

**UK Overseas Territories and Crown Dependencies: 2011 Biodiversity snapshot.**

**Anguilla Appendices.**

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This section includes a series of appendices that provide additional information relating to that provided in the Anguilla chapter of the publication: UK Overseas Territories and Crown Dependencies: 2011 Biodiversity snapshot.

All information relating to Anguilla is available at <http://jncc.defra.gov.uk/page-5743>

The entire publication is available for download at <http://jncc.defra.gov.uk/page-5759>

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## **APPENDIX 1: LEGISLATION AND INTERNATIONAL AGREEMENTS**

Most of these Acts and Regulations require revision to address management issues that have arisen over the past decade. The 18 key pieces of legislation are listed below.

### **Access to Beaches Act**

This Act gives everyone the right to use any beach for open-air recreation or fishing as long as they do not cause any damage, their boats do not exceed 50 ft in length, and they do not engage in any illegal activity or fail to comply with rules governing their conduct as set out in the Act.

### **Anguilla National Trust Act**

This Act provides for the establishment and operation of the Anguilla National Trust, including the powers of its Council. The Anguilla National Trust Regulations provides further guidance on operational procedures and roles.

### **Beach Control Act**

The foreshore and floor of the sea are declared as vested in the Crown. Use of these areas is prohibited except by license granted by the Minister. Compulsory acquisition of adjoining lands for the public good can be determined by the Governor in Council.

### **Beach Protection Act**

This Act provides for the declaration of protected beaches and foreshores and the prohibition of sand mining and aggregate removal from such beaches. The Beach Protection Order identifies 18 beaches as protected under this Act.

### **Biodiversity and Heritage Conservation Act**

The purpose of this Act is:

- (a) To support and promote the conservation of wildlife species, their habitats and the ecosystems of which they form a part, in Anguilla, the Caribbean and the world;
- (b) To prevent wildlife species from being extirpated or becoming extinct and to provide for the recovery of wildlife species that are extirpated, endangered or threatened as a result of human activity;
- (c) To prevent vulnerable species from becoming endangered or threatened;
- (d) To support and promote the conservation of heritage sites and listed buildings in Anguilla; and
- (e) To protect heritage objects in Anguilla and to prevent heritage objects or types of heritage objects from being exported.

### **Cruising Permit Act,**

The purpose of this act is to regulate charter boat cruising within the territorial sea without the owner having obtained the necessary cruising permit from the Comptroller of HM Customs and Excise.

**Fisheries Protection Act**

Powers and protection of Fisheries Officers are prescribed as well as disposal of perishable matter and property. Provisions in the Regulations are made for licensing, registration, conservation, fisheries management and development, and enforcement of regulations.

**Land Development (Control) Act**

This Act prescribes the establishment and function of the Land Development Control Committee and the Regulations specify the procedures for land development permission, as well as the powers of the Director. The Act also provides for the declaration of Special Development Areas.

**Marine Parks Act**

This Act prescribes the procedures for the designation of marine parks, appointment and powers of a Controlling Officer, and acquisition of land for marine parks. The regulations specify offences, prohibitions, enforcement, and acquisition of permits. Seven marine parks were designated in the amended regulations of 2007.

**Plant Protection Act**

Provisions are made for the prohibition of importation of plants, seizure, inspection, registration, and quarantine of nurseries, procedures for eradication of pests and diseases, and compensation. Fruit trees and other plants are identified in the Regulations for inspection of pests.

**Quarantine Act**

This Act deals primarily with public health issues and the control of persons with infectious diseases arriving by ship or aircraft. Provisions are also made in the regulations for control of pest and diseased materials, including plants coming from areas with specified diseases.

**Trade in Endangered Species Act**

An Act to further the protection and conservation of endangered, threatened and exploited species of wild fauna and flora by regulating the export and import of specimens of those species and thereby enable Anguilla to fulfil its obligations under the Convention on International Trade in Endangered Species of Wild Fauna and Flora

**Wild Birds Protection Act**

A protection season for birds, offences and reporting procedure are specified. The Regulations provide details of the closed season for the Mountain Dove and Wild Pigeon.

***Proposed legislation***

The Government of Anguilla, through the efforts of the Department of Environment, has led the preparation of three pieces of legislation related to Environmental Protection.

This bill is currently in draft and is listed below:

- *The Bill for Environment Protection Act (On going consultations)*

### **Multilateral Environmental Agreements.**

In relation to environmental protection, management and biodiversity conservation, the UK Government has signed or acceded to the following international agreements which were subsequently handed down to the Government of Anguilla:

- Convention Concerning the Protection of World Cultural and Natural Heritage (World Heritage Convention) – there are currently no designated World Heritage sites in Anguilla.
- Convention on Wetlands of International Importance Especially as Waterfowl Habitat (Ramsar Convention) – there are currently no designated Ramsar sites in Anguilla.
- International Convention on the Regulation of Whaling – whaling has not been carried out in Anguilla for several decades.

## **APPENDIX 2: NATIONAL ENVIRONMENTAL STRATEGIES**

### **Environment Charter – Anguilla**

The Anguilla Environment Charter is an agreement with the United Kingdom Government that was signed on 26th September, 2001. Under this Charter, the Government of Anguilla commits itself to:

1. Bring together government departments, representatives of local industry and commerce, environment and heritage organizations, the Governor's Office, individual environmental champions and other community representatives in a forum to formulate a detailed strategy for action.
2. Ensure the protection and restoration of key habitats, species and landscape features through legislation and appropriate management structures and mechanisms, including a protected areas policy, and attempt the control and eradication of invasive species.
3. Ensure that environmental considerations are integrated within social and economic planning processes; promote sustainable patterns of production and consumption within the territory.
4. Undertake environmental impact assessments before approving major projects and while developing our growth management strategy.
5. Commit to open and consultative decision-making on developments and plans which may affect the environment; ensure that environmental impact assessments include consultation with stakeholders.
6. Implement effectively obligations under the Multilateral Environmental agreements already extended to Anguilla and work towards the extension of other relevant agreements.
7. Review the range, quality and availability of baseline data for natural resources and biodiversity.
8. Ensure that legislation and policies reflect the principle that the polluter should pay for prevention or remedies; establish effective monitoring and enforcement mechanisms.
9. Encourage teaching within schools to promote the value of our local environment (natural and built) and to explain its role within the regional global environment.
10. Promote publications that spread awareness of the special features of the
  - (a) environment in Anguilla; promote within the territory the guiding principles of
  - (b) this Charter.
11. Abide by the principles set out in the Rio Declaration on the Environment and
  - (c) Development and work towards meeting International Development targets on the
  - (d) environment.

### **Strategic Country Programme (March 2003 Revision)**

The Strategic Country Programme (SCP) was the outcome of discussions between the Government of Anguilla and the Government of the UK in June 2000. The Environment

Section of this policy document aims to support the livelihoods of the people of Anguilla through sustainable management of the environment. This will be achieved through five objectives, which are to:

1. Ensure that appropriate, applicable and affordable environmental policies and processes exist within government which supports the sustainable management of the environment.
2. Ensure that key coastal and terrestrial habitats are protected and used sustainably.
3. Ensure sustainable use of terrestrial and inshore and offshore marine resources.
4. Facilitate adherence to the obligations of applicable regional and international environmental treaties and agreements.
5. Facilitate initiatives for enhancement and beautification of the environment.

The section on Disaster Management in the SCP has as its policy objective: to minimize the impact of natural and human made hazards through appropriate risk reduction and preparedness measures that enable an effective response and faster recovery. This will be achieved through the following objectives:

1. Ensure that disaster plans are prepared, tested and kept up-to-date for hurricanes, floods, earthquakes, oil spills, fires, air, criminal acts and sea disasters, and that they are adequately owned, managed and resourced and that key personnel are properly trained.
2. Ensure that disaster management principles are incorporated in land use and planning processes.
3. Establish a coherent national organisational framework to enhance coordination authority and effectiveness in the management of all hazard risks.
4. Establish an appropriately trained and resources domestic fire service.

### **Native Plant and Animal Habitat Conservation (Biodiversity) Policy**

The Executive Council approved the Native Plant and Animal Habitat Conservation (Biodiversity) Policy on 4th October, 2001. This policy will demonstrate the government's further commitment to improving the economic and social development of its people through the adoption of several objectives for the conservation of biological diversity in Anguilla. The Government proposes to:

1. Ensure the protection and restoration of key habitats and species through legislation and appropriate management structures and mechanisms, such as national parks and other protected areas.
2. Establish and promote criteria for the selection of key habitats for protection measures.
3. Establish, strengthen and promote procedures for the broad participatory planning and management of plant and animal habitats to include landowners, community, private sector, non-governmental and other organizations not directly linked to government.
4. Ensure that written agreement is obtained from landowners whose land or portion thereof may be selected for protection measures. Only where there is agreement from

the landowner, should any action proceed to include such lands for protection of native plants and animals habitats.

5. Arrange for the acquisition of such lands, wherever feasible, that are critical for the protection of key habitats or ecosystems.
6. Take the necessary measures to control the intentional or accidental introduction or escape into or from the environment, of alien or modified organisms that are likely to impact adversely on other organisms or on the environment.
7. Facilitate access to and present information on biodiversity in a clear and understandable manner to everyone without the imposition of undue financial burden on the person requesting the information.

### **National Environmental Management Strategy and Action Plan 2005**

The preparation of the National Environmental Management Strategy and Action Plan (NEMS) for Anguilla was a requirement of the Government in discharge of its obligations under the 2001 St George's Declaration of Principles for Environmental Sustainability in the OECS (SGD). There are 21 Principles that have been prescribed in the SGD, and OECS Member States have agreed to utilize these in the governance of national affairs. Principle 13 refers specifically of biodiversity.

### **St Georges Declaration**

The St George's Declaration of Principles for Environmental Sustainability in the OECS, was signed by the Government of Anguilla in April 2001. This document prescribes 21 principles which should govern the conduct of Governments in the Organisation of Eastern Caribbean States. The principles that are considered priority for Anguilla serve as the basis of the development of the National Environmental Management Strategy and Action Plan. These Principles and their related actions are provided in the following section.

### **Anguilla National Biological Diversity Strategy and Action Plan 2009**

Environmental Management is key to Anguilla's sustainable development and the preparation and implementation of this National Biological Diversity Strategy and Action Plan (NBSAP) is one of the major tools for managing Anguilla's development and livelihood. At present no detailed assessment of local biodiversity exists nor is there any specific strategy and action plan that focuses on biodiversity role in national development, hence the need for the NBSAP. A better understanding of the status, value and benefits of biodiversity will assist in conservation and national development. The NBSAP provided a further mechanism for Anguilla to discharge its obligations under the Environmental Charter and the National Environmental Management Strategy and Action Plan.

The project brought about collaboration with key government agencies and NGOs, consensus on planning for biodiversity conservation, agreement on the priorities for conservation and



national development, and the identification of roles and responsibilities for managing specific aspects of biodiversity.

**Major outputs from this project were individual** assessment reports of key sectors: Land use and Environmental Planning; Agriculture/Forests/Wildlife; Fisheries/Marine/Coastal Areas; Tourism and a socioeconomic assessment for the NBSAP as well. These were in addition to the National Biological Diversity Strategy and Action Plan for Anguilla document and awareness building activities on the biodiversity and the NBSAP.

### **Anguilla Invasive Species Strategy**

Anguilla is faced with ongoing development which in turn means that importation of labour and materials are at a high. The island has been faced with an onslaught of invasive species over the past five years most obvious being the African giant snail and the Cuban tree frog. These two species have put undue pressure on native species problems with the native ecosystem and also caused economic or environmental harm and some harm to human health. This strategy addresses those issues in a systematic way that would bring some level of control

## **APPENDIX 3: PROTECTED AREAS**

### ***Terrestrial Protected Areas***

The East End Pond Conservation Area (vested to the Anguilla National Trust in 2001) is the only terrestrial protected area set up specifically to protect vegetation or ecosystem types. The Anguilla National Trust (ANT) also has two heritage sites which are protected: Fountain Cavern and Big Spring. The vegetation at Big Spring is enclosed by a chain-link wire fence and therefore receives adequate protection.

The rate of conversion of terrestrial habitats has increased over the past 10 years, and has coincided with the increase in resort and residential development on the island. But most of the natural habitats are privately owned and there is little that can be done under existing law to prevent conversion to other uses, unless the Government chooses to purchase these private lands for conservation. Private land owners can however, donate lands to the ANT to be managed only for conservation purposes; as in the case of a small parcel at Seafeathers. So far, there has been no designation of terrestrial habitats of national (or international) importance or those that are critical to Anguillian well-being.

In 2010 the Government of Anguilla provided the designated 7.3 acres of land to the Department of Environment to Manage as a Scientific and Research Reserve with elements for conservation education being one of the main focus areas.

### ***Marine Protected Areas***

Anguilla has seven marine parks as designated in the Marine Parks (Schedule Amendment) Regulations, 2007: Junks Hole; Dog Island; Prickly Pear Cays and Seal Island Reefs; Sandy Island; Little Bay; Shoal Bay and Island Harbour Reefs; and the Sombrero Island Nature Reserve Marine Park. All except Little Bay were designed to protect the reefs. The marine parks, designated under the Marine Parks Ordinance in 1982, were not managed by the DFMR until the Marine Parks Regulations came into force in 1993. Management activities include: revenue collection, law enforcement, and mooring buoy installation and maintenance

## **APPENDIX 4: INSTITUTIONAL ARRANGEMENTS**

### ***Department of Environment***

The Department of Environment is the coordinating agency for environmental management in Anguilla. The programme areas of the Department of Environment are: (i) biodiversity conservation, management and heritage protection (sustainable resource utilization, and protection), (ii) environmental protection, and (iii) participation of the private sector and non-governmental organisations in the environmental management process including support for disaster management initiatives and participation in the development control process.

### ***Department of Fisheries and Marine Resources***

The programme areas of the Department of Fisheries and Marine resources are: (i) Fisheries Development and Management, (ii) Marine Parks Development and Management, and (iii) Coastal Zone Management.

Specific functions relevant to the tourism sector include the management of the system of mooring buoys, and monitoring of the marine resources used by the day cruisers and other tour operators.

### ***Department of Physical Planning***

The Department of Physical Planning is responsible for spatial land use planning, and coordinates the development control process. Policies and standards concerning physical development are developed by the Department.

### ***Department of Agriculture***

The 2008 Strategic Plan of the Department of Agriculture states that “*The mission of the Department is to optimize the agricultural potential of Anguilla by the application of appropriate technology and the utilization of our natural resources through sustainable management to achieve import substitution*”. That responsibility is discharged by:

- (a) Conducting research programmes and transferring the technology to farmers;
- (b) Providing basic agricultural services to the farmers (e.g. seedling supply, tractor services, stud services, etc.);
- (c) Providing technical assistance through extension services;
- (d) Assisting with marketing and other related issues;
- (e) Sourcing and assisting farmers in purchasing supplies.

Supporting functions for the tourism industry includes inspection of shipments into Anguilla that contain plant and animal materials.

### ***Environmental Health Department***

The functions of the Environmental Health Department are mandated by the Public Health Act (R.S.A.c.P125), and broadly deals with “... *all matters relating to the promotion or preservation of the health of the people of Anguilla*”.

With specific reference to tourism, the Department operates the Government Laboratory, is responsible for monitoring of drinking and recreational water quality, approves permits for tourism facilities (sewage treatment, food, etc.), and is responsible for solid waste management.

### ***Anguilla National Trust***

The Anguilla National Trust was established by law for the following purposes:

- (i) to promote the permanent preservation for the benefit of Anguilla of lands of beauty and buildings of historical or archaeological interest and, in the case of lands, the preservation (so far as possible) of their natural aspect features and animal and plant life;
- (ii) to maintain and manage lands whether or not acquired by the Trust as open spaces or places of public resort and buildings, whether so acquired or not, for purposes of public recreation, resort or instruction;
- (iii) to promote the preservation of buildings of public interest or architectural, historic or artistic interest and places of natural interest or beauty and the protection and augmentation of the amenities of such buildings and places and their surroundings;
- (iv) to promote preservation of furniture, pictures, documents, artifacts and chattels of any description having national, historic, artistic or cultural interest; and
- (v) to promote the access to and enjoyment of such lands, buildings, places and chattels by the public.

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