



Overview of Authorities to Manage Marine Waters Surrounding Barbuda

Prepared by the Environmental Law Institute for the Barbuda Blue Halo Initiative

Context

The Barbuda Blue Halo Initiative supports sustainable, profitable, and enjoyable use of ocean resources. The goal of the project is to develop a sustainable ocean policy. It is a collaboration of the Barbuda Council, the Government of Antigua & Barbuda, the people of Barbuda, and the Waitt Institute. The Initiative planning process is organized around seven principles:

1. Plan with the goal of sustainable, profitable, and enjoyable use of ocean resources over the long-term – for next year and for future generations.
2. Plan with a focus on increasing fisheries' catches, and preserving traditional uses of ocean areas.
3. Plan with the premise that a zoning plan well supported by the community will result in higher voluntary compliance.
4. Plan with consideration of maximizing ease of enforcement, including gear-based management and design of zone boundaries based on known landmarks, where possible.
5. Plan with an understanding of the necessity for strong legal support for enforcement, including prosecuting and penalizing infractions.
6. Plan with an aim of long-term financial independence and viability of implementation.
7. Plan with an understanding that revisions and adjustments may be needed over time to maximize effectiveness.

Overview of Authorities

The following document provides an overview of authorities for managing marine waters surrounding Barbuda.¹ Table 1 includes fisheries and marine protection authorities, which are the main focus of this research. Table 2 summarizes additional authorities relevant to the marine waters surrounding Barbuda, including those related to planning, land use, maritime activity, shipping, forestry, plant protection, and mining.

For both tables:

- "A&B" indicates national government.
- "BC" indicates Barbuda Council.
- "X" denotes that the authority explicitly exists.
- "O" indicates that legal provisions exist that could be used to provide the Barbuda Council with additional authority under a given statute.

¹ This document is provided for informational and educational purposes only and does not constitute legal advice. It is intended, but not promised or guaranteed, to be current, complete, or up-to-date. Transmission of this document is not intended to create, and the receipt does not constitute, an attorney-client relationship between the Environmental Law Institute and any other entity.

Table 1. Fishing & Marine Protection Authorities in Barbuda

AUTHORITIES	INSTITUTION		OVERVIEW
FISHERIES AUTHORITY			
	A&B	BC	
Barbuda Local Government Act		X	<ul style="list-style-type: none"> • “the duty of the Council ... to administer fisheries” subject to “general or special directions” from the Cabinet • “The Council shall have power to make regulations and by-laws...with respect to...fishing”
Barbuda (Shooting & Fishing) Bylaw		X	<ul style="list-style-type: none"> • “Council may issue permits to persons to take fish (during such period and in such area as may be set in said permits)” out to 1 maritime league
Barbuda Land Act		X	<ul style="list-style-type: none"> • “The Council shall designate areas of land in Barbuda for ... fisheries”
Fisheries Act	X	O	<ul style="list-style-type: none"> • Applies to all “Antigua and Barbuda waters” • No exceptions expressed for Barbuda, but Minister can appoint a local fisheries management authority to manage a local fisheries management area
MARINE PROTECTION AUTHORITY			
	A&B	BC	
Barbuda Local Government Act		X	<ul style="list-style-type: none"> • The Council shall have power to make regulations and by-laws...with respect to... the management and control of ... public parks and other places of public recreation”
Barbuda Land Act		X	<ul style="list-style-type: none"> • “The Council shall have the responsibility and duty for...the administration of land in Barbuda” • The Council shall designate areas of land in Barbuda for...public purposes; ... tourism development; ... [and] national parks”
National Parks Act, as amended by Barbuda Land Act	X	X	<ul style="list-style-type: none"> • National Parks Authority for Barbuda must preserve, protect and manage parks in Barbuda • Barbuda Parks Commissioner responsible for implementation and developing management plan, which must be approved by Barbuda Authority, Minister, and Cabinet • Council authorized to create management plans with approval from Minister and Cabinet
Marine (Protection & Enhancement) Act	X	O	<ul style="list-style-type: none"> • Minister may “designate any portion of the marine areas of Antigua and Barbuda as a restricted area” • Minister may assign “to any person, Board, committee or body which he considers competent for the purpose, responsibility for the control and management” of restricted areas
Fisheries Act	X	O	<ul style="list-style-type: none"> • Minister may declare Marine Reserves, fishing priority areas, and local fisheries management areas • In local fisheries management areas, local managers can regulate fishing with by-laws “not inconsistent with this Act or regulations made under this Act,” subject to approval by Minister
Physical Planning Act		X	<ul style="list-style-type: none"> • Authorizes Barbuda bodies (Council and Planning Commission) to establish “environmental protection areas” with accompanying management plans
Public Parks Act	X		<ul style="list-style-type: none"> • Allows establishment of public parks, including submerged lands

Table 2. Other Authorities Relevant to Ocean Management in Barbuda

AUTHORITIES	INSTITUTION		OVERVIEW
PLANNING & LAND USE			
	A&B	BC	
Physical Planning Act	X	X	<ul style="list-style-type: none"> Establishes planning framework. Specifically, <ul style="list-style-type: none"> Composition, procedures and finances of the Barbuda Planning Commission will be determined by Barbuda Council and Antigua and Barbuda government by regulation (§5) Barbuda Planning Commission and Barbuda Council given authority to create development plan for Barbuda with Barbuda Land Act Schedule (Part III, §9 et seq)
Barbuda Land Act		X	<ul style="list-style-type: none"> Calls for Council to prepare a development plan Authorizes action for planning by: <ul style="list-style-type: none"> Barbuda Planning Commission Chairman of the Barbuda Planning Commission Barbuda Council Creates Barbuda Land Registry to record leases, easements, and other land rights in Barbuda
MARITIME ACTIVITY & SHIPPING			
	A&B	BC	
Port Authority Act	X		<ul style="list-style-type: none"> Developing harbours, operating port services, and controlling foreshores, harbours, and entrances
Merchant Shipping Act	X		<ul style="list-style-type: none"> Provides regulatory framework for merchant shipping Implements international maritime agreements Requires coasting trade vessels be registered to Antigua and Barbuda
Defence Act	X		<ul style="list-style-type: none"> Directs Coast Guard to enforce harbour and port regulations; fisheries; territorial waters and economic zones; and safety at sea
Barbuda Act		X	<ul style="list-style-type: none"> Requires all vessels engaged in coasting trade with Barbuda to have a licence from the Barbuda Council and allows enforcement by boarding officers on Barbuda
Barbuda Local Government Act		X	<ul style="list-style-type: none"> Authorizes the Barbuda Council to develop regulations and by-laws related to coasting trade

(Table 2 continued on page 4)

Table 2 cont'd

AUTHORITIES	INSTITUTION		OVERVIEW
FORESTRY & PLANT PROTECTION			
	A&B	BC	
Barbuda Local Government Act		X	<ul style="list-style-type: none"> • Authorizes Council management of forestry, including mangroves, independent of Cabinet policy oversight
Barbuda Land Act		X	<ul style="list-style-type: none"> • Prohibits cutting mangroves without a permit from the Council issued pursuant to Barbuda Land Regulations
Forestry Act	X		<ul style="list-style-type: none"> • Governs harvest of mangroves and other trees in Antigua and Barbuda, designation of lands for reforestation, permitting forestry management and timber harvest • Barbuda Council action takes precedence in Barbuda where conflict
Physical Planning Act	X	X	<ul style="list-style-type: none"> • Allows Barbuda Planning Commission to issue plant preservation orders that prohibit destruction of a type of plant, after consultation with the Minister of Agriculture
MINING			
	A&B	BC	
Beach Protection Act	X		<ul style="list-style-type: none"> • Requires a permit to remove materials from beaches or seashores • An amendment to the Act applies the requirements to Barbuda
Minerals (Vesting) Act	X		<ul style="list-style-type: none"> • Requires a licence issued by the Cabinet in order to mine or prospect for minerals on any land
Radio-Active Minerals Act	X		<ul style="list-style-type: none"> • Mining for uranium-bearing minerals requires a licence from the Governor-General