. Due to the timing of the assignment, the literature collection, review, and stakeholder consultations all took place at the same time.

The visit to Antigua and Barbuda took place during the period February 27 to March 3, 2006, during which consultations were held with nine (9) institutions (Appendix 3). Much of the information presented in this report is based on the review of the documentation presented by the various institutions and the interviews. However, those two sources of information were supplemented by reports produced by, or on behalf of, regional institutions, such as the Caribbean Development Bank, Eastern Caribbean Development Bank, and the OECS Secretariat.

Information on institutional responsibilities for protected areas was obtained from various national environmental reports (primarily the National Environmental Management Strategy) and the relevant legal instruments. Questionnaires were circulated to the protected areas management institutions (Appendix 4) in an attempt to determine their programmes and available resources.

Review of the report was undertaken by the various national institutions prior to submission of the draft report to the Environment and Sustainable Development Unit (ESDU). The summary of the findings was also presented at a workshop on November 1-2, 2006, coordinated by the ESDU at the Cara Suites Hotel, St. Lucia.

2. OVERVIEW OF DEVELOPMENT PLANNING PROCESS

The State of Antigua and Barbuda (Figure 1) actually contains three main islands, Antigua (280 Km²), Barbuda (161 Km²), and Redonda (1.6 Km²). The state has a total landmass of 442.6 Km², supporting a resident population of 71,144 persons (Statistics Division, 2004).

Antigua and Barbuda's economy grew at a rate of approximately 4.93% in 1998-1999, before slowing to 1.3% in 2001 (Kingdome Consultants Inc., 2004). Economic recovery started in 2003, with a GDP growth rate of 3.39%, and accelerated to 14% in 2004 (ECCB, 2005). This increased activity was fueled primarily by increased tourism arrivals, which also resulted in increased activity in the construction sector. As a result, Tourism contribution to Gross Domestic Product (GDP) in 2004 was 12.9%, while the contribution to GDP by the Construction sector was 13.7%. The economy is essentially a service economy, with the service sector (mainly tourism, government services, and financial services) contributing 76.8% of GDP in 2002, while employing 82% of the labour force (CIA Factbook).

The economy is small and open, and is therefore subject to the impacts of changes in the economies of its major trading partners. Additionally, a series of major tropical storms in the past two decades have created major shocks to the economy.

Development policies and programming are therefore designed to grow the economy while ensuring stability from external shocks. In addition to these national development priorities and external market forces, policies and programmes are developed to discharge obligations resulting from regional and international cooperative agreements.



Figure 1: Location Map of Antigua and Barbuda

2.1 Macro-Economic Planning Process

Economic development priorities for Antigua and Barbuda are usually articulated in a Medium Term Economic Strategy Paper (MTESP), and the capital projects are prioritized into the Public Sector Investment Programme (PSIP). However, due to its high per capita income, Antigua and Barbuda has lost funding support from a number of bilateral funding agencies (Consultations, March 3, 2006). As a result, the Government of Antigua and Barbuda has re-organised the development planning and PSIP processes, incorporating the following changes:

- A Development Committee has been established since 2005 with the mandate for the oversight of the PSIP. Specifically, it is responsible to the Cabinet through the Ministry of Finance and the Economy for:
 - Keeping under review the policies and systems necessary to ensure efficient and effective management of the PSIP, and advising the responsible authorities on changes where appropriate;
 - Screening all new investment proposals including those that result from changes in cost or scope to already approved investment projects;
 - Maintaining a comprehensive and up-to-date record of proposals that have successfully met screening requirements;
 - During the development of the budgetary process, prioritization of all screened proposals in accordance with Government policy and priorities and value for money criteria; and
 - Within budgetary expenditure limits, recommend to the Cabinet, through the Minister of Finance and the Economy, screened proposals and existing projects that should be included in the national Budget.
- Departments therefore can no longer submit projects directly to the Cabinet, but must be coordinated through their parent Ministry to the Economic Policy and Planning Unit, within the Ministry of Finance and the Economy. Further, information on all projects should be presented, including those for which grant and loan funding are being sought.
- To improve the internal coordination in each ministry, some have initiated sector planning processes.
- The Economic Policy and Planning Unit (EPPU) functions as the Secretariat for the Development Committee.

In addition to a re-organised PSIP process, the following initiatives have been undertaken:

- A 2-year Medium Term Economic Strategy Paper is under preparation;
- A 5-year National Strategic Development Plan is to be completed by the end of 2006; and
- A Structural Adjustment Technical Assistance Programme (SATAP) has been developed by the Government of Antigua and Barbuda with assistance from the Eastern Caribbean Central Bank. The programme is focused on reviewing fiscal

performance on a regular basis, and identifying macro-economic policy measures to improve fiscal performance.

Environmental planning and protected areas initiatives have been considered within this process, consisting of the following approaches:

- Since 2005, the EPPU has been asking natural resources management agencies to submit estimates of future recurrent costs of projects, so better fiscal planning can be undertaken for the post-donor funding period.
- Environment and protected areas initiatives will be integrated into specific sector plans, but will also be addressed as separate sub-sectors.
- National environmental reporting does not currently take place, but could be coordinated with the EPPU as part of the national development planning process.
- The Director of the EPPU is the Chair of the Millennium Development Goals Task Force, which functions to ensure that the Millennium Development Goals are incorporated into the appropriate national programmes.

2.2 National Environmental Planning

Environmental policy planning in Antigua and Barbuda traditionally takes place on a sub-sector basis, with policies and plans prepared by different agencies, including:

- Environmental health and pollution control – Central Board of Health/Environmental Health Division;
- Forestry, wildlife, and national parks – Forestry Unit
- Fisheries – Fisheries Division;
- Biodiversity – Environment Division; and
- National Parks – Ministry of Tourism and Civil Aviation.

Initiatives to assess and define policy directions for environmental issues have included:

- (a) Preparation of a Draft Policy for the Development of Forestry, Wildlife, and National Parks, 1988;
- (b) Review of forestry and environmental legislation, 1988, 1991, and 2002;
- (c) Preparation of the Country Environmental Profile, 1991;
- (d) Compilation of an Inventory of Wetlands, 1991 (36 sites in Antigua and 9 in Barbuda);
- (e) Preparation of the Biodiversity Strategy and Action Plan, 2000; and
- (f) Preparation of the National Environmental Management Strategy and Action Plan (NEMS), 2004.

The Draft Policy for the Development of Forestry, Wildlife, and National Parks (McHenry and Gane, 1988) was prepared as a policy guidance for the drafting of new forestry and

wildlife legislation meant to replace the Forestry Act (1941). The draft policy recognized the role of the National Parks Act (1984) in the designation of national parks, as well as the role of the then Historical and Recreational Sites Conservation Commission in the listing of historic and cultural sites. In addition to forestry and wildlife issues, the policy focused on the establishment of forest reserves, protected forests (on private lands), and conservation areas. Conservation areas were to be primarily watershed areas to address issues of soil and water conservation, protection of wildlife habitat, protection of landscape values, and protection of natural heritage features. This policy formulation process was not completed, but the report is still referenced in the current attempts at forestry and watershed programming.

The country environmental profile was a compilation of the state of knowledge of the environment of Antigua and Barbuda. It addressed the key environmental issues and proposed a number of policy directions. With regard to protected areas, the environmental profile addressed both natural areas (national parks and protected areas) and historic and cultural resources (historic sites). The report noted the restrictive definition of protected areas to be national parks, and recommended the establishment of a formal system of national parks and protected areas to “... *preserve and enhance prime landscapes and selected habitats for recreation, tourism, education and science, and maintain the country’s biological diversity of flora and fauna*”. The country environmental profile is said to be the first and last major national environmental report, and though its recommendations have largely been ignored, it is still being used by researchers and students.

The Biodiversity Strategy and Action Plan was developed as part of a regional project funded by the United Nations Development Programme/GEF, and was meant to assist countries with articulating the policies and actions meant to discharge their obligations under the Convention on Biological Diversity. The strategy set its overall goal to be that “*the biological diversity of Antigua and Barbuda is sustainably and equitably used, protected and conserved so that it contributes positively to the social and economic development of the country*” (OPM, 2001). The strategy identifies four main objectives in support of that overall goal, all of which are relevant to protected areas development and management.

The National Environmental Management Strategy and Action Plan 2004-2009 is the latest environmental policy guidance, and is now to be implemented as part of the country’s obligations under the St. George's Declaration of Principles for Environmental Sustainability in the OECS (The St. George’s Declaration). Of the 17 Principles identified in the NEMS, two are directly relevant to protected areas management (Section 3.1).

Influence of Multilateral Environmental Agreements (MEAs)

Antigua and Barbuda is a Signatory to four (4), and a Party to sixty one (61) international treaties. The environmental conventions of particular importance include:

- Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region (Cartagena Convention);

- Protocol Concerning Specially Protected Areas and Wildlife to the Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region (SPAW Protocol);
- Vienna Convention and the Montreal Protocol;
- Convention on Biological Diversity (CBD);
- Framework Convention on Climate Change;
- Convention to Combat Desertification;
- Convention on the International Trade in Endangered Species of Fauna and Flora (CITES);
- Convention concerning the Protection of the World Cultural and Natural Heritage (World Heritage Convention); and
- Convention on Wetlands of International Importance especially as Waterfowl Habitat (Ramsar Convention).

Of these, four are of direct relevance to protected areas, these being:

- Protocol Concerning Specially Protected Areas and Wildlife to the Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region (Signed January 18, 1990);
- Convention on Biological Diversity (Signed June 5, 1992; Ratified March 9, 1993);
- Convention concerning the Protection of the World Cultural and Natural Heritage (Acceptance November 11, 1983) and
- Convention on Wetlands of International Importance especially as Waterfowl Habitat (Entry into force October 2, 2005).

These four conventions appear to have very little influence on policy development and planning for protected areas development and management in Antigua and Barbuda. National reports were submitted to the Secretariats of the CBD (2001) and the World Heritage Convention (2003), and the biodiversity strategy and action plan was prepared under the CBD. However, policies and strategies offered in those reports have not been implemented. The CBD has a Programme of Work on Protected Areas, and there is no indication that Antigua and Barbuda has initiated any action in connection with the CBD Protected Areas Programme of Work. The CBD review of the programme of work for the period 2004-2006 noted that the format for the third national report contains nine questions related to the programme of work on protected areas (CBD, 2006). Antigua and Barbuda was not listed among the 50 State Parties that submitted the required reports.

The 2003 Periodic Report to the World Heritage Centre noted that government policy does nothing to protect heritage sites outside of the Nelson's Dockyard National Park, and in fact, the Government is responsible for destruction of some heritage landmarks (Murphy, 2003). The report goes on to state that "*No resources are provided by the State Party for the restoration or preservation of the cultural and natural heritage on Antigua, despite the fact that its economy is completely dependent on tourism*"¹. The Periodic Report notes that the National Parks Authority has been ready for some time to submit Nelson's Dockyard for consideration as a world heritage site. However, Antigua and Barbuda has not submitted a

¹ The development of a heritage tourism programme by the Ministry of Tourism and Civil Aviation indicates some interest by the Government in heritage restoration.

Tentative List, and it is likely that only the National Commission for UNESCO can make any submission on behalf of the State Party.

The Ramsar website lists Codrington Lagoon as a Ramsar Site, but notes that no site-specific management plan has been submitted for that site. The research being conducted at the site by the Environmental Awareness Group, and the selection of the site as the amenity area demonstration site for the Caribbean Regional Environmental Programme (CREP) Project, suggests that there is some local interest in the site beyond having the international designation. However, there is no identifiable programme in place to manage the site. An inventory of mangrove wetlands was conducted in 1991, but aside from a brief information piece on the website of the Environment Division, there does not appear to be any wetlands policy or programme in place.

2.3 Cross-Sectoral Linkages

Omitting government services, the manufacturing/industry, construction, financial services, and tourism sectors are the largest contributors to GDP. However, apart from tourism, there is no clear indication of the linkages between the key economic sectors and protected areas.

The national assessment of the Barbados Programme of Action (Environment Division, 2004) noted the negative impacts of the development practices on land resources, stating that: *“National land management issues have traditionally focused on unsustainable horticultural practices, poor watershed management, uncontrolled livestock grazing and soil and sand mining. Recent investigations and stakeholder analyses specifically reveal that national priorities are inclusive of destruction of natural coastal subsystems to facilitate construction, poor positioning of structures along the coast, degradation of land/vegetation and erosion, depletion of fish stocks due to over fishing and destruction of terrestrial fish habitats, pollution due to improper disposal of garbage sewage, industrial effluent and agricultural chemicals, residential encroachment onto agricultural land and uncontrolled development”*.

The draft forestry policy also identifies this tendency towards deforestation and destructive land management practices, and proposes a range of actions to reverse loss of forest cover, including the establishment of forest estates. However, the Forestry Unit falls within the Department of Agriculture, and there is no agriculture sector policy or plan to provide guidance on future directions for forestry development.

The tourism sector plan identifies a number of strategic initiatives and actions dealing with protected areas development and management. Sustainable tourism objectives include attention to protection of cultural and heritage resources (Section 5.5.1.1), including:

- Identification and protection of national heritage and cultural resources; and
- Further incorporation of cultural and heritage products in the national tourism product.

Of the twelve Strategic Initiatives identified for the strategy, two include specific references to protected areas. The proposed actions for protected areas development and management under the two strategic initiatives are:

- (a) **Strategic Initiative: Barbuda Tourism Development** (Section 6.5)
- Source technical support to help preserve the Frigate Bird Sanctuary;
 - Support the establishment of a National Park and the preservation of historic sites in Barbuda; and
 - Train Barbudans in wildlife protection and preservation.
- (b) **Strategic Initiative: Natural Resources, Heritage and Culture** (Section 6.9)
- Promote the understanding of history and value of culture to nationals, residents and visitors;
 - Lobby for new policies concerning land purchase and land use;
 - Promote the sustainable use of natural resources and heritage sites through preservation and conservation of these natural assets;
 - Monitor and minimize the potential adverse impacts of tourism on the natural environment and national culture; and
 - Increase opportunities for small business/enterprise participation in the management and maintenance of natural resources and the provision of services at public sites.

The tourism sector plan does not provide any guidance on the institutional arrangements to accomplish the protected areas goals, though it lists a number of institutions that should participate in the process. Interestingly, it introduces two concepts that are not fully developed within the current protected areas programming process. The first is the intent to have small businesses participate in the management of the natural assets. If such assets are located in protected areas, then mechanisms, rules, and standards for participation of such groups have to be developed. The Fisheries Division is exploring the same idea, wherein community groups or businesses may manage marine management areas. The second new concept is the monitoring of tourism activities to reduce impacts on natural and heritage resources. Given the current concerns about the negative impacts of tourism on the environment, the development of comprehensive resource use guidelines and monitoring protocols are appropriate actions if protected areas are to be used as part of the tourism product offering.

3. PROTECTED AREAS POLICY AND LEGISLATIVE FRAMEWORK

Antigua and Barbuda does not have in place any semblance of a policy framework for protected areas development and management. Sub-sector strategies and plans identify the need to develop a system of protected areas, but the guiding principles (such as the objectives, scope, policy directions, institutional arrangements, and priorities) have not been articulated. As such, protected areas programming is being driven by sector and sub-sector sporadic needs rather than by any systematic planning process or even overall vision of the role of protected areas in the development of the country.

3.1 Protected Areas Policy

The Draft Policy for the Development of Forestry, Wildlife, and National Parks (McHenry and Gane, 1988) was intended to provide policy guidance for the development of forestry. The draft report included a broader conceptualization of protected areas than contained in any of the legal instruments at the time. However, the draft was deficient in a number of areas, not the least of which was the treatment of multilateral environmental agreements.

The other policy instruments that provide reference to protected areas development and management are the Biodiversity Strategy and Action Plan and the National Environmental Strategy and Action Plan 2004-2009 (NEMS).

As stated above (Section 2.2), the two objectives in the Biodiversity Strategy and Action Plan that are most directly relevant to protected areas development and management are objectives 1 & 2:

- **Objective 1:** A national system, including protected areas, for the management and conservation of biodiversity should be established and developed.
- **Objective 2:** The capacity of governmental natural resources management institutions, as well as non-governmental organizations, to support the objectives and achieve the overall aim of the BSAP, should be strengthened.

The NEMS identify strategic directions and propose specific actions, including:

(a) **Principle 3 – Improve on Legal and Institutional Frameworks**

Strategy – Develop a comprehensive legal and institutional framework that will effectively implement the Principles contained in the St George’s Declaration

Actions Relevant to Protected Areas:

- Identified ecosystems of national importance should be protected. These should include watersheds, mangrove swamps, beaches, and land needed for food security.
- Identify Legislative conflicts and overlaps.
- Need to draft new and/or amend and/or enforce existing laws and regulations to meet multilateral agreements to which the country is a party.

- Conduct an assessment of institutional framework to determine roles and responsibilities of agencies involved in natural resource and environmental management.
- Establish a carefully designed coordinating mechanism to facilitate information sharing, and resource maximization amongst government agencies.

(b) **Principle 13 – Protect and Conserve Biological Diversity**

Strategy - Develop appropriate measures for the management of biological resources to ensure their conservation, research and documentation, sustainable use, and restoration of ecosystems.

Actions Relevant to Protected Areas:

- Develop a system of biodiversity protected areas.

3.1.1 Protected Areas Policy Gaps and Initiatives

With no focus on the development of a comprehensive system of protected areas, there is understandably no policy or procedures in place for system planning. As such, aspects of protected areas development, such as the role of environmental non-governmental organisations and community-based organizations, are supported in practice but have no supporting policy framework. For example, the tourism sector plan has a strategic thrust focused on eco-tourism and community management of publicly-owned attractions, but has not engaged the community organizations in a process of developing guidelines for development and management of such sites.

New issues, not covered in legislation, also have to be addressed under the evolving management regimes. One such issue is the proposed leasing of the seafloor within protected areas for commercial activity (e.g. stingray attraction). The Fisheries Division is in the process of framing an approach to this issue, an approach that may be elucidated in the management plan for the North East Marine Management Area. Even if the management plan for that site addresses the issue, a broader policy framework to deal with similar issues should be developed, as once the precedence is set, other entrepreneurs are likely to develop similar projects.

Current major issues, such as programming to discharge international obligations, require policy guidance. The assessment of the national implementation of the Barbados Programme of Action (Environment Division, 2004) makes the claim that “*With the signing of the Convention on Biological Diversity, the Convention of International Trade in Endangered Species of Wild Fauna and Flora and the Specially Protected Areas and Wetlands Protocol, the Government of Antigua and Barbuda has effectively implemented integrated strategies for the conservation and sustainable use of local biodiversity*” (Page 3-Biodiversity Resources). Yet there is no wetlands programme in place, and no management plan has been prepared for the sole Ramsar site. In fact, the national focal point for the Ramsar convention, the Fisheries Division, does not have a protected areas programme in place. Integration of

the various MEA obligations into a cohesive protected areas policy and plan is an important step in discharging those obligations.

There are a number of initiatives that affect protected areas programming that require further policy support and implementation mechanisms, including:

- (a) The estimation of financing requirements for the post-grant period will either result in more consistent funding support to protected areas projects, or if the information is not submitted in the proposals from the outset, the projects may not be included in the PSIP.
- (b) The Ministry of Tourism and Civil Aviation has developed an initiative on heritage tourism, focusing on the more than 700 heritage sites identified to date (Consultations, February 27, 2006). In developing this programme area, the Ministry now has to contend with a range of issues that require policies and procedures, including:
 - Development of management processes;
 - Inclusion of communities in the decision-making process for site design and development;
 - Maintenance of authenticity in site restoration and management;
 - Relationship with the National Parks Authority if such sites are to be declared as national parks;
 - Provision of capacity support to community groups for site management; and
 - Leasing of heritage sites to private concerns for commercial development.

The policy guidance to support this initiative will be developed as part of the new tourism strategic plan, currently under preparation. In the interim, the Ministry is considering adopting the UNESCO best practice guidelines for heritage site development policies and procedures (Consultation, February 27, 2006).

- (c) The Fisheries Division is in the process of preparing the Fisheries Management Plan for Antigua and Barbuda. The protected areas programme will be developed within that Plan.

3.2 **Legislative Framework for Protected Areas**

A range of laws govern the establishment and management of protected areas. These laws include protection of protected areas resources from external threats, such as pollution (Appendix 5). The legislative instruments under which protected areas can be established are:

- Fisheries Act, 1983;
- Marine Areas (Preservation and Enhancement) Act, 1972;
- Forestry Act, 1941;
- National Parks Act, 1984;
- Public Parks Act, 1965; and
- Physical Planning Act, 2003.

(a) **Fisheries Act, 1983**

This Act provides for fisheries development and management in Antigua and Barbuda waters. The Act mandates the preparation and periodic review of a fisheries management plan (Section 4(1)). This stipulation for periodic plan review implies periodic review of the role and impact of marine reserves. However, the Act does not make specific reference to management plans for marine reserves, an oversight that should be corrected.

Section 22(1) of the Act authorizes the Minister to declare any area of Antigua and Barbuda waters, and any adjacent or surrounding land as appropriate, to be a marine reserve, where special measures are necessary. These measures, which include a provision for the designation of seascapes (Section 22(1)(d)), are:

- (a) *“to afford protection to the flora and fauna of such areas and to protect and preserve the natural breeding grounds and habitats of aquatic life, with particular regard to flora and fauna in danger of extinction;*
- (b) *to allow for the natural regeneration of aquatic life in areas where such life has been depleted;*
- (c) *to promote scientific study and research in respect of such areas; or*
- (d) *to preserve and enhance the natural beauty of such areas”.*

Section 39(2)(n) – Allows for the development of regulations to regulate management and protection of marine reserves and fishing priority areas, taking of corals and shells, and other activities. However, the definition of fish (Section 2) implies that the fisheries legislation, and by extension the Fisheries Division, has management responsibility for many marine resources. As such, the Fisheries Division would be a necessary partner institution where marine or coastal protected areas are managed by other institutions.

(b) **Marine Areas (Preservation and Enhancement) Act, 1972**

This Act provides for the designation of a range of marine protected areas (MPAs), and since the management of the Act falls under the jurisdiction of the Minister responsible for fisheries, it implies that the Fisheries Division may manage, or arrange for the management of, MPAs other than marine reserves. This wide interpretation is supported by Section 3(1), which authorizes the Minister to “...*designate any portion of the marine areas of Antigua and Barbuda as a restricted area where he considers that special steps are necessary for:*

- (a) preserving and enhancing the natural beauty of such areas;*
- (b) the protection of the flora and fauna and wrecks found in such areas;*
- (c) the promotion of the enjoyment by the public of such areas;*
- (d) the promotion of scientific study and research in respect of such areas”.*

The Act also provides for the acquisition of private lands for use as restricted areas (Section 4).

Section 5 states that the Minister may assign management responsibility for a restricted area under this Act to “...*any person, Board, committee or body which he considers competent for the purpose, ...*” This provides the opportunity for non-governmental organizations (NGOs) and community-based organizations (CBOs) to be assigned management responsibilities for sites. New regulations are needed to set out the protocols for the determination of management “competence” for the NGO or CBO, as well as to deal with issues of enforcement and financial management.

The imposition of user fees for sites is one of the aspects of protected areas management that the Minister can regulate under this Act.

(c) **Forestry Act, 1941**

The Act designated all areas under forest at the time the Act entered into force as forest reserves (Section 5). Unfortunately, those areas were not listed in a schedule, and there is now no record of the forested areas at that time. In addition, the Act authorizes the Minister to make Orders to declare forest reserves (Sections 8 and 10). The Act now needs to be updated to list specific areas, as well as deal with issues of private lands as forest reserves, recreation, biodiversity, and forestry for disaster mitigation purposes.

(d) **National Parks Act, 1984**

This Act established the National Parks Authority and provides for “...*the preservation, protection, management and development of the natural physical and ecological resources and the historical and cultural heritage of Antigua and Barbuda*”.

The Act provides for the Minister to give policy direction to the National Parks Authority (Section 6). The Act should be revised to ensure that the development of protected areas policy is mandatory, and is developed through a more comprehensive system planning process.

Section 10 of the Act mandates the preparation of management and development plans for parks, and each plan is to be prepared within 9 months of the declaration of the park. Section 10(4) obligates the National Parks Authority to hold public consultations on each management plan. The 2004 amendment to the Act (No. 11 of 2004) goes as far to specify types of institutions and groups that must be consulted in the plan preparation process. However, neither the Act nor the amendments makes provision to include other groups in all steps of the management process, including operations. Given the stated intention of the Ministry of Tourism to involve CBOs and NGOs in the management of heritage sites, and to have such sites declared as national parks, this is one legislative issue to be addressed.

The Act makes provision for the declaration of any area of land or sea to be a national park (Section 20), and includes provisions for the acquisition of private lands that fall within areas so designated. Apart from Nelson's Dockyard National Park, named by the Act, no other national park has since been designated under the Act.

(e) **Public Parks Act, 1965**

This Act authorizes the Minister in charge of lands to designate any area of outstanding natural beauty as a public park. The Act defines natural beauty to include characteristic natural features, flora, and fauna; as well as architectural, historic, and artistic values (Section 2(2)).

Section 3 of the Act establishes the Public Parks Commission to implement the provision of the Act. There is no information to suggest that the Act was repealed, but there is no reference to the Public Parks Commission in the documentation reviewed. Both issues are important because the Act designated two public parks, the Public Park at English Harbour and the Public Park at Long Bay. Both are fairly large parks and are likely to incorporate large natural areas supporting mixed use. As such, it is unlikely that both sites would have been delisted. However, with the exception of the legislation, the only other reference to the two sites was found in the Country Environmental Profile (1991).

(f) **Physical Planning Act, 2003**

This Act provides the main legal instrument for the orderly development of land, through the provisions for land use planning and development control. The Act supports the establishment and management of protected areas in two main ways.

First, through the land use planning process. Development plans must include policies and proposals for future land use, including the maintenance of environmental quality (Section 10(2)(c) and Second Schedule, Part IV(3)-(6)). Through this mechanism, land is allocated for environmental protection and protected areas (Section 53), and a clear environmental protection policy and plan must be elucidated within the development plan. The second mechanism is through the development control process, wherein development permits must include conditions to preserve natural features and buildings or sites of cultural or historical importance (Section 27(1)).

The Act also makes provision for the protection of buildings of architectural, cultural, or historical importance through the use of Building Preservation Orders (Section 44). Similarly, Plant Preservation Orders can be used to protect a plant or a group of plants of outstanding amenity, environmental, landscape, or scientific value (Section 46(1)).

No protected area has been declared under this Act, and there is no proposal in place so to do in the near future. Other mechanisms to protect resources within protected areas would include the delineation of buffer zones and the application of more rigorous standards and procedures for developments within and adjacent to protected areas. Information received during the consultations indicate that there is no plan to include buffer zone provisions in any regulation, nor to use different standards for environmental impact assessment (EIA) for developments within protected areas.

3.2.1 Protected Areas Legislative Gaps and Initiatives

Though there are several legislative instruments that provide for the establishment and management of protected areas, there are a number of issues not addressed. In many cases, the existing principal acts are not supported by the appropriate regulations. The major gaps are:

- (a) The most obvious legal gap is that there is no instrument that provides for the development of a system of protected areas, or even any coordinating mechanism for existing laws and management institutions.
- (b) There is an urgent need to update existing laws and promulgate new laws and regulations to support the national obligations under the multilateral environmental agreements. With the exception of the Dumping at Sea Act (No. 29 of 1985), Antigua and Barbuda has not recognized these obligations in national law, and has stated, through the Ratification of Treaties Act (1989), that no treaty provision is enforceable in Antigua and Barbuda unless by an Act of Parliament. Considering the efforts by the National Parks Authority to have the Nelson's Dockyard National Park designated as a World Heritage Site, the current initiatives linked to regional protected areas programmes (Section 5.3), and the tourism focus on protected areas, the Government should address this deficiency.

- (c) There are inadequate legal provisions for the participation of civil society organizations in all stages of protected areas development and management. The Marine Areas (Preservation and Enhancement) Act (1972) is the only legislative instrument that specifically states that the Government can delegate management responsibility for a restricted area to any competent entity. Given the current role of groups such as the Environmental Awareness Group, and the stated strategy in the tourism master plan to work with community groups in public site management, it is important that regulations, policies, and procedures be developed for supporting greater participation of civil society in protected areas development and management. In cases where responsibility for management is to be delegated to a non-governmental (including private) organization, clear procedures and protocols must be developed to determine institutional competence, as well as to support the delegation process.
- (d) There is no mechanism identified for financing protected areas development and management. Even the National Parks Authority, with the most sophisticated protected areas management machinery in the country, is dependent primarily on a 6-month tourism season for most of its revenue (Consultations, March 2, 2006). Lack of adequate financial resources was given as the primary reason why the National Parks Authority has not requested the declaration of other national parks. As such, improved management of existing sites and establishment of new sites will require a sustained source of financing. The development and capitalization of a new protected areas funding scheme requires legislative support, whether the provisions of the Finance and Audit Act (1985) are applied or a new legislative instrument is developed. Most Caribbean countries with such funds have capitalized the funds from tourism receipts. An additional possibility in Antigua and Barbuda is to amend the Environmental Protection Levy Act (2002) to set aside a portion of the funds collected for the purpose of protected areas development and management. There is also a provision for a Forestry Development Fund in the Draft Forestry and Wildlife Act (1992).
- (e) Under the Fisheries Act (1983), the Minister or other authorized person can grant permission for activities prohibited in marine reserves (Section 22(3)). Regulations should be developed that link any such approval of prohibited activity to an approved management plan; that is, any such permit should only be for the purpose of furtherance of activities or strategies identified within the management plan.
- (f) Regulations are needed under the Oil Pollution of Maritime Areas Act (1995) to enable development of an appropriate regulatory framework and associated management mechanisms for dealing with oil spills and other sources of oil pollution to protected areas, including a mechanism for estimating damage and levying damage costs to the polluter.
- (g) Given the high level of development impact on important natural resources and ecosystems, detailed regulations are needed under the Physical Planning Act (2003) to define the process to be used in the delineation of environmental protection areas,

as well as the standards to be used to ensure that natural and heritage resources assets are not degraded.

There are three major legislative initiatives that will impact on protected areas development and management:

- (a) Draft Fisheries Act (2004) – The Bill includes a number of new provisions, such as those dealing with aquaculture and artificial reefs. The Bill is an improvement of the 1983 law, but contains a number of deficiencies (Appendix 5).
- (b) Management Plan for North East Marine Management Area – This initiative is not strictly a legislative action. The preparation of the management plan is a requirement under current law, and follows established practice. The implication for legislative change is primarily to address the issues of sustainable livelihoods, especially the leasing of the seafloor within the protected area.
- (c) Draft Environmental Protection and Management Bill (2005) – The Bill focuses on a wide range of environmental protection functions, and establishes the Department of Environment to develop policy guidance and implement the provisions of the law. The Bill provides for new institutional structures, such as an Environmental Registry and a GIS Unit. There is a significant level of attention paid to protected areas and actions to give effect to the obligations under the multilateral environmental agreements.

4. INSTITUTIONAL FRAMEWORK

Responsibility for environmental management in Antigua and Barbuda is shared among seven main state agencies, though several non-governmental organizations are also engaged in environmental activities ranging from environmental education to research.

The NEMS notes that “*The country’s fragmented environmental policy framework has manifested in a lack of clarity of organizational jurisdiction over the management of the use of some resources. The end result is poor management and an equally poor response to both chronic and disastrous impacts to the environment*” (page 11).

The institutional framework for protected areas management includes three state institutions with management responsibilities, four state institutions with support functions, and one non-governmental organization with support functions.

The NEMS identified a national coordinating mechanism for matters dealing with implementation of MEAs. This coordinating mechanism consists of a network of government agencies and NGOs, and is coordinated by the Environment Division. However, there is no coordinating mechanism for protected areas management, though there are legal and policy requirements for inter-agency and public consultations for site designation and preparation of management plans.

4.1 Protected Areas Management Institutions

In order to maintain consistency within the context of this review of the 6 OECS Participating Member States, management institutions are defined as those institutions that have primary responsibility for the daily operations of a protected area.

The Fisheries Division – Ministry of Agriculture, Lands, Marine Resources, & Agro-Industry

The mandate of the Fisheries Division is provided by the Fisheries Act (1983) and the Marine Areas (Preservation and Enhancement) Act (1972). The former Act gives the Division responsibility for development and management of fisheries in Antigua and Barbuda. The latter Act authorizes the Division to designate restricted marine areas to protect areas of natural beauty, as well flora, fauna, and wrecks found in the areas.

The Division is responsible for four marine reserves, but its marine protected areas programme will be prepared under the OPAAL project. The Division is also in the process of preparing the fisheries management plan, and drafting a revised fisheries act and new regulations to address a range of fisheries management issues, including seafood standards.

In addition to the national fisheries programme, the Division participates in a number of regional and international programmes, including:

- CARICOM Regional Fisheries Mechanism – Antigua and Barbuda participates in this programme as a member state of the Caribbean Community (CARICOM);
- National Implementation Coordinating Entity for the OPAAL project;
- National Focal Point for the Mainstreaming Adaptation to Climate Change in the Caribbean (MACC) Project; and
- National Focal Point for Ramsar.

The Division routinely collaborates with a number of other institutions, including:

- National Parks Authority – provides technical support to the Authority on marine issues;
- Reef Check – contributes data to the state of the reefs report;
- Environmental Awareness Group (EAG) – the EAG conducts research on a number of the cays within the North East Marine Management Area;
- South Coast Fishermen’s Cooperative; and
- Tourism industry groups using the marine reserves.

The Forestry Unit – Ministry of Agriculture, Lands, Marine Resources, & Agro-Industry

The Forestry Unit is responsible for implementing the provisions of the Forestry Act (1941), which mandates forestry development and management, establishment of forest reserves, and watershed management. Severe staff and budget shortages has resulted in the Unit focusing on environmental education and initiatives in forest recreation (Consultation, March 1, 2006). The Unit acknowledges that it needs a major overhaul of the Forestry Act and related regulations in order to address the wide range of issues, such as biodiversity, designation of private lands, and establishment of a forestry and wildlife development fund.

The Unit provides technical support to a number of public and private sector institutions in the area of trail development at eco-tourism sites (e.g. Wallings) and in protected areas (e.g. arrangement with the Fisheries Division for the development of trails in the North East Marine Management Area). The Unit is also working with the Ministry of Tourism and Civil Aviation to develop the Antigua Rainforest Canopy Tour.

The National Parks Authority – Ministry of Tourism and Civil Aviation

The National Parks Authority was established by the National Parks Act (1984), with the mandate to “...*preserve, protect, manage and develop the natural physical and ecological resources and the historical and cultural heritage of Antigua and Barbuda*”. The Authority is a statutory corporation with management responsibility for the Nelson’s Dockyard National Park. The Authority is focused on continuous upgrading of the historical resources it owns, managing visitor use in the park, as well as reviewing development plans on private land holdings within the national park. A management/development plan was prepared in

1985 and a strategic plan was prepared in 2004. The latter plan forms the basis for a current proposal to reduce the size of the park. Approximately five regulations dealing with different aspects of site management have been drafted and submitted to the Attorney General for consideration.

The Authority also participates in meetings of the World Heritage Centre dealing with the World Heritage Convention. In this context, the Authority prepared the 2003 Periodic Report on the national implementation of the World Heritage Convention.

Institutions with which the Authority cooperates include:

- Fisheries Division – the Division provides technical support to the Authority, primarily on issues dealing with wetlands.
- Ministry of Tourism and Civil Aviation – a cooperative arrangement for the development of historic sites is under discussion; and
- Development Control Authority – review of development plans on private lands within the national park.

4.2 Supporting Institutions

Supporting institutions are defined as those institutions that do not have responsibility for the daily operations of a protected area, but which, through their legislative mandates or programme areas, regulate specific activities/operations within sites or provide various forms of support to site operations.

Ministry of Agriculture, Lands, Marine Resources, & Agro-Industry

The Ministry of Agriculture, Lands, Marine Resources, and Agro-Industry is involved with natural resources management primarily through its oversight of the Fisheries Division and the Forestry Unit, two of the main natural resources management institutions in the country. Additionally, under the Forestry Act (1941), the Director of Agriculture is also the Chief Forest Officer.

Environment Division – Ministry of Works, Transport & Environment

The Environment Division was created in 1996 by a Cabinet decision, and given the mandate to coordinate environmental awareness programming, develop and report on national environmental programmes, coordinate implementation of the MEA obligations, and implement projects to protect or rehabilitate the environment.

The Division has been conducting environmental awareness programmes, has developed a coordinating mechanism for implementation of MEAs, and has coordinated the preparation of a number of environmental reports (such as the NEMS). In addition, the Division

functions as the National Focal Point for the CBD, the Framework Convention on Climate Change, and the Global Environmental Facility (GEF).

The Division currently does not have the legal authority to function as a coordinating agency for the environmental management institutions, though it collaborates with them on a number of initiatives, including:

- Development Control Authority – the Division is a member of the Board of Directors of the Authority;
- National Parks Authority – collaborate on specific activities;
- Fisheries Division – participates in consultations; and
- Barbuda Council and Environmental Awareness Group – jointly provided oversight of the Caribbean Regional Environmental Programme (CREP) Project at Codrington Lagoon.

Development Control Authority - Ministry of Works, Transport & Environment

The Development Control Authority is responsible for implementing the Physical Planning Act (2003), which mandates the Authority to conduct land use planning and regulate the development of land. As such, the Authority supports the protected areas programme by setting aside land for conservation purposes and by controlling the orderly development of land through the development control process.

Ministry of Tourism and Civil Aviation

The Ministry of Tourism and Civil Aviation affects protected areas programming in a number of ways. First, protected areas support several of the strategic directions of tourism development, and the Ministry is supporting the development of the product in those areas. Secondly, the Ministry is responsible for the National Parks Authority. Third, the Ministry is in the process of developing a heritage tourism programme, and several sites have been identified for declaration as protected areas through this programme.

Environmental Awareness Group (EAG)

The Environmental Awareness Group is a non-profit, non-governmental organization founded in 1989, and managed by a Council of Members. The EAG conducts environmental awareness programmes, participates in inter-agency environmental committees, and coordinates the Antiguan Racer Conservation Project. More recently, the institution collaborated with the Barbuda Council and the Environment Division to provide oversight to the CREP project.

4.3 Institutional Gaps and Current Initiatives

As mentioned above (Section 4), the NEMS noted the fragmented institutional framework for environmental management. The primary institutional issue is therefore that of institutional coordination. One such mechanism exists for implementation of MEAs. The National Coordinating Mechanism was established by Cabinet in 1999 as a mechanism to facilitate inter-agency discussions concerning MEAs. The National Coordinating Mechanism is composed of government and non-governmental organizations (Figure 2), and its functioning is coordinated by the Environment Division. However, that coordinating function is not transferred to regular programming as there is no enabling legislation that supports the institutional coordinating role of the Environment Division. The Division also notes that coordination of the annual reporting process for the St. Georges Declaration is made difficult by the absence of annual work plans in most agencies (Consultations, February 28, 2006).

Institutional coordination for protected areas development and management in Antigua and Barbuda is completely lacking. No lead institution has been identified in law or policy, and various institutions have approached the development of protected areas in an opportunistic manner. The need to prepare a national system plan for protected areas has been identified by the management and supporting institutions, and it is anticipated that the issue of institutional coordination will be addressed during the system planning process.

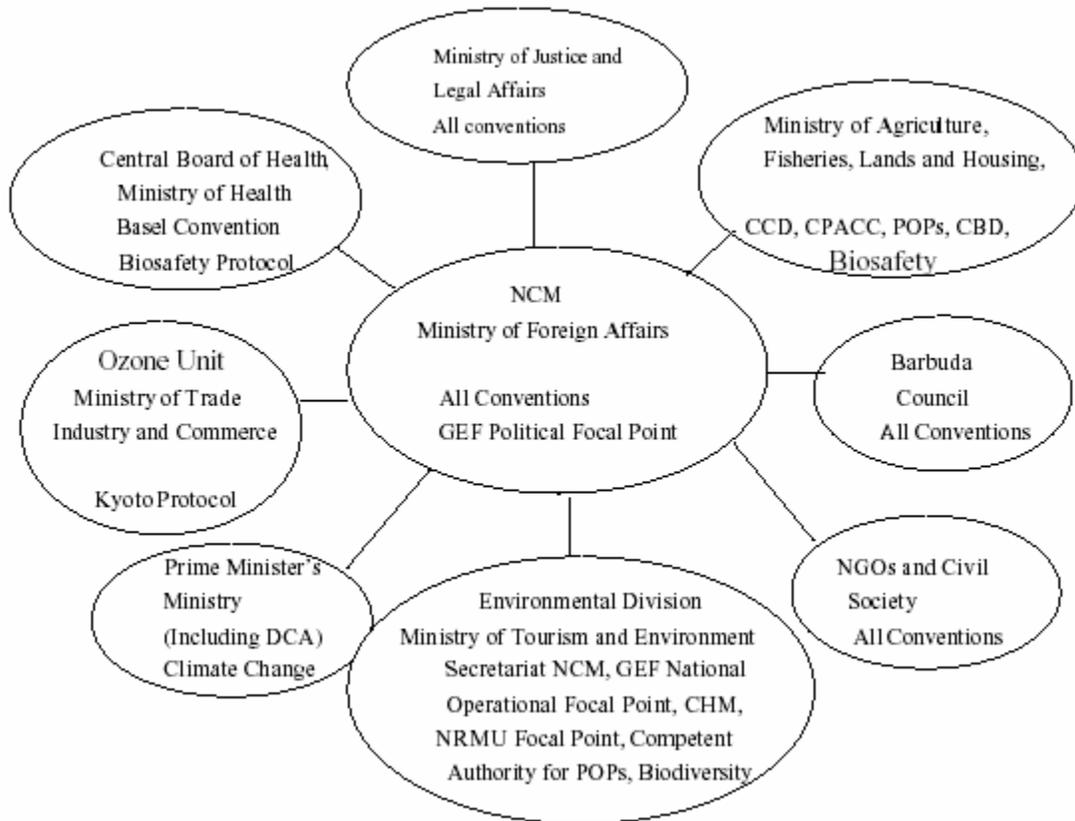
The second major institutional gap is the absence of a repository for environmental information. During this review, relevant reports and other documentation identified by a number of persons often could not be located. This has far-reaching consequences for protected areas management. For example, there is no current information on the two Public Parks declared under the Public Parks Act (1965). In such a case, sites could be damaged by adjacent land use, impacted by encroaching commercial or residential activities, or even lost to other land uses. A system of information management for protected areas has to be developed if the integrity of the areas is to be maintained. A notable exception to this problem is the availability of the laws of Antigua and Barbuda on the Government's website (<http://www.ab.gov.ag>).

All institutions identified inadequate human and financial resources as major impediments to improved protected areas management. Unfortunately, none of the institutions has projected the full cost of running the sites under their control (including capital development and site restoration costs). When considering the cost of developing and managing the national system of protected areas, it becomes obvious that a financial planning and budgeting system has to be established to meet the current and future needs of managing protected areas in Antigua and Barbuda.

Antigua and Barbuda is subject to a range of natural disasters, the most frequent and devastating of which is hurricanes. However, mechanisms for disaster planning, response, and post-event start-up within protected areas were not in evidence during this review². Given the increased emphasis on the use of natural and heritage sites to support the tourism

² Information received from the Fisheries Division indicates that the need for disaster planning for protected areas has been given serious consideration.

sector, a disaster management plan for protected areas should be established. Antigua and Barbuda participates in the regional oil spill response mechanism, though the national protected areas management institutions have no capacity for oil spill response, and their roles in spill response and assessment is unknown.



Source: Environment Division, 2004

Figure 2: National Coordinating Mechanism for Environmental Conventions

4.4 Institutional Capacity for Protected Areas Management

The approach taken to gauging institutional capacity for protected areas management involved reviewing existing reports and obtaining insights during the consultation process. Two questionnaires were developed, one for management institutions, and the other for supporting institutions (Appendix 4). The questionnaires were intended to provide information on institutional resources, infrastructure, commitments, programming, and linkages, and were to be used in determining the capacity of the institution to discharge its functions. The consultations were intended to provide additional insight into the functioning and utility of the institutional arrangements.

Previous reports containing information on institutional capacity include the NEMS 2005-2009 (Government of Antigua and Barbuda, 2004), report of the national implementation of the Barbados Programme of Action (Environment Division, 2004), first national report to the CBD (Office of the Prime Minister, 2001), national report for the integrated watersheds and coastal areas project (Cooper & Brown, 2001), and the Periodic Report on the national implementation of the World Heritage Convention (Murphy, 2003).

The following factors will be used in considering the institutional capacity for protected areas management:

- Adequate staffing levels;
 - Adequate skill sets and orientation;
 - Financial resources;
 - Institutional culture; and
 - Political dexterity.
- (a) **Adequate Staffing Levels** – Staffing levels are inadequate in most of the institutions with protected areas programmes. The institution with the largest number of persons focused on protected areas management is the National Parks Authority, yet the Authority still depend on the Fisheries Division for technical support. Institutions starting protected areas programmes, such as the Ministry of Tourism and Civil Aviation and the EAG, have the least capacity.
- (b) **Adequate Skill Sets and Orientation** – A wide range of skills are necessary to undertake all the functions of a protected area management institution, and given the staff shortages, all the skill sets are simply not always available. For example, the National Parks Authority does not have staff trained in natural resources management, resulting in inadequate attention being paid to the natural resources in the park. According to the information received during the consultations, the current staff of the management agencies appears to possess the requisite levels of training and experience to discharge their specific duties. It was not possible in this exercise to determine the human resources needs for protected area management in Antigua and Barbuda.
- (c) **Financial Resources** – Inadequate financial resources is a common theme for all the institutions. In fact, due to the seasonal nature of its revenue streams, the National Parks Authority has stated its reluctance to assume management responsibility for any additional national park. The Forestry Unit is an extreme case, in that it does not possess the financial resources to fill staff vacancies.
- (d) **Institutional Culture** – The dominant institutional culture is to focus internally, rather than share information and resources. However, projects such as the CREP and OPAAL projects include design features that require cooperative arrangements for implementation. The extent to which the institutions have embraced those cooperative arrangements indicate that personal attitudes and institutional cultures are increasingly open to such arrangements.

- (e) **Political Dexterity** – The tourism master plan identifies a community focus to its eco-tourism strategy. However, in the design and implementation of the restoration of heritage sites, concerns have been aired regarding potential community resistance to the perception of loss of use of some sites (Consultations, February 27, 2006). The National Parks Authority has thus far failed in its attempts to have the Government of Antigua and Barbuda submit a nomination to the World Heritage Centre to have the Nelson’s Dockyard National Park declared a world heritage site (Murphy, 2003). A 2001 characterisation study of marine protected areas (MPAs) in the Caribbean found that user conflicts existed in two of the three MPAs existing at the time in Antigua and Barbuda (Geoghegan et al, 2001). These three examples underscore the need for protected areas management institutions to be capable in dealing with institutional, community, and political relationships.

More specific references to institutional capacity are provided by the National Environmental Management Strategy and Action Plan 2004-2009. The report summarised (Page 11) that *“The country’s fragmented environmental policy framework has manifested in a lack of clarity of organizational jurisdiction over the management of the use of some resources. The end result is poor management and an equally poor response to both chronic and disastrous impacts to the environment. The existing situation has led to an overall constraint of manpower and shortages of trained government staff, lack of coordination between them and lack of understanding of the respective economic sectors and their impacts on the environment. Further to this other constraints include;*

- *Lack of information management and monitoring hampers policy and decision making;*
- *Lack of adequate and or appropriate legislation. This coupled with weak capacity to synchronize national policy, legal and regulatory framework which leads to overlaps in jurisdiction;*
- *Weak NGO and CBO participation;*
- *Lack of appropriate technology;*
- *Poor coordination both nationally and regionally”.*

The solution identified in the NEMS (Page 12) is to undertake a process of capacity building:

- *“To strengthen local expertise and technical ability in planning and implementing sustainable natural resource management programs and for negotiating multilateral environmental agreements through the development of appropriate tools and techniques, training, policy formulation, and cooperation in science and technology.*
- *To foster a culture of participation by Civil Society in decision-making and implementation and to build capacity to achieve this”.*

Clearly there is limited capacity in Antigua and Barbuda to develop and manage a comprehensive programme for protected areas management. The stated intention of the Fisheries Division and the Ministry of Tourism and Civil Aviation to explore opportunities for the private sector to become involved in site management offers the potential to increase that capacity. However, the delegation of management responsibility to non-state institutions is itself a challenging endeavor, and is best supported by clear policy guidance and protocols for institutional assessment and site management.

5. CURRENT STATUS OF PROTECTED AREAS MANAGEMENT

There is no clear set of objectives articulated for a national system of protected areas. Based on the sites declared to date (Table 1), the reasons for declaration include:

- Protection of heritage resources;
- Promotion of sustainable use of marine resources;
- Fisheries management; and
- Protection of areas of outstanding natural beauty for enjoyment by residents of Antigua and Barbuda.

The planned restoration of sites of both cultural and natural heritage value appears to be driven by development imperatives, primarily tourism product development.

5.1 Overview of the Current System of Protected Areas

There are eight (8) declared protected areas in Antigua and Barbuda (Table 1), although one, the Codrington Lagoon, is a Ramsar site that has no national legal designation. The legal status of the two Public Parks is uncertain, as no mention is made of them in any of the national environmental reports. The available information indicates that currently, only the Nelson's Dockyard National Park is actively managed.

In addition to the sites already declared, there are approximately 41 proposed protected areas (Table 2, Figures 3 & 4), including national parks, marine parks, marine reserves, marine sanctuaries, wildlife reserves, and historic sites.

There is no information to indicate the current status of the sites, whether or not there is a programme by any institution to have the proposed sites designated, or even if there is a list of natural areas deposited with the Development Control Authority. The Environment Division lists 12 sites on its website, stating that all are now protected areas. The site provides limited background information on 8 of the 12 sites, and critical information such as the dates the sites were designated, and the relevant laws, are not posted.

The Country Environmental Profile (IRF, 1991) indicates that a comprehensive inventory of historical and cultural heritage sites was conducted by the Historical and Archeological Society. The listing of 600 properties on Antigua and 180 properties on Barbuda is said to be maintained at the National Museum of Antigua and Barbuda, and copies distributed to relevant agencies, such as the Development Control Authority. It is uncertain how many of these properties are located in protected areas, are located in proposed protected areas, or will themselves be declared as protected areas. Historical and cultural places of special interest are shown by Figures 5 and 6.

Table 1: Protected Areas in Antigua and Barbuda

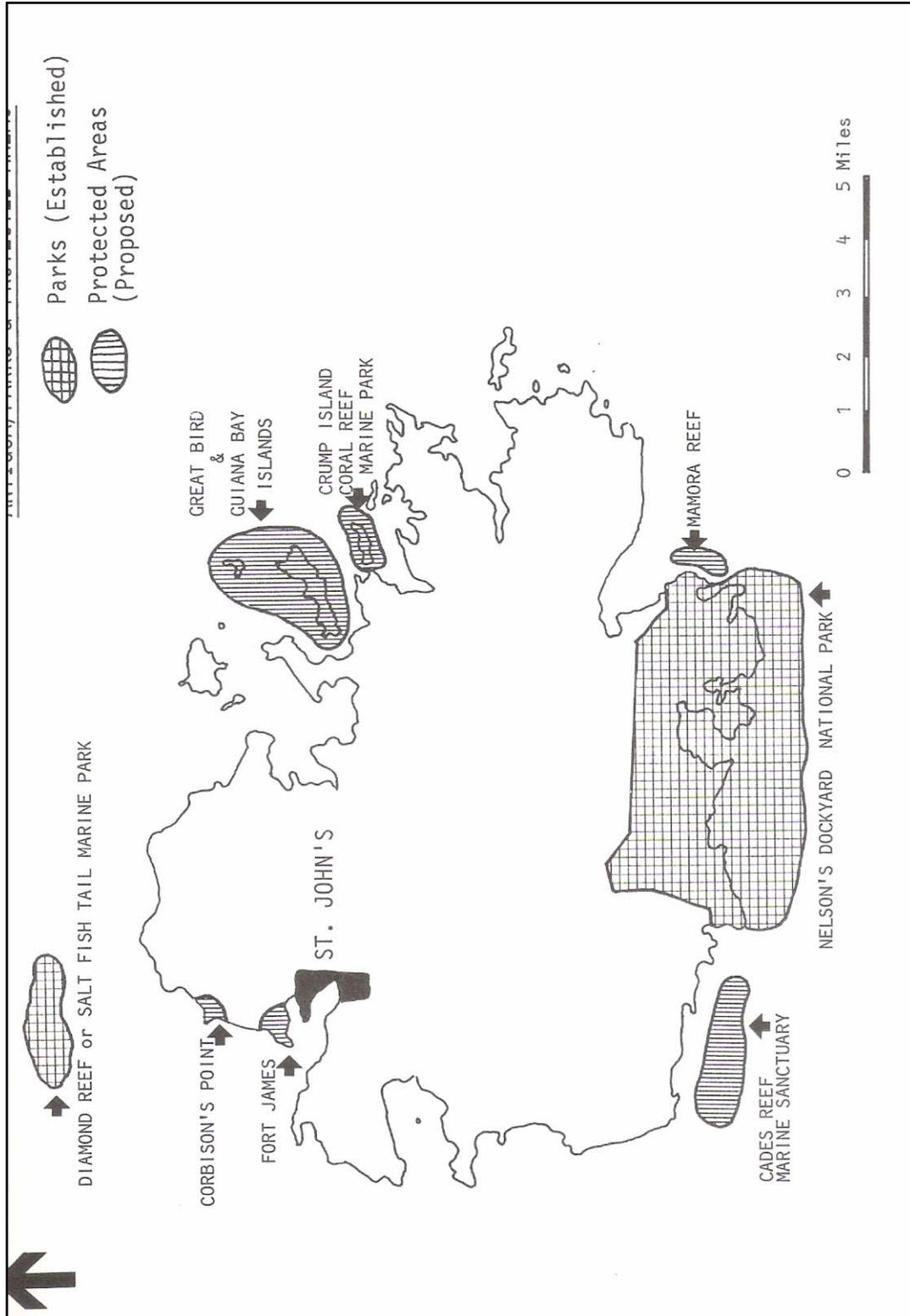
Site	Year Designated	Management Institution	Size (hectares)	Reason for Declaration
Diamond Reef / Salt Fish Trail Reef Restricted Area (a)	1973	Fisheries Division	2,000 (f)	Lobster and conch fishing (f)
Palaster Reef Restricted Area (a)	1973	Fisheries Division	500 (f)	Fishing, wreck diving, tourism (f)
North East Marine Management Area (b)	2005	Fisheries Division	N/A	Sustainable resource us
Cades Bay Marine Reserve (c)	1999	Fisheries Division	N/A	Sustainable production of fish, protection of ecosystems (f)
Nelson's Dockyard National Park (d)	1984	National Parks Authority	3,885 (f) 4,128 (g)	Historic and cultural values, tourism, yachting
Public Park at English Harbour ³ (e)	1965	Public Parks Commission	279.4	Outstanding natural beauty
Public Park at Long Bay (e)	1965	Public Parks Commission	47.3	Outstanding natural beauty
Codrington Lagoon (Ramsar Site #1488) (g)	2005	Barbuda Council	3,600 (h)	Wetland of international importance
<p><u>Source:</u> (a) Marine (Restricted Areas) Order, 1973; (b) Fisheries (Marine Reserve Area) Notice, 2005; (c) Notice of the Declaration of the Cades Bay Marine Reserve, 1999; (d) National Parks Act, 1984; (e) Public Parks Act, 1965; (f) IRF, 1991; (g) 2006 World Database on Protected Areas; (h) https://www.ramsar.org</p> <p>N/A = not available</p>				

³ IRF, 1991 notes that this Public Park is actually within the Nelson's Dockyard National Park, though not acknowledged. A copy of the management plan for the Nelson's Dockyard National Park was not made available during this review, and the Strategic Plan (2004) makes no reference to this Public Park.

Table 2: Proposed Protected Areas

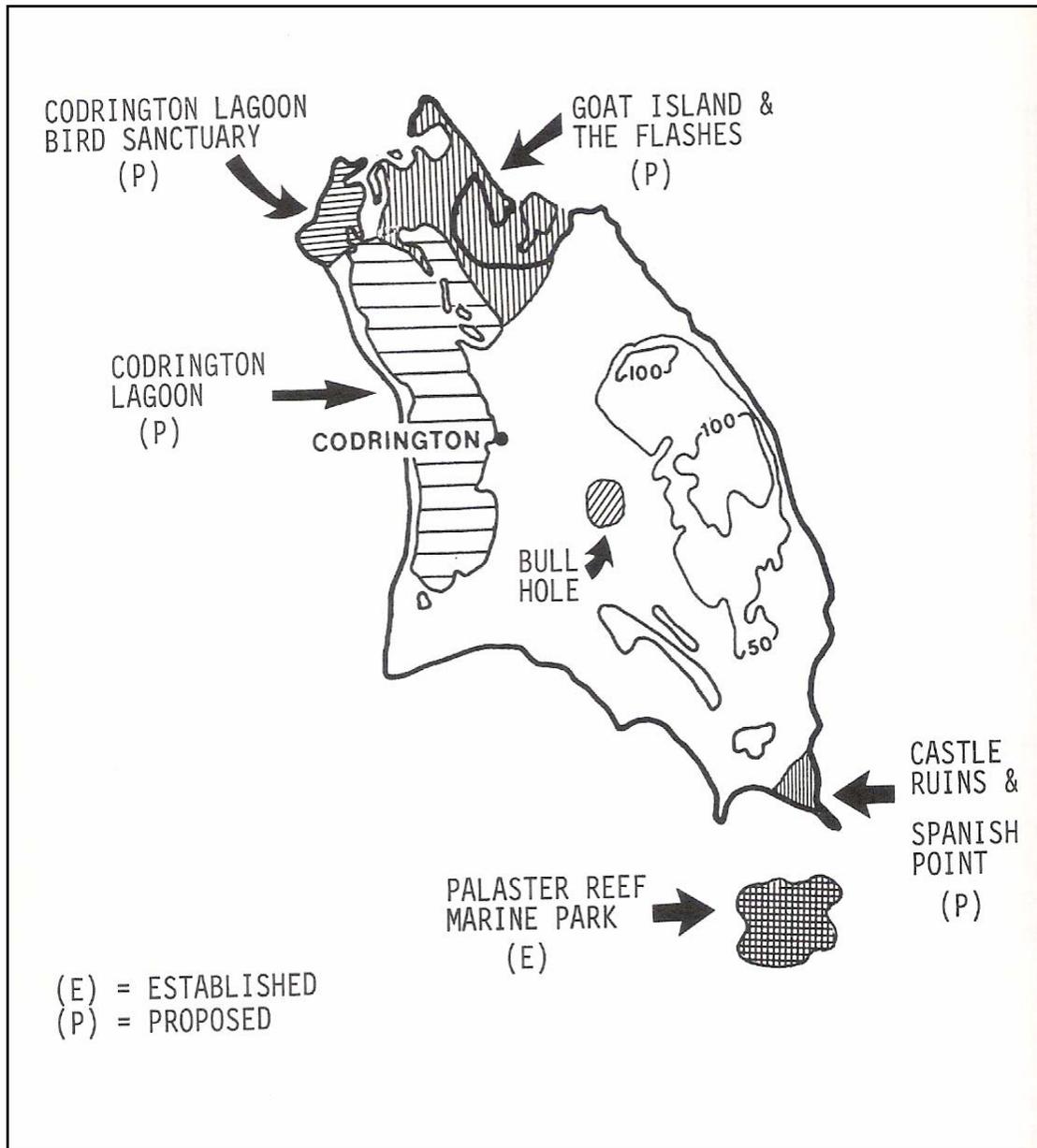
Site	Proposed Category	Significance for Protection
Crump Island Coral Reef (a)	Marine Park	N/A
Great Bird Island and associated islets (a)	Wildlife Sanctuary	Protection of significant marine and terrestrial ecosystems
Guiana Bay Islands (a)	Wildlife Sanctuary	Protection of significant marine and terrestrial ecosystems
Mamora Reef (a)	Protected Seascape (a) Marine Sanctuary (b)	Maintenance of nationally significant seascape (a)
Betty's Hope (b)	National Park	N/A
Half Moon Bay	National Park	N/A
Bull Hole (a)	Managed Nature Reserve	N/A
Corbisons Point (a)	N/A	History and recreation
Darkwood (b)	Park Reserve	N/A
Devil's Bridge (b)	Park Reserve	N/A
Ffryes Bay (b)	Park Reserve	N/A
Fort James (a)	National Park (a) Park Reserve (b)	Historical significance, mangrove protection, recreation
Green Island Reefs (b)	Park Reserve	N/A
Black Ghaut-Ayres Creek (b)	Wildlife Reserve	N/A
Boggy Creek (b)	Wildlife Reserve	N/A
Corridor from Boggy Creek to Darkwood (b)	Wildlife Reserve	N/A
Darby's Cave (b)	Wildlife Reserve	N/A
Goat Island Wildlife Park (a)	Wildlife Reserve	Wildlife protection, recreation
Long Islands (North Sound) (b)	Wildlife Reserve	N/A
Natural Savannah (b)	Wildlife Reserve	N/A
Potworks Reservoir (b)	Wildlife Reserve	N/A
Santa Maria Hill (b)	Wildlife Reserve	N/A
Spanish Point (b)	Wildlife Reserve (b)	Historical importance (a)
Wallings Woodlands (b)	Wildlife Reserve (b) Forest Reserve (d)	N/A
Bat Cave (c)	N/A	N/A
Blake Island (c)	N/A	N/A
Fort Barrington (c)	N/A	N/A
Jabberwork Beach (c)	N/A	N/A
Monks Hill (c)	N/A	N/A
Pigeon Point (c)	N/A	N/A

Site	Proposed Category	Significance for Protection
Rat Island Citadel (c)	N/A	N/A
Shirley's Heights (c)	N/A	N/A
Cemetery at Vernon's Estate (c)	N/A	N/A
Hanson Bay & The Flashes (a) (d)	Wildlife Sanctuary (a) Marine Reserve (d)	Large wetlands system important for fisheries
Coral Reef (Antigua) (a)	Marine Park	Ecosystem preservation, recreation
Castle Ruins (a)	N/A	Historical importance
Pinching Bay Mangals (d)	Marine Reserve	Healthy mangrove system
Yorks Salt Pond (d)	Marine Reserve	Important fish nursery, storm shelter
Area from Johnson's Point to Old Road Bluff (d)	Marine Reserve	Important nursery area for several marine species, especially the queen conch
Willoughby Bay/Christian Cove (d)	Marine Reserve	Large ecosystem including seagrass beds and coral reefs
Area between Green Island and Indian Town Point (d)	Marine Reserve	Important nursery for marine fauna
<p><u>Source:</u> (a) IRF, 1991; (b) 2006 World Database on Protected Areas; (c) Environment Division Website; (d) OPM, 2001</p> <p>N/A = not available</p>		



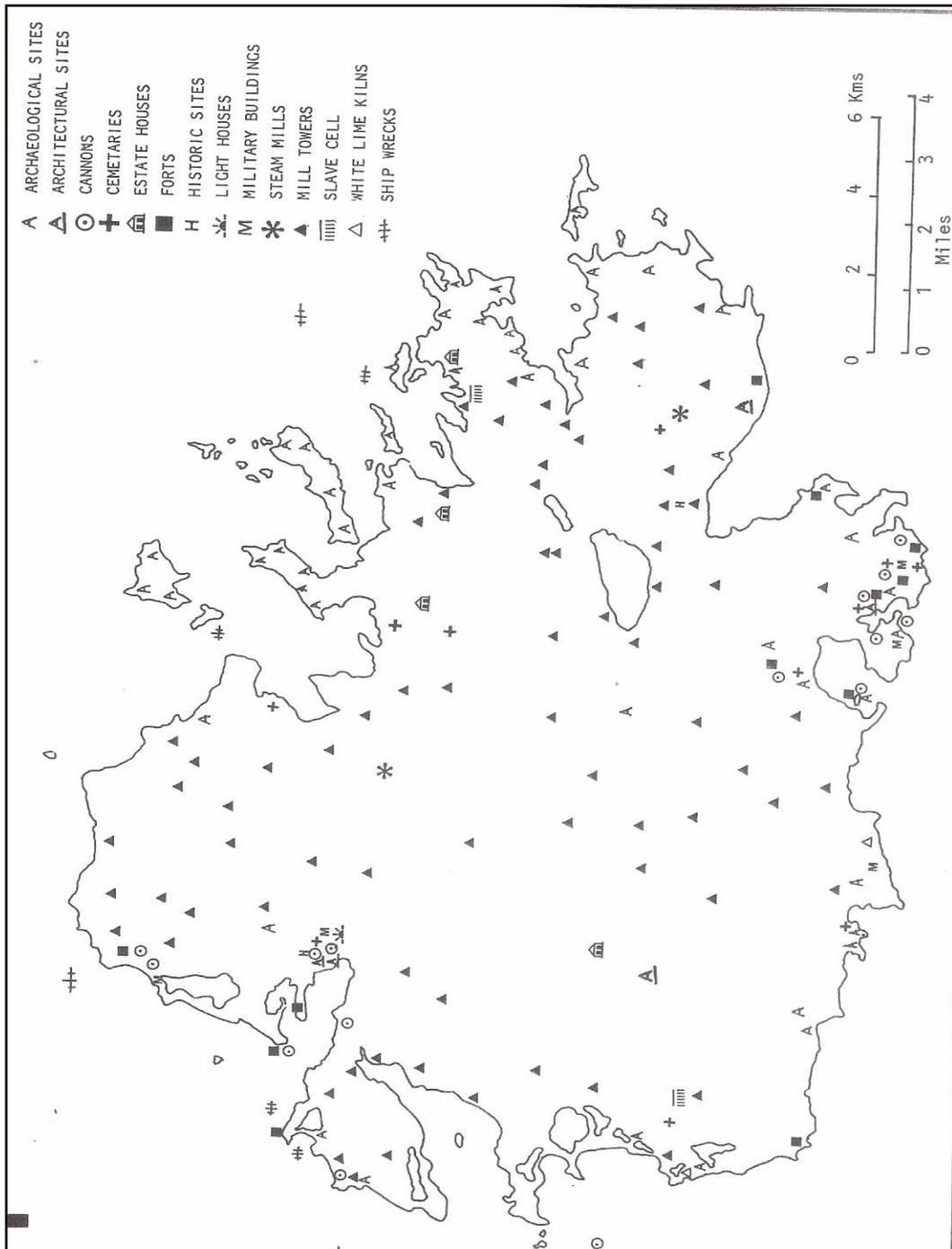
Source: Country Environmental Profile 1991

Figure 3: Protected Areas on Antigua



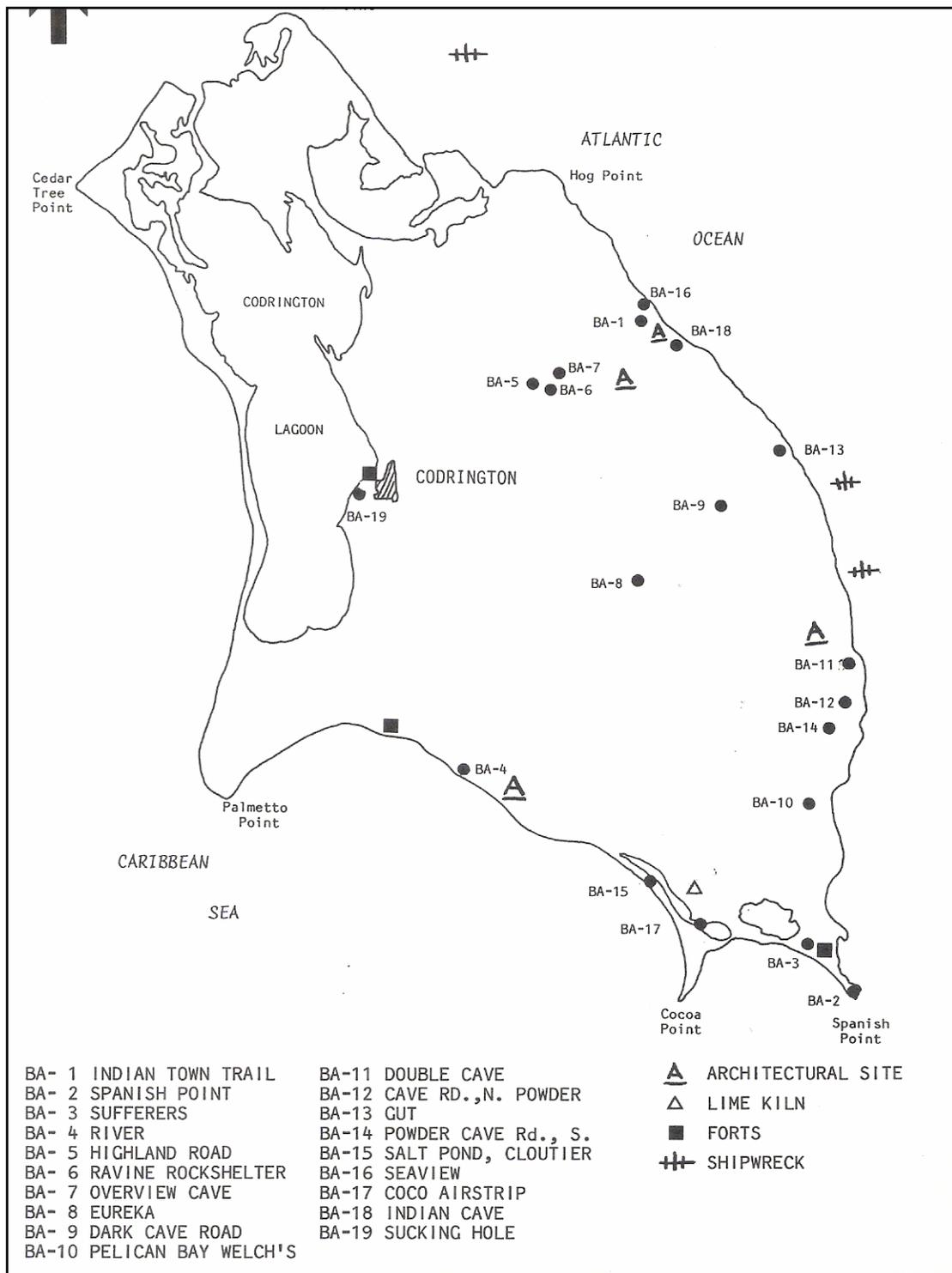
Source: Country Environmental Profile 1991

Figure 4: Protected Areas on Barbuda



Source: Country Environmental Profile 1991

Figure 5: Places of Historical and Cultural Interest on Antigua



Source: Country Environmental Profile 1991

Figure 6: Places of Historical and Cultural Interest on Barbuda

5.2 Support Systems for Protected Areas Management

As stated before, there is no system level planning for protected areas in Antigua and Barbuda. Required support systems for protected areas development and management include:

(a) Financial Arrangements

There is no legal provision for the establishment and operation of a dedicated source of financing for protected areas. Funds for site establishment are provided entirely through grants, such as the OPAAL project. Nelson's Dockyard National Park is the only protected area with active management, and revenues are derived mainly from user fees from hotel, cruise ship, and yacht visitors.

The increased focus on tourism support and community livelihoods require more capital investment in targeted sites, with management teams in place to deal with visitor use. The need for site and system budgeting and financial planning becomes more acute.

(b) Site Planning and Management Guidelines

Of the various legal instruments dealing with protected areas, only the National Parks Act (1984) make provision for site management plans, and even here, the specific focus of such plans is not identified. This omission is not unusual in the Wider Caribbean Region, as only in more recent legislation is such specificity encountered. However, with increased visitor use, management planning has to become a critical step in the process.

A management plan and strategic plan exist for Nelson's Dockyard National Park, and a management plan will be prepared for the North East Marine Management Area as one of the outputs of the OPAAL project.

The management institutions, and support institutions involved in site design and/or restoration, increasingly have to deal with issues not previously considered important. Issues such as the role of civil society role in site management need policy guidance and agreed procedures, while issues such as maintenance of authenticity and reduction of visitor use impacts require the development of standard operating procedures. Ideally, strategies and standard operating procedures should be developed for system planning, site operations, and evaluation.

(c) **Public Participatory Processes**

Public consultation for site declaration is an established practice (Figure 7), and consultation in the preparation of site management plans is required by law. The process to date has not completely removed institutional conflicts (e.g. development control in Nelson's Dockyard National Park) or resource use conflicts (Geoghegan et al, 2001). If the strategy of allowing civil society groups to manage protected areas is to be successful, then a comprehensive policy and plan for public participation has to be developed.

(d) **Institutional Coordinating Mechanisms**

There are several institutions involved in protected areas management, focusing on community, economic, and natural resources management. It is important that some form of coordinating mechanism be developed to deal with, at the very least, information sharing and education and outreach. There is a proposal by the Environment Division to consolidate coordination through the Division. However, no timetable has been agreed for the completion of the initiative.

At a smaller scale of operations, note has been made of the issue of inadequate consultation between the National Parks Authority and the Development Control Authority concerning development on private lands within the Nelson's Dockyard National Park. This is symptomatic of a larger systemic problem. The fact that the Development Control Authority does not utilise a clear and consistent process for consultation with the staff of an actively managed site should be cause for concern at the national level, because protected areas that are not actively managed may be at risk from the development process. It is safe to assume that the risk to proposed protected areas is even greater, since they have no legal protection.

(e) **Human Resources Development Mechanisms**

The quotations given in Section 4.4 indicate that the issue of inadequate human resources has several components, ranging from inadequate staffing levels to inadequate understanding of the role of natural resources management in the development process. As more protected areas are brought into an active management regime, the human resources inadequacies will become more obvious and may even act as the major limiting factor to protected areas development in the country. A human resources development programme for protected areas management should be part of any developing or future protected areas programme.

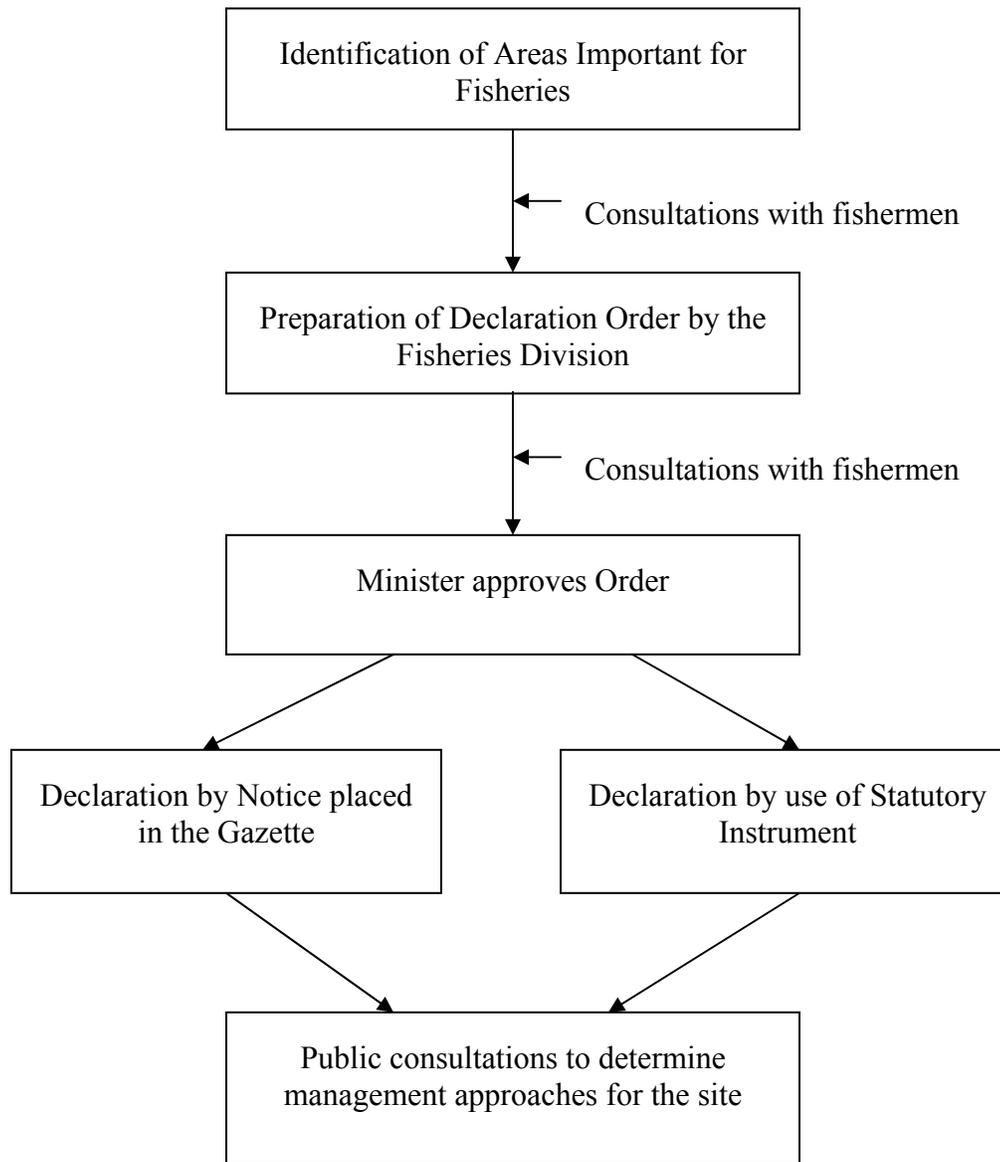


Figure 7: Site Declaration Process used by the Fisheries Division

(f) **Data Management Systems**

The national report for the integrated watersheds and coastal areas project (Cooper & Brown, 2001), in reference to research, data management, and decision support systems for watersheds and coastal resources management, notes that “*Information is a basic weakness in the whole management system. Many management decisions are made on the basis of casual observations, extrapolation and educated guesswork. Hard information to support technical advice to government decision makers is frequently not available. This is a result of inadequate research and data collection and sometimes the fact that the limited amount of information gathered is not processed or made easily available or accessible, even within the same Department or Ministry, much less among different ministries*” (Section 4.3.9, page 55).

The limited activity in monitoring and research in protected areas may be due to the fact that most of the sites declared as protected areas are not being actively managed. However, the data management problems for protected areas in Antigua and Barbuda go beyond the management of data collected through a monitoring programme. Even the basic information being given to the public is incorrect or incomplete, the incomplete list of protected areas on the website of the Environment Division being one example. The complete lack of information on the two large public parks declared under the Public Parks Act (1956) is another example. Without knowledge of which sites are protected by law, and the reasons for that protection, the risk increases that the sites will be degraded or lost to other land uses. The establishment of an information resource centre and/or data management system for protected areas is an absolute priority.

5.3 Current and Planned Initiatives

The major current and planned initiatives focused on protected areas development and management includes the following:

(a) **CREP Amenity Area Demonstration Project**

The Caribbean Regional Environment Programme (CREP) Project is funded by the European Union through an agreement with the Caribbean Forum (CARIFORUM). The project, which covers 13 CARIFORUM states and is coordinated from Barbados, is intended to “...*demonstrate a micro model for combining the objectives of environmental conservation with promotion of sustainable livelihoods in what are called Amenity Areas – natural sites of high ecological and economic value*”. Codrington Lagoon in Barbuda was selected through a local consultation process as the amenity area demonstration project site.

The background information on the project noted that the 7 square-mile lagoon is communally owned, that the site has been earmarked for designation as a protected area for several years, and that it is a key source of livelihood for the 2,000 residents of the nearby village of Codrington. As such, the overall objective of the project was “... *to demonstrate that the quality of life of the people of Barbuda can be maintained and/or improved through sustainable uses of natural resources in and around the Codrington Lagoon*”.

The project activities were to:

- Prepare protected area legislation and associated regulations for Codrington Lagoon.
- Enhance capacity of Focal Point Organisations to implement the project.
- Enhance stakeholder awareness and capacity to participate in the development and implementation of management systems for the Codrington Lagoon.
- Develop a participatory management system for Codrington Lagoon and surrounding areas.
- Build capacity to implement management planning and operations.
- Establish a mechanism to ensure the long-term financial security of the protected area.
- Monitor and evaluate project implementation and impact.

The information available on the project website states that the project was launched in September 2004, and that the Codrington Lagoon National Park was declared under the National Parks Act. The declaration of the site as a national park was not confirmed by the National Parks Authority, the Environment Division, or the Environmental Awareness Group, even though the latter two institutions were Project Focal Points (jointly with the Barbuda Council). Attempts to obtain information on the status of the project were unsuccessful.

(b) OPAAL Demonstration Site

The implementation of national demonstration activities is one of the components of the OPAAL project (Appendix 1), and the site selected in Antigua and Barbuda is the North East Marine Management Area. The project, which was launched in October 2005, has a duration of four years.

(c) Sustainable Island Resources Management Project

The Environment Division has submitted a project to the United Nations Development Programme (UNDP), titled "Demonstrating the Development and Implementation of a Sustainable Island Resource Management Mechanism in a Developing State".

One of the demonstration activities in this project is focused on “Integrated Planning and Management for the sustainable use of Codrington Lagoon”.

(d) Fort James Proposed National Park

The Ministry of Tourism and Civil Aviation, as part of its focus on heritage tourism, has developed an initiative to establish the Fort James area (Lashings/Fort Hamilton to Rat Island) as a national park. This initiative seeks to integrate economic and social development, supporting tourism and residential recreational opportunities while introducing some traditional cultural activities in the form of arts and craft. As such, a new management entity, the Fort James National Trust, is to be created for the management of the site. Proposals to attract private sector input to the development of Fort James are under preparation.

Issues to be addressed in this initiative include:

- Development of management processes and systems for heritage sites;
- Protecting the authenticity of buildings while making them functional;
- Building management capacity for the site, as well as capacity within the Ministry of Tourism to implement a full heritage tourism programme;
- Development of financing strategies for restoration of heritage properties; and
- Locating skilled artisans (such as stone cutters) and adequate supplies of the correct materials for restoration work.

6. MAJOR ISSUES

Based on the review of the literature and the country consultations (February 27-March 3, 2006) the major issues for protected areas development and management in Antigua and Barbuda are identified as:

(a) **Absence of a National Policy Framework**

Antigua and Barbuda does not have in place a comprehensive policy framework for protected areas development and management. As such, protected areas programming is being driven by sector and sub-sector needs rather than by any systematic planning process.

The preparation of a protected areas system plan was recommended in 1991 by the Country Environmental Profile. Though that recommendation was not embraced, the increased demand for protected areas resources to support the tourism sector, coupled with the increase in external financing for protected areas development in the past three years, makes it timely for the country to develop a policy and plan for protected areas.

(b) **Lack of Institutional Coordination**

The absence of any formal institutional coordinating mechanism reduces the level of cooperation, information sharing, and programme planning between the various institutions concerned with protected areas planning. This results in institutional conflicts, inefficient use of scarce resources, and missed opportunities for advancing the protected areas agenda and development process. A structured coordinating mechanism should be developed as soon as possible, even if only on an interim basis to guide the preparation of the system policy and plan. The system plan would then provide guidance on the design and operations of a permanent coordinating mechanism.

(c) **Absence of Data Management Systems for Protected Areas**

A number of national reports on the environment sector since 2001 have noted the absence of research, monitoring, and information management systems. Given the increasing level of dependence on protected areas resources, it is extremely important to be able to determine whether those resources are being adequately protected. As such, an information resource centre and/or data management system for protected areas should be established as soon as possible. The national report for the integrated watersheds and coastal areas project (Cooper & Brown, 2001) noted that GIS datasets were being developed, though supporting infrastructure and trained personnel remained limiting. The development and management of databases for attribute datasets is equally important.

(d) **Inadequate Institutional Capacity**

There is little more to be added to the previous discussion on institutional capacity for protected areas development and management (Section 4.4). However, if the Government of Antigua and Barbuda is depending on external sources of funding to develop the protected areas programme and establish sites, then the capacity to design multi-year overlapping projects for this purpose has to be improved in the near future. One strategy apparently being used to address this latter issue is to involve regional institutions such as the OECS Environment and Sustainable Development Unit (OPAAL project) and the Caribbean Conservation Association (Sustainable Island Resources Management Project).

6.1 Threats to Protected Areas

There are several sources of natural and man-made threats to protected areas in Antigua and Barbuda. The national report for the integrated watersheds and coastal areas project (Cooper & Brown, 2001) noted the incidence of oilspills, and the lack of capacity to respond to this particular threat. Similarly, the first national report to the CBD (OPM, 2001-Appendix 1) and the national assessment of the implementation of the Barbados Programme of Action (Environment Division, 2004) noted the negative impact of development on the natural resource base of the country.

In terms of natural disasters, a 1997 assessment of disaster early warning systems in Antigua and Barbuda (Maskrey, 1997) noted that:

“Antigua and Barbuda presents high levels of disaster risk and has suffered recent major disasters associated with Hurricane Hugo in 1989, Hurricane Luis in 1995, a strong earthquake in 1974 and severe drought in 1983-5. Due to its physical location, the country is affected by frequent hurricanes and less frequent but highly destructive earthquakes. Due to a low and irregular rainfall regime periodic droughts are also experienced. Volcanic activity in neighbouring islands can affect the country and at least one tsunami has been experienced. Despite relatively strong social and economic development indicators, Antigua and Barbuda, presents high levels of vulnerability to these hazards, due to its condition as a small island state, its economic dependency on a single sector (tourism) and the location of settlements, infrastructure and economic activities in hazard prone locations. Inadequate planning and control over development processes in the country, coupled with environmental degradation are increasing both hazard and vulnerability levels in the country, leading to an accumulation of disaster risk”.

The Caribbean is experiencing a high frequency of very intense storms. During the period 1989-2004, Antigua and Barbuda experienced 10 tropical storms, 8 of which were of hurricane strength, and 3 of those hurricanes were category 3 and above.

The natural disasters can result in severe damage to ecosystems and infrastructure in protected areas, and as such, site design and management must incorporate serious attention to disaster planning and mitigation.

7. SUMMARY AND RECOMMENDATIONS

Antigua and Barbuda has 8 declared protected areas, with an additional 41 sites proposed for protected areas status. Additionally, there are 780 heritage and cultural sites on both islands. The Codrington Lagoon is a site of international importance, and there are other sites of regional and international significance.

Both the natural and cultural heritage sites are increasingly being targeted to support community and sector economic growth. This is particularly true of the tourism sector, which includes strategies and plans to develop ecotourism sites and heritage properties. Additionally, there are current and planned initiatives that will result in more sites being developed, but with no clear improvement in capacity to ensure the continuity of the management regime into the future.

In order to meet these various demands, the following actions are recommended:

- (a) Initiate a protected areas system planning process to develop a comprehensive policy framework and rationalise the legislative and institutional frameworks.
- (b) Undertake institutional assessment of protected areas management institutions for the purpose of designing a capacity development programme for said institutions.
- (c) Establish an institutional coordinating mechanism to assist with oversight of the current initiatives, and support the system planning process.
- (d) Establish a funding mechanism (such as a trust/development fund) to provide a consistent source of financing for protected areas development and management.

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APPENDIX 1: Summary of OPAAL Project

Source: Taken from the OPAAL Project Brief dated December 2004

The Project

The origins of the present project began with a Block B grant awarded to St. Lucia in late 2001 to assist in the preparation of the “St. Lucia Coastal/Wetland Ecosystem Conservation and Sustainable Livelihoods Project.” A draft project brief was prepared by late May 2002. Following an internal Bank review of the project proposal, and further discussions with government officials and prospective co-financiers, consensus was reached on the need to adjust the project’s design toward an OECS-wide regional approach supporting national demonstration activities. This approach would better ensure the sustainable establishment and management of PAs in the OECS.

Factors that prompted this shift from a national to a regional approach included: (i) the need to demonstrate **strategic consistency** with the regional approaches embodied in the OECS Development Charter and the St. George’s Declaration of Principles for Environmental Sustainability in the OECS, the World Bank’s Country Assistance Strategy (CAS), and the other donors’ strategies; (ii) facilitating OECS countries’ efforts to mobilize needed resources to meet **GEF’s co-financing requirements**; (iii) **gains in efficiency and economies of scale** to enhance replicability and sustainability of the project’s objectives; and (iv) addressing the root causes of environmental degradation through **improved coordination**. Finally, a regional approach, channeled through an institution dedicated to the coordination of multi-national efforts, is more likely to ensure that PA project activities are better integrated, complemented and coordinated with other sustainable environmental initiatives in the region.

The Project Development and Global Objective of OPAAL is to contribute to the conservation of biodiversity of global importance in the Participating Member States by removing barriers to the effective management of protected areas (PAs), and increasing the involvement of civil society and the private sector in the planning, management and sustainable use of these areas.

The project intends to achieve this objective firstly by strengthening national and regional capacities in the sound management of PAs. This first component will provide support for a regional and national policy, legal and institutional reform process that will serve as the foundation for PA management at the national level. Included also as critical elements will be the updating of existing or preparation of new national PA system plans, and the support for studies that will provide solutions to the barriers of financial sustainability of PAs. OPAAL will also provide the necessary technical and financial support for the creation of new or strengthening of existing protected areas. The project will also support a regional umbrella programme as well as national elements on education, training and awareness as it relates to the importance of biodiversity and the management of protected areas.

OPAAL is actually geared towards providing global benefits through the conservation of globally significant biodiversity. As a consequence pre-selected sites in each PMS consisting of dry and humid tropical forests, wetlands and tidal flats, sandy and rocky beaches, coral reefs, seagrass beds, mangroves, and offshore islets will be elevated to protected area status. Nesting sites for several endemic species, as well as sea turtles will also be protected. Most importantly these global benefits will be closely linked to demonstrable benefits for local populations including generally improved environmental integrity and natural amenity values such as watershed protection, and protection of the resource base, one of the region's most important source of foreign exchange – tourism. Perhaps the most important benefit will be the newly developed constituencies for biodiversity conservation who will act to promote conservation and sustainable development due to the tangible economic benefits and improved economic opportunities.

The project is also geared to providing benefits to those target groups associated with project-supported PAs, particularly where that association implies a dependency on the resources for livelihood support or where there is a displacement of the livelihoods because of the legal declaration of protection. Where the nature of that dependency is not compliant with the goals of protection for the area, the project will provide for the identification of alternative sources of livelihoods that will ensure equal or greater socioeconomic benefits than previously obtained. The empowerment of target groups/persons will be effected through appropriate capacity building initiatives undertaken by the project, which will be geared towards securing the sustainability of these alternative livelihoods. In the process of providing for the enhancement of existing livelihoods, (where compatible with protection objectives), and/or the provision of alternatives, the project will foster partnerships with appropriate national, regional and community development agencies and organizations.

OPAAL will also support marketing research, consultations and interviews with key governmental and NGO agencies, and on-site visits with local entrepreneurs and businesses where needed. In all cases, the project would address livelihood issues of affected populations in a manner which is fair, just, and in accordance with local laws, as well as consistent with the World Bank's Safeguard Policies on Involuntary Resettlement (OP 4.12) and Natural Habitats (OP 4.04).

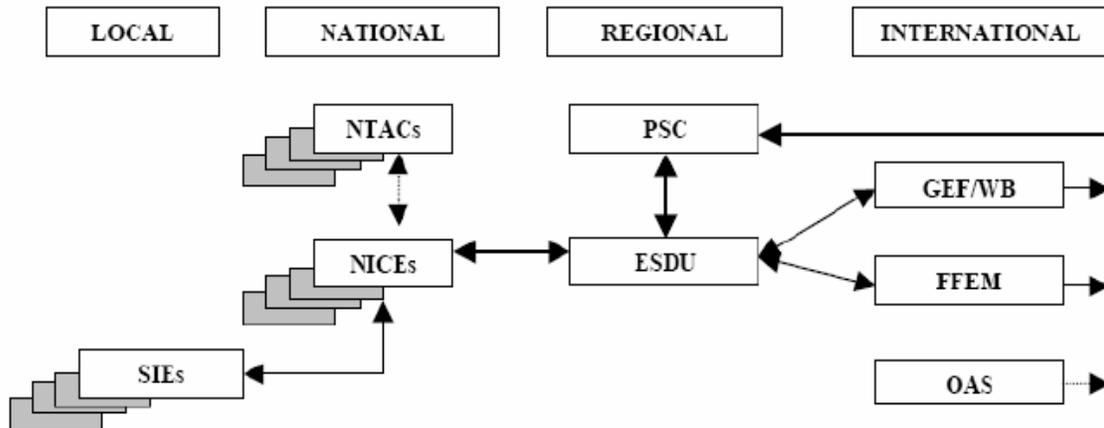
Administration

In order to facilitate implementation at the national level, ESDU will implement the project, in close collaboration with the national implementing entities (see below) for project activities at national and local levels. ESDU's main tasks will be to: (i) administer and manage the project; (ii) ensure coordination of project activities with participating countries, relevant regional and international institutions (such as the CCA, CEHI, CARICOM, UNEP and UNDP, etc.) and other stakeholder (civil society, communities, NGOs and private sector); (iii) work with the participating countries for the implementation of country -level activities; (iv) procure goods, works and services; (v) monitor and evaluate project progress, (vi) ensure proper project accounting and financial management, (vii) contract annual

external auditing of project accounts, and (viii) represent the project before the Project Steering Committee (PSC).

To carry out its responsibilities under the project, ESDU will hire, with grant funds, a protected areas specialist who will also serve as field officer, a communications officer, and an administrative assistant all of whom will be housed at the offices of ESDU. The Project Coordinator who is the Programme Officer responsible for the Biodiversity and Protected Areas functional area will report directly to the Head of ESDU who will serve as Project Director. All ESDU staff and other function managers (Sustainable Livelihoods, Environmental Planning and Management, and Education Training & Awareness) are assigned specific project responsibilities and will assist the Project Coordinator as necessary and appropriate. The Figure below outlines the proposed organizational structure of the project.

Project Organisational Structure



At the national level, each participating country will identify a National Implementation Coordinating Entity (NICE) that will have the responsibility for: (i) preparing national annual work plans and budgets, (ii) day -to-day implementation of project activities at the national level, (iii) managing/supervising the implementation of local site activities in collaboration with the Site Implementing Entities (SIEs) and beneficiaries of livelihoods subprojects, and (iv) liaise directly with the ESDU on matters relating to project implementation. Whenever possible, the PMS intend to use already existing institutional structures (government agencies, NGOs, etc) to serve as NICES.. The NICE will also participate in the PSC on a rotating basis (discussed under PSC below). All NICE will designate a National Coordinator who will be directly responsible for project coordination and implementation at that level. The activities of the National Coordinator will also be supported by other government agencies with relevant mandates.

At the sites of project-supported PAs, Site Implementing Entities (SIEs) will be set up with a PA Manager assisted by relevant staff (including rangers and others) to undertake the day -to-day management of the PA and related site-specific project activities.

Community groups living in and around the PAs, appropriate public and private agencies and relevant local stakeholders will also have representation in the SIE in an advisory capacity to assist the PA Manager. The SIE will participate actively in the implementation of component 2 and 3 of the project. SIEs will also participate in the National Technical Advisory Committees (NTACs) and will advise and/or collaborate closely with the NICEs on the implementation of site activities.

Regional oversight will be provided by the Project Steering Committee (PSC) which will (i) approve the annual work plans and associated budgets, (ii) monitor project progress; (iii) review, analyze and provide guidance to the ESDU on project issues during the course of project implementation in accordance with a project operational manual acceptable to the Bank. The PSC will consist of 2 representatives from 2 PMS, the latter, which will be rotated annually. The representation from each PMS will comprise: (i) the Head of the national agency responsible for parks and protected areas and/or a representative of the NICE where appropriate; and (ii) the ESDU National Technical Focal Point who is also the most senior technical officer in the Ministry of Environment of the relevant PMS. The OECS Secretariat will chair the PSC; ESDU staff will be exofficio members. The PSC will meet twice a year in the first year and annually thereafter.

At the national level, the project will be monitored and guided through a **National Technical Advisory Committee (NTAC)**, an inter-sectoral, inter-agency body that will include representatives from relevant government agencies and public and private institutions, including NGOs, involved in environmental management in general and biodiversity management, in particular. The NTACs will: (i) provide broad technical and policy advice to the National Implementation Coordinating Entities or NICEs and (ii) review national strategies/workplans and associated livelihood subprojects. Participating Member States will be encouraged to use existing National Biodiversity Committees as NTACs for the project.

The OECS OPAAL project is co-financed under parallel funding arrangements by the Organization of American States (OAS) and the Government of France through its Fonds Francais de L'Environnement Mondial (FFEM) with US\$0.35 million and Euro 1.32 million respectively. The Global Environment Facility will provide US \$3.7 million through the World Bank, with the PMSs and the OECS Secretariat US \$ 1.88 in in-kind contributions bringing the total project cost to approximately US \$7.57 million. This five year project which was launched in December 2004 is envisaged as the initial stage of a 15 year programme for the management of Protected Areas in the OECS. This essentially means that post-project activities will aim to secure the sustainability of the protected areas management and hopefully securing the long-term inclusion of the natural environment in general into the sustainable development portfolio of OECS Member States.

APPENDIX 2: Terms of Reference

POLICY, LEGAL AND INSTITUTIONAL REVIEW: OECS PROTECTED AREAS AND ASSOCIATED LIVELIHOODS (OPAAL) PROJECT

1. Background

The OECS Secretariat through its Environment and Sustainable Development Unit (ESDU) has begun implementation of the OECS Protected Areas and Associated Sustainable Livelihoods (OPAAL) Project. This initiative is being executed in partnership with the International Bank for Reconstruction and Development (the World Bank) acting as an Implementing Agency of the GEF; the Fonds Français pour l'Environnement Mondial (FFEM) of the Government of France; and the Organisation of American States (OAS).

Recognizing the importance of the sustainable management of its natural resources and rich biodiversity, the Governments of the OECS Participating Member States (PMS) have made significant commitments to protecting their countries' resources. Some of these include their status as signatories to international conventions, the formulation and adoption of policy statements, legal and institutional instruments, recent environmental programs, and financial support of conservation activities through budget allocations. At the sub-regional level, the OECS Member States in the year 2000 issued and subsequently endorsed the St. George's Declaration of Principles for Environmental Sustainability in the OECS, which includes a commitment to the conservation of biological diversity and the protection of areas of outstanding scientific, cultural, spiritual, ecological, scenic and aesthetic significance. Member States have also begun translating their international and regional commitments into tangible actions at the national level. An example of this is the production of the National Environmental Management Strategy, the outcome of the commitment to the regional OECS Environmental Management Strategy. The international commitment to the SPAW protocol under the Cartagena Convention is of even greater relevance to the context of this TOR. The recognition of the importance of this protocol and national commitment has crystallized in the establishment of protected areas (PAs) as the primary method of preserving biodiversity and conserving valuable natural resources assets.

Despite these positive achievements, significant impediments continue to exist in terms of an effective framework for establishing and managing protected areas (PAs) which can ensure that the integrity of the region's fragile biodiversity is not further compromised. Existing institutional arrangements within PMSs are weakened by gaps in the present policy framework. These include limited incorporation of environmental and social costing into economic decision making and inadequate systems that encourage and promote integrated planning, information sharing and collaboration among agencies and other stakeholders.

The need to upgrade existing laws and institutional arrangement for environmental management in the OECS has been recognized. Presently one initiative is facilitating a review of environmental legislation and development of model OECS environmental frame legislation. A UNEP review of legal and institutional arrangements for biodiversity-related

MEAs is also being undertaken within the OECS. With respect to protected area establishment and management, many existing laws and the have been in existence for a considerable time and as such do not embrace contemporary approaches to environmental management and should therefore be updated. At national levels, present legal structure fails to provide a comprehensive framework for biodiversity conservation and the establishment and management of protected area (PA) at both national and regional levels. Currently, the responsibility for PA management is legally granted to multiple agencies without articulating the strategies by which for collaboration and integration of the assigned responsibilities. In some cases, this has resulted from new legislation being enacted without the amendment or rationalization of existing laws, leading to redundancy and jurisdictional conflict. In other cases, existing laws have yet to yield the promulgation of necessary rules and regulations necessary for effective control and enforcement. Certain laws recently created for the establishment of National Parks and other categories of PAs have demonstrated deficiencies as they have been implemented, and thus require some degree of adjustment. In addition to all these technical aspects, institutional capacity within PMSs remains limited and requires urgent attention. In this regard, legal and institutional frameworks in support of PA establishment and management must be so construed so as to provide for efficient and effective use of available resources.

Component 1 of OPAAL seeks to facilitate more effective institutional framework for conservation management through providing a critical focus on the existing natural resources, legal and institutional frameworks to promote conservation and protected area establishment and management. As such, the project aims to facilitate a harmonised approach to the creation and management of protected areas (PA) in the OECS region Protected Area. There are three sub-components within this project component: (i) policy, legal and institutional arrangements reform; (ii) updating/preparing new national protected areas system plans; and (iii) supporting studies.

2. Objective

The objective of this exercise is to undertake preliminary work towards achieving policy, legislative and institutional arrangement reforms in PMSs. These will facilitate the evolution of a harmonised approach to the creation and management of PAs in the OECS region. The required work falls reflects the Policy, Legal and Institutional Arrangements Reform sub-component of Component 1 of the OPAAL Project.

3. Task Methodology

The Contractor will be required to:

- a. Conduct reviews of existing policy, legal and institutional frameworks in support of PA establishment and management in PMSs;

- b. Undertake a comparative analysis of national frameworks to identify existing weaknesses and strengths in terms of existing policy, legislation and institutional arrangements for PA establishment and management in the region;
- c. Report the outcome of the aforementioned tasks to ESDU, highlighting suitable approaches for enhancing PA establishment and management through improved policy, legal and institutional arrangements at both national and regional levels. Specific detailed recommendations regarding the development of harmonized policy, legislation and institutional arrangements in support of PA establishment and management within the region are to be incorporated and will subsequently inform the development of harmonised policy, legislation and institutional framework for Protected Areas within the OECS.

4. Scope of Services

The Assignment will be divided into the following three phases.

- a. National PA Framework Reviews

The first phase of the consultancy will include a review of relevant literature and on-going initiatives related to policy, legal and institutional arrangements within the PMSs that is of relevance to the OECS region (including the work related to the development of environmental frame legislation and legal and institutional arrangements for biodiversity conservation mentioned earlier and the respective National Environmental Policies and National Environmental Management Strategies of the PMSs). This information should be incorporated into the following phases of the work.

- b. Consultation with PA establishment and Management Stakeholders

In order to adequately interpret the level of efficacy of existing policy, legal and institutional arrangements and to assess the practical implications of existing measures, the Contractor is to consult with all relevant management agencies and stakeholders at both national and regional levels, including government and non-government agencies which, consequent to existing or proposed laws or policies, are responsible for PA establishment and/or management. All relevant private sector entities, community-based organisations, and resource users who either contribute to PA management or whose livelihoods are affected by the establishment and operation of PAs are to be included.

- c. Comparative Analysis for Developing a Harmonised PA Framework

Pursuant to the outputs generated within the first and second phases, the Contractor will, identify existing weaknesses and strengths in terms of existing policy, legislation and institutional arrangements for PA establishment and management at both country and OECS levels, making determinations as to the adequacy of the legal instruments and arrangements in meeting the various obligations re: protected areas under the various MEAs. This phase is also to consider existing policy, legal and institutional

aspects in terms of the degree to which they may promote or impede the development of a harmonised approach. It should also suggest relevant synergies and operational aspects which may be required for such an approach, including the creation of synergies with other relevant initiatives being presently undertaken within PMSs and the region. For this phase of the work the Contractor will collaborate with relevant Staff of OPAAL Project in finalising potential approaches for the way forward and related administrative concepts for the harmonised approach towards PA establishment and management within the OECS.

The Contractor will present the reports of the national reviews and comparative analysis to ESDU for consideration and discussion, prior to their finalisation.

5. Outputs

Using the phased approach identified above, the following outputs will be delivered:

- a. Six reports outlining and critiquing the adequacy/effectiveness of existing policy, legal and institutional frameworks in support of PA establishment and management within each PMS.
- b. A report on the comparative analysis of national frameworks, including specific recommendations for improvements in the policy, legal and institutional systems in place and implications in terms of the establishment of a harmonised framework for the OECS.

6. Project Execution and Administration

The Project Coordinator-OPAAL or any other officer designated by him will administer all aspects of this contract.

This is a fixed price contract. Travel within the six PMSs will be a necessary part of this contract and the cost of other such travel for aspects such as transportation, accommodation, consultation with stakeholders and per diem, etc., is to be incurred by the Contractor as part of this Contract.

All communications between the Contractor and the Project Coordinator-OPAAL for the assigned work should be copied to the Head of Unit - ESDU.

The Project Coordinator-OPAAL will collaborate with the Contractor on the preparation of a brief plan of action that identifies activities necessary to achieve the deliverables identified in this Terms of Reference. This requirement is in order to ensure the deliverables identified in this Terms of Reference are achieved in an effective and efficient manner.

The Contractor will manage his/her time and responsibilities to ensure timely delivery of outputs required under this Terms of Reference.

7. Qualifications and Experience of Contractor

The Contractor is expected to possess skills and at least ten (10) years experience in the following areas:

2. Institutional Analysis (including aspects of national/international environmental policy);
3. Environmental Law.

The Contractor should also have a demonstrated familiarity with theoretical and technical aspects of Protected Areas development and management.

8. Timing

It is anticipated that the Contractor will be selected by the OECS-ESDU and that the contract will commence as of November 1st 2005 and be completed no later than February 28th, 2006. As the first activity, the Contractor will submit for approval of the ESDU a proposed plan of work containing timing for completion of foreseen tasks. The OPAAL staff will facilitate consultation with Governments and other national and regional partners, as and when necessary. The reports on the review of national policy, legal and institutional frameworks for the six PMSs will be due no later than February 15th 2006.

9. Reporting

The Contractor will provide the following:

1. Six country reports detailing and critiquing the existing national policy, legal and institutional frameworks in each PMS;
2. One report on the comparative analysis of national frameworks

All reports will be issued in Word format and will each take the form of one hard copy and one electronic copy, submitted to the Project Coordinator- OPAAL .

APPENDIX 3: Institutions Consulted

Name of Person	Designation	Contact
Fisheries Division (fisheries@antigua.gov.ag)		
Mrs. Cheryl Jeffrey-Appleton	Chief Fisheries Officer	268-468-1372
Ms Tricia Lovell	Fisheries Officer	268-462-1007
Mr. Steve Archibald	Fisheries Officer	268-764-1265
Mr. Philmore James	Senior Fisheries Officer	268-764-1266
Ministry of Tourism & Civil Aviation		
Hon. Harold E. Lovell	Minister	268-462-0787 harold.lovell@ab.gov.ag
Ms Adelle Blair	Sustainable Tourism Officer	adelle.blair@antigua.gov.ag
Mr. Bert Lindsay	Heritage Promotion Officer	
Development Control Authority		
Mr. Denzil Solomon	Town and Country Planner (Actg.)	268-723-3893
Environment Division		
Mrs. Diann Black-Layne	Chief Environment Officer	268-462-4625 deblack11@yahoo.com
Ministry of Agriculture, Lands, Marine Resources, & Agro-Industry		
Hon. Joanne M. Massiah	Junior Minister, Ministry of Agriculture, Lands, Marine Resources and Agro-industry with special responsibility for Food Production and Marine Resources	268-562-4679 joanne.massiah@ab.gov.ag
Mr. Everet Williams	Senior Forestry Officer	ewill67@yahoo.com
Stingray City Antigua		
Mr. Andrew Moody-Stuart	Managing Director	268-726-7297 stingray@candw.ag
National Parks Authority		
Ms Ann Marie Martin	Parks Commissioner	268-481-5021 natpark@candw.ag
Mr. Ivor Jackson	Consultant	

Name of Person	Designation	Contact
Economic Policy & Planning Unit		
Ms Hortense Brooks	PSIP Coordinator	planning@antigua.gov.ab
Environmental Awareness Group		
Mr. Donald Anthonyson	Executive Director and Council Member	eag@candw.ag iyplin@hotmail.com

**APPENDIX 4:
Questionnaires for Protected Areas Management Institutions**

OECS PROTECTED AREAS AND ASSOCIATED LIVELIHOODS PROJECT

**REVIEW OF POLICY, LEGAL, AND INSTITUTIONAL FRAMEWORKS
FOR PROTECTED AREAS MANAGEMENT**

**PROFILE OF PROTECTED AREA MANAGEMENT INSTITUTION
FOR
COUNTRY REPORT**

The OECS Secretariat, through the Environment and Sustainable Development Unit (ESDU), has begun implementation of the OECS Protected Areas and Associated Sustainable Livelihoods (OPAAL) Project. Component 1 of this Project seeks to facilitate the development of a harmonised approach to the creation and management of protected areas in the OECS region. There are three sub-components within this project component: (i) policy, legal and institutional arrangements reform; (ii) updating/preparing new national protected areas system plans; and (iii) supporting studies.

This questionnaire is part of the review of existing policy, legal, and institutional frameworks in support of protected areas establishment and management, and is **to be completed by institutions that have direct management responsibilities for protected areas.**

The completed questionnaire should be submitted in digital form (PDF or Microsoft WORD format) to Lloyd Gardner at: lgardne@uvi.edu. For additional information, call Lloyd Gardner at: 340-513-3562.

NAME OF INSTITUTION:

1. Contact Information:
 - Address:
 - Telephone:
 - Facsimile:
 - E-Mail:
 - Name & Position of Officer in Charge:
2. Legal Basis for Institution (laws providing mandate):
3. State Organisational Mandate and Current Objectives:
4. Staffing Levels (Number and qualifications of professional and technical staff):
 - Number of full-time employees and assigned positions
 - Qualifications relative to job descriptions

- Number of volunteers
5. Information Systems
 - Available Library/Documentation Facilities:
 - Type of Computerised Data Systems in Place (PC, LAN, etc.):
 - Databases Available:
 - Involvement in Regional Information Network (e.g. SIDSNET, CaMPAM, etc.):
 - Programme/Project Review Procedures:
 6. Reporting Mechanisms (receiving institutions, format, frequency):
 - National:
 - Regional:
 - International:
 7. Annual Budget:

Budget Head	Fiscal Year				
	2000/01	2001/02	2002/03	2003/04	2004/05
Recurrent					
Capital					
Grants					
Total					

8. Sources of Funds:
9. Activities and Constraints
 - a) List the types of activities that the institution executes routinely
 - b) List the type of activities that the institution would like to execute routinely, but does not because of resource constraints
 - c) List the major resource constraints that affect the execution of the institution's activities
 - d) List the major government policy constraints that affect the execution of the institution's activities
10. Project Execution History
 - a) Number of projects planned or designed in the last five years.
 - b) Number of projects started in the last five years.
 - c) Number of projects completed in the last five years

11. Public Participation
 - a) Who are the stakeholders with which the organisation interacts?
 - b) How do the stakeholders impact on the efficacy of the organisation in carrying out its functions?
 - c) Describe the external network(s) of which the organisation is a part?
12. List the opportunities and obstacles which exist in the operating environment?
13. List the Major Issues for your Institution (with #1 being the most important).
14. What are the Priority Issues to be addressed for Protected Areas Management in your Country (with #1 having highest priority)?

Name of person completing the questionnaire:

Position:

Date:

OECS PROTECTED AREAS AND ASSOCIATED LIVELIHOODS PROJECT

**REVIEW OF POLICY, LEGAL, AND INSTITUTIONAL FRAMEWORKS
FOR PROTECTED AREAS MANAGEMENT**

**PROFILE OF PROTECTED AREAS PARTNER INSTITUTION
FOR
COUNTRY REPORT**

The OECS Secretariat, through the Environment and Sustainable Development Unit (ESDU), has begun implementation of the OECS Protected Areas and Associated Sustainable Livelihoods (OPAAL) Project. Component 1 of this Project seeks to facilitate the development of a harmonised approach to the creation and management of protected areas in the OECS region. There are three sub-components within this project component: (i) policy, legal and institutional arrangements reform; (ii) updating/preparing new national protected areas system plans; and (iii) supporting studies.

This questionnaire is part of the review of existing policy, legal, and institutional frameworks in support of protected areas establishment and management, and is to be completed by institutions that **do not have direct management responsibilities**, but whose mandates and/or activities affect protected areas programming and management.

The completed questionnaire should be submitted in digital form (PDF or Microsoft WORD format) to Lloyd Gardner at: lgardne@uvi.edu. For additional information, call Lloyd Gardner at: 340-513-3562.

1. Name of Institution:
2. Address:
3. Telephone; Fax; Email:
4. Primary Area of Focus of Institution (one paragraph description):
5. Secondary Area(s) of Focus of Institution (one paragraph description each):
6. Activities of Institution that are Relevant to Protected Areas:

7. Resources Committed to Protected Areas Activities in the past 5 years:

Fiscal Year	Financial Resources (US\$,000)	Human Resources (Person Days)	Other (quantify)
2000/01			
2001/02			
2002/03			
2003/04			
2004/05			
Total			

8. Laws/Regulations of Institution that are Relevant to Protected Areas:

9. List Policies/Mandates of Institution that are Relevant to Protected Areas:

10. Describe the Nature of any Existing Relationship with any Protected Areas Management Institution:

11. What are the Most Relevant Issues for Protected Areas Management in your country (list in order of priority, with 1 being the highest priority):

12. Name and Contact Information for Officer dealing with Protected Area Issues in your Institution:

Name:

Position:

Telephone:

Fax:

Email:

Name of person completing the questionnaire (if different from No. 12):

Post:

Date:

Thank you for taking the time to complete this questionnaire.

**APPENDIX 5:
Legislation Relevant to Protected Areas Management
in Antigua and Barbuda**

1. **Fisheries Act, 1983 (No. 14 of 1983)**

- *“An Act to provide for the development and management of fisheries and matters incidental thereto”.*
- Section 2 – Defines “fish” as *“... any aquatic animal. Whether piscine or not and includes shellfish, turtles, mollusk, crustacean, coral, sponge, echnidocerms, their young and their eggs”.*
- Section 4(1) – Requires the Chief Fisheries Officer to *“prepare and keep under review a plan for the management and development of fisheries in Antigua and Barbuda waters.*
- Section 22(1) – Allows the Minister to declare any area of Antigua and Barbuda waters, and any adjacent or surrounding land as appropriate, to be a marine reserve, where special measures are necessary:
 - (a) “to afford protection to the flora and fauna of such areas and to protect and preserve the natural breeding grounds and habitats of aquatic life, with particular regard to flora and fauna in danger of extinction;*
 - (b) to allow for the natural regeneration of aquatic life in areas where such life has been depleted;*
 - (c) to promote scientific study and research in respect of such areas; or*
 - (d) to preserve and enhance the natural beauty of such areas”.*
- Section 22(3) – The Minister, or any authorized person, may give written permission to do any of the activities prohibited in the marine reserves, assuming the activities are required for the proper management of the reserve.
- Section 39(2)(n) – Allows for the development of regulations to regulate management and protection of marine reserves and fishing priority areas, taking of corals and shells, and other activities.
- Section 39(2)(o) – Allows for the development of regulations for “prescribing measures for the protection of turtles, lobsters, and conch.
- Section 41 – Repeals the Fisheries Ordinance (Cap. 98).

Implications for Protected Areas:

- (a) The definition of fish implies that the fisheries legislation, and by extension the Fisheries Division, has management responsibility for many marine resources. As such, the Fisheries Division would be a necessary partner institution where marine or coastal protected areas are managed by other institutions.
- (b) The requirement for constant review of a fisheries management plan for the country supports the need for regular evaluation of sites and the marine reserves programme, and contributes to the reporting obligations under national and international arrangements. However, the provision is not as expansive as it should be, excluding as it does the requirement for management plans for marine reserves.
- (c) The inclusion of corals, turtles, and other non-piscine wildlife in the definition of fish suggests that the fisheries management plan should include a focus on these named animals.
- (d) Section 22(1)(b) – Implies that closed seasons and closed areas can be used for restoration of areas.
- (e) Section (22)(1)(d) – Implies that areas for recreational activities can be declared under the Fisheries Act, not simply reserves that prohibit activities. It also introduces the concept of seascapes as a necessary part of the protected areas mix.

2. Terrestrial Waters Act, 1982 (No. 18 of 1982)

- *“An Act to provide for the extension of the limits of the territorial waters of Antigua and Barbuda and Redonda, to make provisions for contiguous, exclusive economic and fishery zones and for matters connected therewith or incidental thereto”.*
- Section 19(1) – The Minister may make regulations for a number of purposes, including:
 - (i) 19(1)(b) – for the conservation of the living resources of the sea;
 - (ii) 19(1)(c) – for the preservation of the marine environment of Antigua and Barbuda and the prevention and control of pollution thereto.
- Section 21 – The Act binds the Crown.

Implications for Protected Areas:

- (a) Protected areas may be created for reasons other than fisheries management. For example, the current perception that there is no legislation dealing with wetlands can be tested by use of this law to cover wetlands.
- (b) The Act introduces the issue of pollution control in the context of marine resources protection. However, regulations specific to pollution prevention, prosecution, and fines now need to be developed within the context of protected areas management.

4. **Fisheries (Marine Reserve Area) Notice, 2005 – Statutory Instrument (No. 36 of 2005)**

- Notice by the Minister under Section 22 of the Fisheries Act, 1983, Cap. 173
- Section 2 – Declares the marine reserve described as the North East Marine Management Area.
- The Schedule – describes the North East Marine Management Area, and includes 28 offshore islands, including the “*un-named Island east of Monocle Point, Guiana/Guiana Island*” and “*any other un-named islands and rocky out crops*”.

Implications for Protected Areas:

- (a) The North East Marine Management Area is the newest addition to the protected areas in Antigua, and was declared under the auspices of the OPAAL project.
- (b) The language used in this Notice has created an ambiguity, as to whether the authority under the Act extends only to the vegetation line of each island or whether the entire island is covered by the Notice.
- (c) Strictly speaking, the Fisheries Act only allows for the designation of marine reserves. A marine management area could have been designated under the Marine Areas (Preservation and Enhancement) Act (1972).

4. **Disaster Management Act, 2002 (No. 13 of 2002)**

- “*An Act to provide for the effective organisation of the preparedness, management, mitigation of response to and recovery from emergencies and disasters natural and manmade in Antigua and Barbuda*”.

- Section 4(2) – Details the actions of the Director of Disaster Preparedness and Response, including:
 - (i) 4(2)(f) – conduct investigations, studies, surveys, research and analysis relating to ecological systems and environmental quality and document and define changes in the natural environment as these relate to the likelihood of disasters in Antigua and Barbuda.
 - (ii) 4(2)(g) – prepare and review hazard risk assessment maps of Antigua and Barbuda.
- Section 15(1) – The Prime Minister may, on the recommendation of the Director, designate specially vulnerable areas for the purposes of the Act. The Act also requires the Director to prepare a special area precautionary plan (section 16).
- Sections 30-31- Provide for inspection of premises where any “...*tree, land, building, vehicle, scrap or waste or any other item that poses a danger in the event of a disaster to the health or safety of any area by reason of its condition...*”
- Section 40 – The Act binds the Crown.

Implications for Protected Areas:

- (a) The requirements of Section 4(2)(f) for ecological studies means that site assessment, research, monitoring, and reporting for protected areas should take into consideration the need for disaster planning at the site and national levels. This would require site design, research and monitoring protocols, and institutional arrangements to address multiple stakeholder needs, not merely the needs of the site management institution. While this may seem to be an additional complication, it also ensures that the site management objectives support national development planning processes.
- (b) The requirement for hazard mapping also supports protected areas site planning and risk assessment.
- (c) The provision for designation of specially vulnerable areas under this Act, and the inclusion of an ecosystems focus in the functions of the Director of Disaster Preparedness and Response, raises the possibility that critical ecosystems could be designated as specially vulnerable areas. It is not clear how both legislative instruments would treat such areas, or whether the management arrangements would change. A related question is whether specially vulnerable areas would become protected areas under one of the relevant laws or an environmental protection area under the Physical Planning Act, 2003. This is an issue that should be further explored through a protected areas system planning process.
- (d) Protected areas may be required to design and manage facilities in accordance with disaster mitigation best practices.

5. **Marine Areas (Preservation and Enhancement) Act (No. 5 of 1972)**

Amended by Act 18 of 1989.

- This Act is managed by the Minister responsible for fisheries.
- Section 3(1) – The Minister may, by Order, “...*designate any portion of the marine areas of Antigua and Barbuda as a restricted area where he considers that special steps are necessary for:*
 - (e) preserving and enhancing the natural beauty of such areas;*
 - (f) the protection of the flora and fauna and wrecks found in such areas;*
 - (g) the promotion of the enjoyment by the public of such areas*
 - (h) the promotion of scientific study and research in respect of such areas”.*
- Section 4 – The Minister may acquire private lands for use as a restricted area as necessary.
- Section 5 – The Minister may assign management responsibility for a restricted area under this Act to “...*any person, Board, committee or body which he considers competent for the purpose, ...”*
- Section 6 – The Minister may make regulations for a range of actions to support the purpose of the Act, including the charging of fees for any services provided (6(1)(h)). Services include management of a site, regulating use and enjoyment, regulating parking and refreshment facilities, etc.

Implications for Protected Areas:

- (a) While the protected areas declared under the Fisheries Act have been primarily marine reserves, this Act (Section 3(1)) provides enough scope that other types of protected areas, such as marine parks and marine archeological sites, can be designated and managed by the Fisheries Division.
- (b) Section 5 provides the opportunity for non-governmental organizations (NGOs) and community-based organizations (CBOs) to be assigned management responsibilities for sites. New regulations would be needed to set out the protocols for the determination of management “competence” for the NGO or CBO, as well as to deal with issues of enforcement and financial management.

6. **Wild Birds Protection Act (No. 3 of 1913)**

Amended by SRO No. 26 of 1974 and SRO No. 3 of 1976.

- Section 3 – Provides blanket protection for wild birds listed in Schedule A.
- Section 4 – Provides for annual close seasons (February 1-July 15) for birds listed in Schedule B.

Implications for Protected Areas:

- (a) While the Act provides for protection of the actual birds, it does not protect the habitats of these birds.
- (b) It is assumed that species listed in Schedule A are rare or endangered, but there is no requirement in the Act for development of any species management plan or management programme. As part of any management programme, the Act should also make provision for entry to private lands for the purpose of population assessment and other efforts to reduce imminent threat to the threatened species.
- (c) A provision similar to the one in the Fisheries Act for the designation of areas for the rehabilitation of depleted fish stocks should also be included in this Act, so habitats can be protected for the purpose of population enhancement. Due to the fact that birds are very mobile animals, habitats need to be protected through a network of protected areas, and the concept of connectivity of sites should be addressed in the law.

7. **Notice of the Declaration of the Cades Bay Marine Reserve, 1999**

The Antigua and Barbuda Official Gazette, May 13, 1999, Page 242.

- The declaration for the Cades Bay Marine Reserve was made under Section 22(1) of the Fisheries Act, Cap. 173 – Laws of Antigua and Barbuda Revised Edition 1992. It was signed by the Minister on April 27, 1999.

8. **Physical Planning Act, 2003 (No. 6 of 2003)**

- *“An Act to make provision for the orderly and progressive development of land and to preserve and improve the amenities thereof; for the grant of permission to develop land and for other powers of control over the use of the land; for the regulation of the construction of buildings and other related matters; to confer additional powers in respect of the acquisition and development of land for planning; and for purposes connected with the matters aforesaid”.*

- Section 2 – Provides definitions for terms that are of somewhat intangible qualities, such as “environment” and “resources”.
- Section 10(2)(c) – Development plans must include “a statement of the policies, proposals, and programmes for the future development and use of land in the area including principles for regulating the use and development of lands and measures for the maintenance and improvement of the environment”.
- Section 23 – Deals with the requirement for environmental impact assessments (EIAs) for certain types of developments, which are listed in the Third Schedule of the Act.
- Section 27(1) – Authorises the Development Control Authority to include conditions in a development permit to achieve a number of purposes, including:
 - (i) 27(1)(a)(vii) – “*the preservation of trees, vegetation or other natural features of the land where the development is to take place*”; and
 - (ii) 27(1)(a)(viii) – “*the preservation of any buildings or sites of importance to the cultural heritage of the country*”.
- Section 43 – Makes provision for the survey and listing of buildings of architectural, cultural, or historical importance.
- Section 44 – The Town and Country Planner may propose a Building Preservation Order for a building or group of buildings of architectural, cultural, or historical importance.
- Section 46(1) – Authorises the Minister, after consultation with the Minister of Agriculture, to make Plant Preservation Orders for any plant, group, or species of plant, where for amenity, environmental, landscape, scientific or other similar reason it is determined that such plant, group, or species of plant ought to be preserved.
- Section 51 – Allows for regulations to be made under the Act, including:
 - (i) 51(5(a)-(b) – Deals with regulations for environmental protection areas (EPAs) and other “areas of special control” (amenity areas).
- Sections 53-56 – Deals with the determination and declaration of environmental protection areas (EPAs).
- Section 53(3)(c) – Identifies the factors that are relevant to the declaration of an EPA.
- Section 56 – Requires the preparation of a management plan for the EPA, and states the topics for which policies and measures should be included in the management plan.
- Section 83 – Repeals the Town and Country Planning Act (Cap. 432) and the Land Development and Control Act (Cap. 235).

- Second Schedule – Identifies the matters for which provision may be made in Development Plans, including:
 - (i) Part IV(3)-(6) – wildlife sanctuaries, national parks, environmental protection areas, marine parks, protection of historical and cultural objects, protection of forests, etc.
 - (ii) Part IV(a) – waster disposal and pollution prevention.
- Third Schedule – Lists the types of developments for which an EIA shall be required.

Implications for Protected Areas:

- (a) The requirement imposed by Section 10(2)(c) for environmental protection measures to be included in development plans opens the possibility for the conceptualization and design of buffer zones for protected areas, particularly those close to urban centres.
- (b) Developments in close proximity to protected areas or heritage sites are not treated in the EIA process differently from other developments of a similar nature. The law should be revised to apply more rigorous standards to ensure protection of the integrity of ecosystems contiguous with protected areas.
- (c) The Ministry of Tourism and Civil Aviation is pursuing a heritage tourism programme, a major element of which is the proposed declaration of Fort James as a national park. Though the Physical Planning Act (2003) provides for the preservation of heritage buildings or sites, the National Parks Act is to provide the legislative foundation of the fort development component of the heritage programme. The problem may not be the legal instruments, but rather the articulated management/programme objectives for the establishment of heritage sites.
- (d) The provision for the use of plant preservation orders offers a number of possibilities. The provision could be used to provide interim protection for a site that is a proposed protected area, for a designated site for which there is no planned active management, or to provide buffer zone protection for a sensitive site.
- (e) Section 53(3)(c) – Suggests that an EPA can be an area large enough to include a town or other urban area, and could include other types of protected areas.

9. **Marine (Restricted Areas) Order, 1973 (SRO No. 47 of 1973)**

SRO made under Section 3 of the Marine Areas (Preservation and Enhancement) Act, 1972.

- Schedule 1 – Delineates the boundary for the Diamond Reef and Salt Fish Trail Reef as a Restricted Area.
- Schedule 2 – Delineates the boundary for the Palaster Reef, Barbuda as a Restricted Area.

10. **Beach Protection Act, 1957 (Cap. 46)**

- Section 4 – Prohibits removal of sand and other aggregates from beaches.
- Section 7 – Exempts the Island of Barbuda from the application of this Act.

Implications for Protected Areas:

- (a) This Act does not recognize the importance of beaches as habitats used by endangered species, and as such, should be updated to protect coastal wetlands and beaches known to be important for turtle nesting or nesting of migratory species of birds.

11. **Barbuda Act, 1904 (Cap. 42)**

- Section 4 – Vests all lands within the island of Barbuda in the Crown.

Implications for Protected Areas:

- (a) This ownership by the Crown makes it easier to declare protected areas. However, development pressures suggest that there is an ongoing discussion as to the most appropriate allocations to the various land uses⁴.

12. **Dumping at Sea Act, 1975 (No. 29 of 1975)**

Amended by Act 18 of 1989.

- Section 1 – Adopts the provisions of the Convention for the Prevention of Marine Pollution by Dumping from Ships and Aircrafts as binding in national law.
- Section 3 – Prohibits dumping in Antiguan waters, or dumping in external waters by Antiguan vessels.

⁴ This review did not ascertain the percentage of land currently in private ownership.

Implications for Protected Areas:

- (a) The increased use of protected areas by yachts and other marine crafts present a problem in regard to disposal of wastes. This Act provides a framework for protected areas managers to institute and enforce waste disposal rules for protected areas.

13. The Copyright Act, 2003 (No. 22 of 2003)

- *“An Act to make provision with respect to copyright, to confer rights in performances on performers and other, to repeal the Copyright Act Cap. 104 and the Copyright Act of 1911 of the United Kingdom in so far as it applies to Antigua and Barbuda and for related matters”.*

Implications for Protected Areas:

- (a) Protected areas management institutions generally use a range of tools and materials. Institutions need to be careful that there is no copyright infringement, especially where sophisticated tools or manuals are being used.
- (b) Many institutions conduct research and produce various forms of publications. The necessary steps should be taken to protect the works produced by staff or the institution. This is especially important when there are collaborative arrangements with external institutions.
- (c) Merchandising is a growing source of revenues for protected areas, and copyright and brand management is an important part of merchandising.
- (d) The increased role of non-governmental organisations in Antigua and Barbuda in supporting the management of protected areas requires that there is more discussion concerning the use and treatment of information and products associated with protected area establishment and management, as the public sector and civil society institutions have different approaches to the use and sharing of information.

14. Environmental Protection Levy Act, 2002 (No. 22 of 2002)

- *“An Act to provide for the imposition and collection of an environmental protection levy on goods imported into or manufactured in Antigua and Barbuda and for related matters”.*
- Section 4 – Stipulates that the levy is deposited into the Consolidated Fund, and paid to the National Solid Waste Management Authority.

- Section 5 – States that the levy is to be used for environmental protection and environmental preservation and enhancement.

Implications for Protected Areas:

- (a) The stipulation that the levy be used for environmental protection, preservation, and enhancement implies that the funds could be used for initiatives that are not necessarily focused on solid waste management. In any such broader interpretation of the Act, financing of protected areas becomes a real possibility.
- (b) The Act also stipulates that the funds generated by this levy should be paid to the National Solid Waste Management Authority. Given the possibility of a broader interpretation and application of the Act, the Act would have to be amended to set aside a portion of the funds from the levy for protected areas management, and to ensure that this new pool of funds is accessible by all protected areas management institutions, especially those managing forestry protected areas.

15. Oil Pollution of Maritime Areas Act, 1995 (No. 14 of 1995)

- *“An Act to make provisions against the discharge or escape of oil into the Maritime Areas of Antigua and Barbuda”.*
- Section 5 – States that the Port Manager may appoint a place for the discharge of ballast water.

Implications for Protected Areas:

- (a) The provisions of this Act can be enforced in protected areas, as oil pollution is one of the major concerns for marine protected areas.
- (b) The provision for discharging ballast water is of particular concern, given that alien invasive species is one of the major threats facing protected areas in the Caribbean. In fact, this Act may have to be updated to address the provisions of the Ballast Water Convention.

16. Finance and Audit Act, 1985 (Cap. 168)

- Section 6 – Stipulates that the House of Representative may make provision for establishment of Special Funds, not forming part of the Consolidated Fund.
- Section 7 – Provides for the Government to establish Trusts.

- Section 20 – Deals with the administration of Special Funds by the Government.
- Section 33 – Stipulates that there will be annual accounting of Special Funds.

Implications for Protected Areas:

- (a) This Act allows for the creation of a special trust fund for protected areas management. Given the need for substantially greater inputs of funds on a sustained basis for protected areas development and management, the establishment of a special fund for that purpose is important.
- (b) The Act restricts management of special funds to the government. As a means of encouraging greater public support for protected areas, this provision should be broadened to include more stakeholders in the management process.

17. **Forestry Act, 1941 (No. 7 of 1941) (Cap. 178)**

Amended by Act 17 of 1952, Act 18 of 1989, and Statutory Instrument No. 39 of 1989⁵.

- Section 4 – Stipulates that the Director of Agriculture is the Chief Forest Officer.
- Section 5 – Any area that was a forest when the Act enters into force automatically becomes a forest reserve.
- Sections 8 and 10 – Permits the Minister to make Orders to declare forest reserves.

Implications for Protected Areas:

- (a) The provision for the Director of Agriculture to be the Director of Forestry creates a potential source of conflict in certain land use decisions. This provision may be one of the reasons that forestry management is not more central to conservation efforts in Antigua.
- (b) The provision for the automatic transfer of all forests to forest reserves on commencement of the Act should have ensured that there are several forest reserves under management. While this provision may have been useful in 1941, the Act now needs to be updated to deal with issues of private lands as forest reserves, recreation, biodiversity, and (given Antigua's experience with tropical storms) forestry for disaster mitigation purposes.

⁵ The Amendments were not located, and were thus not reviewed.

18. **Litter Act, 1983 (No. 7 of 1983)(Cap. 250)**

- *“An Act respecting the littering of public places and premises”.*
- The Act contains broad provisions designed to maintain the amenity values of areas.

Implications for Protected Areas:

- (a) The provisions of this Act govern the management of solid wastes within protected areas.

19. **Maritime Areas Act, 1982 (No. 18 of 1982)(Cap. 260)**

- Section 28 – Gives the Minister the authority to make regulations to give effect to a number of objectives, including: (a) 28(1)(b) *“for the conservation of the living resources of the sea”*, and (b) 28(1)(c) pollution prevention.

Implications for Protected Areas:

- (a) The Act could be used to designate national and trans-boundary protected areas.
- (b) The provision of the Act can be used to address some of the actual and potential problems with marine pollution from ships.

20. **National Parks Act, 1984 (No. 11 of 1984)(Cap. 290)**

Amended by Acts 3 of 1986, 17 of 1995, 9 of 2000, and 11 of 2004.

- *“An Act to provide for the establishment of National Parks and a National Parks Authority; to make provision for the preservation, protection, management and development of the natural physical and ecological resources and the historical and cultural heritage of Antigua and Barbuda; and for matters connected with these purposes”.*
- Section 2 – The Minister charged with responsibility for this Act is the Minister for Economic Development and Tourism.
- Section 3 – Established the National Parks Authority.
- Section 4 – Sets out the functions of the National Parks Authority, and charges it with management of natural, physical, and ecological resources, as well as historical and cultural heritage.
- Section 6 – Provides for the Minister to give policy to the National Parks Authority.

- Section 10 – Requires the preparation of management and development plans for parks, and each plan is to be prepared within 9 months of the declaration of the park. Section 10(4) obligates the National Parks Authority to hold public consultations on each management plan.
- Section 20 – The Minister may, on the request of the National Parks Authority, declare any area of land or water a national park.
- Section 23 – The National Parks Authority may request the Crown to acquire private lands (under the Land Acquisition Act) that fall within a national park.
- Section 24 – Provides for the declaration of Nelson’s Dockyard National Park (the description is set out in the Second Schedule).
- Amendment by The National Parks (Amendment) Act, 2004 (No. 11 of 2004)
 - Section 2(a) – Changes the designation of the Minister responsible for national parks contained in the Principal Act (Cap. 290) to mean the “*Minister to whom the responsibility of National Parks has been assigned*”.
 - Section 3(a) – Amends Section 4(a)(1) of the Principal Act by adding the word “natural” to the list of resources to be protected by the Act.
 - Section 4 – Requires the Parks Commissioner to consult with the Town and Country Planner, local authorities, and local communities in the preparation, review, or amendment of a management plan for a park.

Implications for Protected Areas:

- (a) This Act is a reasonable start for framing protected areas development. However, it does not provide a good basis for the development and management of a system of protected areas, as there are significant gaps in its application. One of those gaps is its focus on a single institution, making no reference to other institutions and other categories of protected areas for other purposes. For example, it seems that some of the objectives of this Act are similar to the Public Parks Act (1965).
- (b) The Act provides for the Minister to give policy direction to the Authority. Since that is the normal role of any government, it is not clear why that particular provision is included. In fact, the explicit nature of the provision suggests that protected areas policy will not be developed through a system planning approach, supporting a range of development and community objectives, but rather through a political process. Given the experience (globally, regionally, and nationally) with development decisions not always being informed by the sensitivity of ecosystems on which they impact, the Act should be revised to ensure that protected areas policy should be developed through a more comprehensive system planning process.

- (c) The public review of management plans is welcomed, but consultation at this step in the protected areas planning process restricts public participation to a well-defined and very narrow role. The amendment by Act 11 of 2004 merely makes the groups to be consulted more inclusive, but does not make provision to include other groups in all steps of the management process, including operations.
- (d) The Act does not provide any mechanism for financing the Authority or protected areas generally.
- (e) This Act needs to be updated to address a range of national imperatives and international obligations.

21. **The Public Parks Act, 1965 (Act No. 4 of 1965)(Cap. 358)**

Amended by Statutory Instrument No. 39 of 1989.

- Section 2(2) – Defines natural beauty to include characteristic natural features, flora, and fauna; as well as architectural, historic, and artistic values.
- Section 3 – Establishes the Public Parks Commission to implement the provision of the Act, and includes objectives for preservation and enhancement of natural beauty in areas designated under the Act.
- The Minister in charge of lands can designate any area of outstanding natural beauty as a public park.
- Schedule – Designates a Public Park at English Harbour (690 acres) and a Public Park at Long Bay (116.887 acres)⁶.

Implications for Protected Areas:

- (a) The Minister in charge of lands can designate protected areas to protect natural and cultural/historic attributes of a site.
- (b) Based on the sizes of the two designated sites, they are likely to incorporate large natural areas supporting mixed use. Effective management of these two sites could provide a model for urban protected areas in the Caribbean.
- (c) The designations under this Act need to be rationalized with the provisions under other laws dealing with protected areas. For example, there is no information concerning the relationship of the English Harbour Public Park with Nelson’s Dockyard National Park.

⁶ No information was found concerning these two areas.

22. **Public Health Act, 1857 (Cap. 353)**

- This Act includes broad provisions to protect public health, and to investigate and deal with public health nuisances.

Implications for Protected Areas:

- (a) The provisions of the Act that affect protected areas are those dealing with waste (Part II), food (Parts VIII and X), and general nuisances (Part III).

23. **Ratification of Treaties Act, 1989 (Cap. 364)**

- An Act to provide for the ratification of certain treaties.
- Section 2 – Provides a definition of a treaty.
- Section 3 – Outlines how a treaty should be ratified and its applicability in national law. Specifically, Section 3(3) states that “*no provision of a treaty shall become, or be enforceable as, part of the law of Antigua and Barbuda except by or under an Act of Parliament*”.

Implications for Protected Areas:

- (a) None of the multilateral environmental agreements dealing with protected areas that Antigua and Barbuda has signed currently has any legal standing in the State.

Draft Legislation under Consideration

I. Forestry and Wildlife Act [198_ draft⁷]

- Proposed as “An Act to provide for the administration, conservation and proper use of forests, the protection and management of wildlife and the prevention and control of forest fires; and for matters connected with those purposes”.
- The Bill makes provision for the declaration of forest reserves (Section 6), protected forests (Section 9), conservation areas (Section 13), and wildlife reserves (Section 28).
- Section 3 – Appoints a Chief Forest and Wildlife Officer, and other necessary officers, for the implementation of the Act.
- Section 4 – Sets the functions of the Chief Forest and Wildlife Officer
- Section 5(1) – Requires the Chief Forest and Wildlife Officer to prepare a national forest plan every 10 years.
- Section 6(1) – Authorizes the Minister to declare any crown land to be a forest reserve, and provides for the leasing and declaration of private lands as forest reserves.
- Section 8 – Management plans are to be prepared for forest reserves within two years of their declaration.
- Section 9 – Authorises the Minister to enter into agreements with private landowners to designate such private lands as protected forests.
- Section 12 – Protected areas can be declared within forest reserves to prevent development and harvesting activities.
- Section 13 – Provides for the declaration of conservation areas to protect areas from damage and to protect human life from areas that are unstable or hazardous.
- Section 15 – Provides for public consultations on the declaration of conservation areas.
- Section 23 – Makes provision for the establishment of a Forestry Development Fund, and provides some guidance for the management of the fund (Sections 24 & 25), including the annual audit (section 25 (2)).

⁷ The available information indicates that the draft Act was prepared in 1992. This version is contained in McHenry and Gane (1988), and there is no information to determine whether the two versions are similar.

- Section 28 – The Minister may declare wildlife reserves on public or private lands.
- Section 53 – The Minister has the authority to make regulations for a range of purposes of the Act, including recreational uses and resources protection.

Implications for Protected Areas:

- (a) This law would change the institutional arrangements for forest and protected areas management, as it would establish a Chief Forest and Wildlife officer. The draft is deficient in not making more specific linkages with the various institutions dealing with national parks, fisheries, and land use/development control.
- (b) The proposed provisions of Section 4 signal an attempt to undertake national level planning for the sub-sector. The provisions need to be broadened and strengthened to focus national planning objectives, and link those objectives to a process of monitoring and evaluation. Regulations would then provide more specific guidance on the processes and standards to be applied to ensure that the objectives of the protected areas regime are met.
- (c) The draft Act makes no direct correlation between the types of protected areas that can be declared under the Act and the types of protected areas over which it wants the aforementioned coordinating function. As such, language should be inserted to clarify the links between this draft legislation and other legislation dealing with protected areas, including the Public Parks Act (1965).
- (d) The current provisions in this Bill do not adequately cover a number of issues important for both forestry management and protected areas, including; heritage resources, forests for disaster mitigation, and biodiversity (including research and bioprospecting).
- (e) The provision for a Forests Development Fund, if implemented, should provide a steady source of funds for protected area development.

II. Fisheries Act [2004 Draft]

- Proposed as “*An Act to provide for the development and management of fisheries and matters incidental thereto*”.
- Section 2 – Adds new definitions, including the addition of marine mammals to the definition of a “fish”.

- Section 5 – Mandates the preparation and periodic review of a plan for the “... *responsible management and sustainable development of fisheries in Antigua and Barbuda waters ...*”
- Section 8(1) – Allows for entry into regional cooperative arrangements for fisheries management.
- Inserts a new Part V (Sections 40-51) on aquaculture.
- Part VI – Deals with marine reserves and conservation measures.
- Section 53 – Authorizes the designation of marine reserves for a number of objectives related to fisheries management. Also included is a provision to use the law “*to preserve and enhance the natural beauty of such areas*” (Section 53(1)(e)).
- Section 54 – Persons or vessels conducting fisheries research require a permit.
- Sections 55 & 56 – Persons wishing to import non-indigenous fish or other live aquatic organisms require a permit.
- Section 76 – Provides the authority to the Minister to make regulations for fisheries development and management, including “... control and deployment of artificial reefs” (Section 76(2)(q)).

Implications for Protected Areas:

- (a) As with the existing Fisheries Act (1983), there is no provision for management planning for marine protected areas. This is a crucial omission, given that multiple use areas are now being declared under the Fisheries Act.
- (b) Protected areas designation is restricted to marine reserves. As previously stated, the categories of protected areas permitted under the Act should be broadened to support the purported sustainable development objectives of the Act, as well as the current practice of declaring marine management areas.
- (c) The permitting requirement for fisheries research implies that protected areas personnel or partners will require permits from the Fisheries Division for conducting research on a range of protected areas resources.
- (d) The need for a permit to import live aquatic organisms is one mechanism to regulate the introduction of alien invasive species into the fisheries waters of Antigua and Barbuda.
- (e) The provision controlling artificial reefs is a new one. Usually the placement of groynes, breakwaters, artificial reefs, and other such structures is regulated by the Department of Public Works, or the agency responsible for coastal

zone management. It is unclear if the intention of this Act is to regulate artificial reefs deployed primarily for fisheries enhancement, or to regulate all artificial reefs, including those deployed for other purposes, such as recreational dive operations. The final language should clarify this question.

III. **Environmental Protection and Management Bill [2005 Draft]**

The Act is intended to -

- (1) Establish the Legal and Administrative Mechanisms to Achieve Sustainable Environmental Management in Antigua and Barbuda;
 - (2) Reform the Law Relating to Environmental Protection and Resource Management;
 - (3) Create New Legal Frameworks and Effective Administrative Mechanisms for Environmental Impact Assessments, Pollution and Waste Management, Integrated Natural Resource Management; Biodiversity Conservation and National Parks Management;
 - (4) Establish Mechanisms for Meaningful Public Participation in all Aspects of Environmental and Resource Planning and Management;
 - (5) Provide for the Implementation of Agenda 21, the Rio Declaration, the Barbados Programme of Action and a Number of International Treaties and Agreements in the area of Sustainable Development, Environmental Protection and Resource Management; and
 - (6) Provide for Related Matters.
- Section 4 – The Act will bind the Crown, including statutory authorities.
 - Section 11-12 – Establishes the Department of Environment, and defines its functions and powers.
 - Section 16 – provides for the establishment of an Environmental Registry, which will contain information on importation and management of hazardous materials, environmental professionals, laboratories, codes of practice, and other relevant environmental documentation and resources.
 - Section 16(4) – Requires the Department of Environment to operate the Environmental Registry to ensure compliance and reporting with the provisions of the multilateral environmental agreements.
 - Section 18 – Establishes an Environmental Trust Fund, to be administered by the Department of Environment for a range of purposes, including the financing of protected areas.
 - Section 18(1)(f) – Allocates 25% of the Environmental Trust Fund to projects implemented by non-governmental organisations.
 - Part V, Sections 31-35 – Deals with national measures to address obligations related

to the Vienna Convention for the Protection of the Ozone Layer and the Montreal Protocol on Substances that Deplete the Ozone Layer.

- Part VII, Sections 42-45 – Focuses on environmental information, research, education, and training. It also grants rights to the Government to gather information from private citizens, organisations, and corporations.
- Part VIII, Sections 46-55 – Deals with water quality management.
- Part X – Focuses on waste and pollution management, and includes provisions for commercial and industrial facilities to prepare environmental management plans and institute environmental management systems.
- Sections 71-74 – Provides guidance on the contents of environmental management plans for industry.
- Part XI, Sections 75-80 – Deals with resource management issues, and requires the Department of Environment to establish a GIS unit within two years of the law entering into force. It provides for natural resource inventories and the formulation of a Natural Resources Management Plan within 2 years of establishment of the GIS Unit.
- Section 84 – Deals with biodiversity management, including the management of protected areas, and protected areas declared under the Physical Planning Act (2003). The Section also provides for implementation of the provisions of the CBD, CITES, Ramsar Convention, Climate Change Convention, and the Desertification Convention.
- Section 84(3) – Requires the formulation of a National Biodiversity, Conservation and Protected Areas Policy, and gives the Department of Environment power over the design of protected areas.
- Sections 87-90 – Provide for the establishment of protected areas, including the rationale for designation and the categories of protected areas for Antigua and Barbuda. The relevant Minister is given the authority to declare protected areas on State lands or private lands, and a management plan must be prepared for each site.
- Part XIII – Recognises the multilateral environmental agreements signed by Antigua and Barbuda, and provides for the establishment of a national coordinating mechanism

Implications for Protected Areas

This Bill covers a wide range of environmental management issues, and the ability of any single institution to design policy and plans, implement the various provisions,

enforce the provisions, monitor the system, and collaborate effectively with regional and international institutions must be questioned.