

Policy and Legislation

A recent environmental profile (CCA/IRF 1991) highlights recommendations regarding the development of protected areas. Further, it is recommended that the government give early attention to the development of a comprehensive plan which approaches the subject of national parks and protected areas from a national perspective, and which includes identification of appropriate mechanisms for co-ordinating management responsibilities within a national system. Allocation of manpower resources for enforcement and management activities should be made on the basis of priorities established in the plan.

The legal basis resource management is provided by the National Conservation and Environment Protection Act No. 5 (NCEPA), 1987 which covers management and development of natural and historic resources, establishment of protected areas, and the establishment of an advisory Conservation Commission.

Any protected area designated under this Act has the following broad purposes and objectives: to preserve the biological diversity of wild flora and fauna and the associated land and marine habitats, to protect selected examples of representative or unique biological communities, to sustain basic ecological processes including water recharge and soil regeneration; and to protect selected natural sites of scenic beauty or of special scientific, ecological, historical or educational value, including sites that are already degraded and need protection.

Part II of the Act describes and provides for the establishment of protected areas, identified as national parks, nature reserves, botanical gardens, marine reserves, protected marine areas, historic sites, scenic sites, or areas of special concern (Annex I). Under Part IV of the Act, authority is conferred on the Brimstone Hill Fortress National Park Society to make and enforce regulations for that area of the same name. When a proposed protected area includes private land, the Minister of Development can either expropriate or enter into an agreement with the land owner for the right of access, and the right to control such land.

The Fisheries Act No. 4, 1984, modelled on the unified draft circulated by FAO, provides for the establishment of marine reserves and priority fishing areas, and authorises the Minister to make regulations for the management and protection of such areas (Annex I). Although none has yet been declared (OECS 1986), the Conservation Commission is actively studying proposals to implement the act (Archibold, pers. comm., 1991).

The legal authority to designate a marine area as a national park, marine reserve or a protected area is given in both Part II, Section 3-6 of the National Conservation and Environmental Protection Act and Part II, Section 23 (a-d) of the Fisheries Act. Although neither act specifies an administrative authority to manage such an area, both acts assign sufficient authority to the minister responsible in both fields to make declarations and rules to establish reserves and protected areas without first obtaining the consent of parliament (Anon. n.d.)

Part VII of the NCEPA covers forestry, soil and water conservation, and Section 35 provides for the establishment of forest reserves. The Minister (in consultation with the Conservation Commission) is required to establish forest management schemes and the necessary regulations, including the prohibition of livestock grazing, although, to date, no regulations have been promulgated (CCA/IRF 1991).

The Forestry Ordinance No. 10, 1903 was amended by Ordinance No. 22, 1921 and No. 5, 1928. Regulations for implementation of the legislation are found in the Forestry (St. Christopher) Regulations, the Forestry (Fuel Supply) (St. Christopher) Regulations, 1927 and the Forestry (Nevis) Regulations, 1940. These regulations mostly deal with the granting of permits for exploitation, with specific requirements for charcoal burning, control of fires and land clearing (DFS, 1983). While the Forestry Ordinance, as amended, declares as forest reserves all land covered with trees above the existing line of cultivation when the law was passed in 1903. These reserves have never been surveyed, gazetted or demarcated (Miller *et al* 1988). On Nevis, where land above 300 m is now totally protected through administrative means, there is interest in developing legislation which would provide authority to declare some forested areas as national parks and other protected areas (OECS 1986).

On St. Kitts, particularly, there is clearly a need for modern forestry legislation due to growing pressures on the land (OECS, 1986).

Part VI, Section 31 of the NCEPA makes provision for the protection of beaches and the coastal zone out to 2 km, and the Minister, through consultation with the Conservation Commission, is responsible for the preparation and implementation of a coastal zone management plan to regulate development. The Minister may declare certain areas to be protected beaches, where activities such as fishing, the use of boats, certain sports, mining, or removing treasures or artefacts from the sea bed are prohibited.

The Beach Control Ordinance Cap. 281, 1961 provides authority to control sand mining and construction on the foreshore (tidal zone). Use or encroachment of the foreshore or floor of the sea is prohibited, except with the permission of the Minister of Agriculture, Lands, Housing and Development (OECS 1986).

The South-east Peninsula Act designates the whole peninsula as a conservation area, with purposes clearly laid out in the act (Archibold, pers. comm., 1991).

International Participation

Conventions and Treaties

Convention on Biological Diversity (CBD, 1992)

Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES, 1973)

United Nations Convention on the Law of the Sea (LOS, 1982)

Convention concerning the Protection of the World Cultural and Natural Heritage (World Heritage, 1972)

Programmes & Associations

Caribbean Conservation Association (CCA, 1967)

Caribbean Environment Programme (CEP, 1981) and its Specially Protected Areas & Wildlife Programme (SPAW, 1990)

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