



Legislation Handbook

for the National and Marine Parks of St Eustatius

LEGISLATION TITLES

NATIONAL AND MARINE PARKS

USING THE NATIONAL AND MARINE PARKS

DEVELOPMENT PLANNING

FISHING

FLORA AND FAUNA

NATIONAL AND MARINE PARK MANAGEMENT

POLLUTION, WASTE

SHIPS

ENFORCING THE LAW

INTERNATIONAL TREATIES AND CONVENTIONS

INDEX

ISLAND CONTACT DETAILS

ACKNOWLEDGEMENTS

This handbook has been approved by the former Public Prosecutor for Saba, St Eustatius and St Maarten, Prosecutor Paul Mooij.

This handbook/booklet has only been made possible with the kind support and help of many people and organisations, especially (and in no particular order):

Alfonso Blijden, Department of General Affairs St. Maarten
Kalli de Meyer, Executive Director, Dutch Caribbean Nature Alliance
Jan den Dulk, Manager, Saba Conservation Foundation
Nicole Esteban, Manager, St. Eustatius National Parks
Paul Hoetjes, Senior Policy Advisor, Department of Environment and Nature (MINA)
Eseld Imms, Nature Foundation Sint Maarten
Olivia Lake, VROM – Nature and Environment
Macha le Poole, Lawyer/Translator
Hannah Leslie, Ranger St Eustatius National Parks
Paul Mooij, Public Prosecutor
Beverly Mae Nisbeth, Manager, Nature Foundation Sint Maarten
Gia Robinson-Heyliger, Saba Conservation Foundation/Saba National Marine Park
Johan van Teeflen, New Projects, VROM – Nature and Environment

Dutch Caribbean Nature Alliance (DCNA)
 Saba Conservation Foundation/Saba National Marine Park
 St. Eustatius National Parks Foundation (STENAPA)
 Nature Foundation Sint Maarten
 Department of General Affairs, St. Maarten
 Department of Environment and Nature, Ministry of Public Health and Social
 Development, Netherlands Antilles
 VROM Nature and Environment

Design and layout: R.J. van Oosten

Circulation: 50 Copies.

This publication is financially supported by the Dutch Caribbean Nature Alliance (DCNA).

Table of Contents

ACKNOWLEDGEMENTS	2
TABLE OF CONTENTS	3
INTRODUCTION	7
Caution	8
How to use this booklet	9
LEGISLATION TITLES	11
NATIONAL AND MARINE PARKS	15
Statia National Marine Park: general rules, boundaries and map	15
St. Eustatius Quill/Boven National Park: general rules, boundaries	16
USING THE NATIONAL AND MARINE PARKS: behaviour within the parks	19
Dive Operators: commercial activities	20
DEVELOPMENT PLANNING: coastal & inland development & construction	24
FISHING	27
Regulations for Permit Holders: in the EEZ and territorial waters	27
Regulations for Non-Permit Holders: in territorial waters	30
FLORA AND FAUNA: the species protected by conventions and regulations	37
Conch: quotas for personal consumption, gear & size restrictions	41
Lobsters: trade, catch, gear & size restrictions, permits	42
Marine mammals: protection and trade, fishing ban	43
Sea turtles: protection and trade, fishing ban, human impact on	44

NATIONAL AND MARINE PARK MANAGEMENT	47
National Legislation: nature policy, nature parks, management & conventions	47
Island Legislation: impacts on environment, management plans, beach protection	49
POLLUTION, WASTE: discharges or sinking objects, waste disposal, sewage	53
Pollution and Waste from Ships: oil spills, handling harmful substances, ports, sinking vessels	53
SHIPS: safety equipment, in the marine park, shipping areas	61
Anchoring and Mooring: anchoring zones/areas, moorings, buoys, use & restrictions	61
ENFORCING THE LAW: monitoring compliance & violations, authorised persons, confidentiality	65
Always check this section after you have identified an ordinance that has been violated - for additional information on enforcement and punishments)	
INTERNATIONAL TREATIES AND CONVENTIONS:	
obligations, explanations, species protected	79
INDEX	88
ISLAND CONTACT DETAILS	90
PERMITS, LICENSES, CERTIFICATES, EXEMPTIONS AND FEES: any information available regarding permits, licenses, certificates, exemptions, conditions, arrests, legal action, and fees, will be found in the light green tables at the end of each section.	
PUNISHMENTS AND VIOLATIONS: any information available is found either in the dark green rows throughout the various sections (where they apply to specific articles) or in the section “ Enforcing the Law ” at the end of the booklet (where they apply to the whole ordinance).	



Introduction

Word of caution

Handbook instructions

Introduction

The shores and seas of the windward islands of the Netherlands Antilles are a valuable resource for Antilleans and visitors alike, and form a large part of the cultural history and heritage of the islands. With increasing populations and levels of tourism, it is important to use our marine and terrestrial resources wisely so that they can be shared and enjoyed by everyone. Public education and awareness are a large part of this – few people would knowingly want to destroy wildlife or the people's jobs that depend on healthy forests, coasts and seas. However, it is important to have areas and laws to protect the environment from misuse, and to enforce these laws fairly and visibly. This should prevent similar misuse in the future and provide guidance for others.

A handbook has been produced to bring relevant legislation concerning the use and conservation of the national and marine parks of the Windward Islands of the Netherlands Antilles together. From it this booklet has been extracted, containing information pertinent only to St. Eustatius, which includes all the surrounding waters down to 30m, and two land parks. This booklet has been designed to be easily accessible and understandable, to simplify the work of the wardens, rangers and managers. These are the staff that are tasked with the demanding, but important job of enforcing marine and terrestrial environmental laws to protect the unique environmental heritage of the islands. However, although this booklet strives to be as informative and precise as it can, it also has to be practical and concise, and therefore the scope of this booklet is limited. To make the best use of this booklet, please read carefully and keep in mind the following cautions:

CAUTION – PLEASE READ BEFORE USING HANDBOOK

As much as possible, the information included in this booklet is taken from the most recent legislation available at the time of publication (to the best of the editors knowledge), but may be subject to future changes through new ordinances, Island Resolutions, and amendments to the existing legislation and policy.

The legislation discussed in this booklet is translated and simplified to the best of our ability - it cannot provide all the detail or accuracy of the original legislation.

This booklet is therefore only an interpretation of the law, and only concerns topics relevant to the environment of the national and marine nature parks (not all articles or ordinances are necessarily included), and should be used only as a guideline for response to violations of the law - **the original legislation should be consulted before taking legal action.**

Original legislation and its translations are provided in both Dutch and English on CD's kept with the National or Marine Park Offices, and Departments of General/Legal Affairs.

- “Eilandsraad” is translated as “Island Council”, which is the legal body comprised of all the chosen people’s representatives and has the democratic power to take decisions.
- “Bestuurscollege” is translated as “Executive Committee” (“ExCo”) which executes the decisions of the Island Council, and consists of two commissioners appointed by the Island Council, under supervision of the Lieutenant Governor (Gezaghebber).
- The “Wetboek van Strafrecht” is translated as the “Code of Criminal Law”, and the “Wetboek van Strafvordering” is translated as the “Code of Criminal Procedure”.

For definitions of terms used in the legislation which are not explained here, please refer to original legislation, which often contains such definitions in the opening articles.

The ‘Landsverordening Maritiem Beheer’ is a major new piece of legislation, which was recently passed (February 2007) and provides mechanisms to implement various marine environmental treaties, to establish protected areas and regulate responsibilities in both the territorial waters and beyond (the Exclusive Economic Zone), and will give island territories full management of their territorial waters, and whilst not changing existing regulations, will provide a better legal basis for them.

HOW TO USE THIS BOOKLET

Use the section titles in the Table of Contents, or the Index (page 88 -89) to find out where legislation regarding the activity or subject you are interested in might be described in this handbook.

If there is legislation regarding that particular activity, the original article(s) are indicated by a code. The initial letters will indicate whether the legislation is National (**AN**), or from St. Eustatius (**EUX**). The first number indicates which Ordinance it is (see page 11), and the specific article is indicated by the number following “Art.” Any amendments to legislation will be written in full in the main body of the text. For example:

EUX3-Art.18,19 = Articles 18 and 19 of the Statia Marine Environment Ordinance - AB1996, No. 03 (EUX3)

SAB1-Art.10 (as amended 6th February 1992 in SAB6-Art.1) = Article 10 of the Saba Marine Environment Ordinance - AB1987, No. 10 (SAB1) with changes in it, as detailed in Article 1 of Saba Island Resolution - AB1992, No. 04 (SAB6)

National legislation or International Conventions (indicated by the code at the end of the article starting in **AN...**, or **X...**) applies to all islands: Saba; Statia and St. Maarten.

If the activity is a violation of a specific article and is a standard case, and there is an enforcement policy in place (available from Prosecutor’s

office), then a summons with the fine as specified in these policy guidelines should be given to the violator. If not, then consultation with the Prosecutor's office is necessary. Please note that objects can be confiscated (with permission of the prosecutor's office, unless already mentioned in enforcement policy guidelines) which were used to commit a violation. Follow the code to find the name of the legislation on page 11.

Information on permits, licences, certificates, exemptions and user fees is provided at the end of each section in the **light green tables**. Information on how violations of the law will be punished, or how to implement the law, that is specific to certain articles will be included in the **dark green rows** throughout the text.

Where there is no dark green table with information on how violations of the law will be punished, or how to implement the law, this information might apply to a whole ordinance rather than just specific articles.

Please check "Enforcing the Law" section, where this is described in full for each ordinance.

Before making a prosecution, or if even more detail is needed to clarify the exact situation, please check the original legislation which is provided in Dutch and English on CD's available from National or Marine Park offices and legal departments.

LEGISLATION TITLES

X - INTERNATIONAL TREATIES AND CONVENTIONS

- X1** - International Treaties and Conventions Summary (CITES, Cartagena (inc. SPAW, Oil Spills, LBS Protocols), IAC, CBD, CMS/Bonn, Ramsar, MarPol)

AN NATIONAL LEGISLATION

- AN1** - National Fisheries Ordinance - PB1991, No. 74
AN2 - National Fisheries Resolution - PB1992-108
AN3 - National Prevention of Pollution from Ships Ordinance - PB1993, No. 108
AN4 - National Civil Liability Oil Tankers Ordinance - PB1998, No. 169
AN5 - National Oil Pollution Compensation Ordinance - PB1998, No. 170
AN6 - National Nature Conservation Ordinance - PB2001, No. 41

EUX ST. EUSTATIUS (STATIA) LEGISLATION

- EUX1** - St. Eustatius Lobster Ordinance - AB1966, No. 01
EUX2 - St. Eustatius Hindrance Ordinance - AB1993, No. 09
EUX3 - St. Eustatius Marine Environment Ordinance - AB1996, No. 03
EUX4 - St. Eustatius Marine Environment Resolution - AB1996, No. 04
EUX5 - St. Eustatius Marine Environment Ordinance Explanatory Memo - AB1996, No. 05
EUX6 - St. Eustatius Flora and Fauna Ordinance - AB1997, No. 06
EUX7 - St. Eustatius Flora and Fauna Resolution - AB1997, No. 07
EUX8 - St. Eustatius Flora and Fauna Explanatory Memo
EUX9 - St. Eustatius Marine Environment Ordinance - AB1996, No. 06
EUX10 - St. Eustatius Marine Environment Ordinance Governor's Resolution - No. 2544

The national
and marine
parks

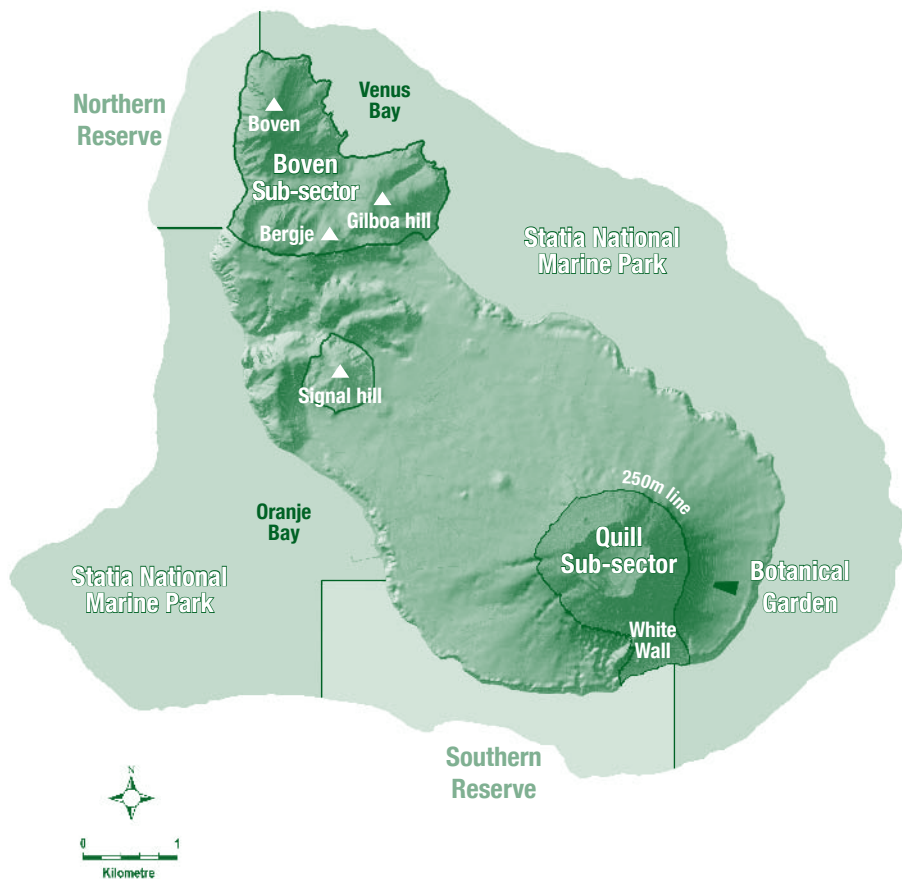
Statia National Marine Park:

general rules, boundaries and map

Quill / Boven National Park:

general rules, boundaries

Overview of protected areas on St Eustatius



THE NATIONAL AND MARINE PARKS

Statia National Marine Park	
<ul style="list-style-type: none"> • It is prohibited to undertake activities which damage or intentionally destroy the marine environment in the Marine Park. 	EUX3 Art.9
<ul style="list-style-type: none"> • It is prohibited to kill, break, catch or collect corals or other bottom-dwelling invertebrates and plants on/in the sea floor. 	
<ul style="list-style-type: none"> • It is prohibited to capture, keep, pick up, kill, harm or directly or indirectly disturb the environment resulting in physical threat or damage to animals. 	EUX6 Art.3
<p>The Statia National Marine Park (the Underwater Park of St. Eustatius) encompasses the sea floor and the overlying waters around and adjacent to the island St. Eustatius, from the high water tidemark to the 30m depth contour.</p>	EUX3 Art.1
<p>Within the Statia National Marine Park there are two reserves (where fishing and anchoring is prohibited) that cover:</p> <ul style="list-style-type: none"> • Southern Reserve: from Gallows Bay, from N17°28.5' coordinate along the high waterline to the point of White Wall, south outward in the sea for ½ nautical mile, to the west following the 30 meters depth limit of ½ nautical mile outward in the sea, measured from the coastline to the crossing with the N17°27.7' coordinate, to the north N17°28.5' coordinate and back to Gallows Bay, • Northern Reserve: from Jenkins Bay, N17°30.5' coordinate along the high water line to its most northern point of the island, to the north to the 30 meter depth limit, to the west and south along the 30 meter depth limit until these lines pass the coordinate N17°30.5' and back to Jenkins Bay • Other parts of the underwater park can be designated (permanently or temporarily) by General Island Resolution. 	EUX3 Art.2

The Statia National Marine Park was declared a National Park by federal nomination (2007).

The Quill/Boven National Park

<ul style="list-style-type: none"> It is forbidden to damage, destroy or alter areas that are vital or unique natural landscapes. 	<p>EUX6 Art.6</p>
--	------------------------------

<ul style="list-style-type: none"> It is prohibited to pluck, cut, transplant, collect, destroy, disturb, or damage plants (or destroy or disturb plants as a result of negligence). It is prohibited to capture, keep, pick up, kill, harm or directly or indirectly disturb the environment resulting in physical threat or damage to animals. 	<p>EUX6 Art.3</p>
--	------------------------------

<p>The Quill / Boven National Park is declared a National Park by Federal nomination (2000). Also recognised as vital or unique natural landscapes in St. Eustatius are:</p>	<p>EUX6 Art.6</p>
--	------------------------------

<ul style="list-style-type: none"> The exterior slope of the volcano ‘The Quill’ from a height of 250m, as well as the inside walls of the crater and the vegetation in the crater, and the section down to sea level known as White Wall. Hilly areas known as ‘Boven’, ‘Venus’, ‘Gilboa Hill’, ‘Signal Hill’, ‘Bergie’. The Kapok tree in the Lower Town area (see EUX7 Appendix I). The cliff wall in the Lower Town area along the length of road from the harbour to the hairpin bend at King’s Well (see EUX7 Appendix II) 	<p>EUX7 Art.3</p>
--	------------------------------

The island government has delegated responsibility for the Quill/ Boven National Park to STENAPA and DROB has responsibility for the Kapok tree and the cliff wall.

Using the
national
and marine
parks

Behaviour within the parks

Dive Operators: commercial activities

USING THE NATIONAL AND MARINE PARKS

<ul style="list-style-type: none"> • Users must follow instructions given by those managing the Parks. 	<p>EUX3 Art.22</p>
<ul style="list-style-type: none"> • It is forbidden to damage, destroy or alter areas that are vital or unique natural landscapes. 	<p>EUX6 Art.6</p>
<p>For listed protected species (covers all species within the boundary of the Quill / Boven National Park, Statia) prohibited activities and behaviour are detailed in “Flora and Fauna” section.</p>	
<ul style="list-style-type: none"> • It is prohibited to undertake activities which are harmful to or intentionally destroy the marine environment in the Marine Park. • It is prohibited to kill, break, catch or collect corals or other bottom-dwelling invertebrates and plants on or in the sea floor. 	<p>EUX3 Art.9</p>
<ul style="list-style-type: none"> • Those transporting persons commercially to destinations within the Marine Park (not just passage through) must have a written permit from the Executive Committee, which may have conditions attached. 	<p>EUX3 Art.17</p>

Dive Operators

- Diving lessons can only be given under the supervision of PADI, NAUI, CMAS, YMCA, NASDS, and SSI certified instructors, who, along with the Dive Masters, ensure that the divers in their care strictly adhere to the Marine Environment Ordinance (**EU3,4,5**).

**EU4
Art.2**

- Uncertified divers may only dive in open waters after an induction by an authorised instructor in a swimming pool or enclosed waters, and under the supervision of a dive master (with no more than two uncertified divers) or instructor (with no more than four uncertified divers). Certified divers must make an orientation dive, if possible from where they get compressed air, before diving elsewhere from boats or from the shore.

**EU4
Art.3**

- Tanks may only be filled with compressed air when showing a valid inspection sticker. Compressors must be maintained so that compressed air meets standards at all times, and so does not exceed the following levels:

Carbon Dioxide	0.5 ppm
Carbon Monoxide	0.01 ppm
Oil	1mg/cubic meter
Odour	none
Water	0.07 percent

**EU4
Art.4**

- It is forbidden to use or possess a compressor to fill diving tanks without a permit from the Executive Committee, except for those on visiting boats filling bottles for their own use, not for a commercial purpose.

**EU3
Art.19**

Using the national and marine parks

<ul style="list-style-type: none"> Besides the safety equipment as prescribed by the Port Master upon the boat's registration, a boat used for the transportation of divers must have an oxygen administration kit and first aid kit on board. 	<p>EUX4 Art.5</p>
<ul style="list-style-type: none"> If dive equipment is rented out or made available to visitors of the Marine Park by persons with a permit for business activities within the Marine Park, the equipment must be in good working condition and must undergo a maintenance session at least once a year. 	<p>EUX4 Art.6</p>
<ul style="list-style-type: none"> Those transporting persons commercially to destinations within the Marine Park (not just passage through) must have a written permit from the Executive Committee, which may have conditions attached. 	<p>EUX3 Art.17</p>
<ul style="list-style-type: none"> Those that conduct commercial diving activities within the Marine Park must have written permission from the Executive Committee. 	<p>EUX3 Art.20</p>

Permits, Licenses, Certificates, Exemptions and Fees

<ul style="list-style-type: none"> • Visitors to the Statia National Marine Park must obtain an entry ticket, with a fixed fee per person per year of USD 20.00 for scuba divers or snorkellers (subject to changes). • Visitors to the Quill / Boven National Park must obtain an entry ticket, with a fixed fee per person per year of USD 6.00 for hikers (subject to changes). 	<p>EUX3 Art.15 *</p>
<ul style="list-style-type: none"> • Visitors to the Statia National Marine Park are charged fees of: USD 4.00 per SCUBA diver per dive. • USD 4.00 per person per boat trip who comes to the island to snorkel from a buoy. 	<p>EUX3 Art.16 *</p>
<ul style="list-style-type: none"> • The proceeds of Marine Park fees will be spent only on management and protection of the Marine Park. 	<p>EUX3 Art.15</p>
<ul style="list-style-type: none"> • Anyone with a permit for using or possessing a compressor to fill diving tanks, transporting persons to destinations within the Marine Park (not just passage through) in exchange for payment, and conducting commercial diving activities within the Marine Park is considered a permit holder 	<p>EUX4 Art.1</p>
<p>and the permit fees are ANG 150.00 each per year (subject to Retribution Ordinance)</p>	<p>EUX4 Art.9</p>
<ul style="list-style-type: none"> • Persons who hold a permit for business activities within the Marine Park must give the manager the names, tasks and authorities of the persons employed by their business that will work in the Marine Park. 	<p>EUX4 Art.2</p>

*(as amended by ExCo in 2008).

Development
planning

Coastal & inland development & construction

DEVELOPMENT PLANNING

-
- Developments or modifications to the coastal area that can influence the marine environment of the Marine Park must be preceded by an independent environmental impact assessment.
-

EUX3
Art.13

Fishing

Regulations for Permit Holders:

in the EEZ and territorial waters

Regulations for Non-Permit Holders:

in territorial waters

FISHING

<ul style="list-style-type: none"> • “Fishing” is defined as ‘placing gear in water, having it in water, hauling it in, picking it up or otherwise having it ready for operation, as well as the use of any other means to catch fish’. • “Fish” also means ‘crustaceans, shellfish and other molluscs, seaweeds, corals, sea mammals, turtles, starfish and sea urchins, fish roe and hatch, and the hatch and seed of crustaceans and shellfish’. 	<p>AN1 Art.1</p>
<ul style="list-style-type: none"> • It is forbidden to fish in the territorial sea (up to 12 nautical miles from shore), and outside in the fisheries zone (EFZ), without a permit, except for vessels with no more than four drag nets or hand lines in use, or vessels with a capacity of less than six gross register tons or less than 12m in length measured from where the deck or the deck strips meet the bow to the inside of the stern (except when an Island Ordinance determines that a permit from the Executive Committee of that Island Territory is necessary). 	<p>AN1 Art.2</p>
<p>Regulations for Permit Holders (vessels longer than 12m, or more than 6 gross register tons capacity) Fishing in the Fisheries Zone (EFZ) and Territorial Waters (AN1 and AN2)</p>	
<ul style="list-style-type: none"> • For regulations regarding the allowed fishing gear and fish catch, and how this should be recorded, it is forbidden to have any fishing gear, fish or sorts of fish on board, other than which is detailed in General National Resolution. 	<p>AN1 Art.3</p>

<ul style="list-style-type: none"> • Anyone fishing in the fisheries zone and permit holders fishing in territorial sea shall be forbidden to: 	AN2 Art.2
<ul style="list-style-type: none"> - fish for all species of turtle, - fish for all species of marine mammal, - fish for molluscs of the species <i>Strombus gigas</i> (conch) which are less than 18 cm in length; or less than 225 grams when removed from their shells, - fish for lobster of the species <i>Panulirus argus</i> which are less than 25cm long (measured in prone position from the edge of the head, between the eyes, to the curve in the tail), or have a carapace of less than 9.5cm, or have a total weight of less than 680 grams, or a tail weight of less than 200 grams. It is forbidden to keep lobsters if they are in ecdysis or are carrying eggs, or to remove the eggs. 	AN2 Art.3
<ul style="list-style-type: none"> - fish with dredge nets, - fish with fish traps with a mesh size of less than 1.5inches or 38mm, - fish with fish traps not fitted with an escape opening, covered by a panel made of biologically degradable material, which, after use, disintegrates in the sea water, so that after some 20 days an opening of at least 15cm by 15cm is created in one side of the fish traps, - fish with chemical substances, with the exception of Quinaldine used in catching aquarium fish, - fish with explosive substances, - fish with bait composed of the flesh of marine mammals, - fish with gill nets longer than 2.5km. 	AN2 Art.2

Fishing

<ul style="list-style-type: none"> The permit holder shall keep a record of fishing activities, including fishing operations, location, species caught and fishing methods employed. Records are kept on forms (free of charge) from the Fisheries Committee, a copy of which should be sent within 45 days to the Fisheries Committee, who may request the records if necessary. 	<p>AN2 Art.4</p>
<p>Punishment for violation of AN1-Art.2, 3, AN2-Art.2,3,4 (misdemeanours) > imprisonment of up to 3 months or a fine of up to ANG 5,000, or both.</p>	
<ul style="list-style-type: none"> Permit holders are only required on request of the Executive Committee or appointed agency to provide information regarding the scope, composition and location of their catch for the purpose of collecting statistical data. 	<p>AN1 Art.10</p>
<p>Punishment for violation of AN1-Art.10 (misdemeanour) = imprisonment of up to 2 weeks or a fine of up to ANG 300.</p>	
<ul style="list-style-type: none"> In places where the territorial sea between island territories is less than 24 nautical miles wide, the border is formed by the middle line equidistant at all points from the two island territories. 	<p>AN1 Art.4</p>
<ul style="list-style-type: none"> On the advice of the Fisheries Committee, the Minister can implement a fishing prohibition for a period of time which can differ for different types of fish. 	<p>AN1 Art.5</p>
<p>Punishment for violation of AN1-Art.5 (misdemeanour) > imprisonment of up to 3 months or a fine of up to ANG 5,000, or both.</p>	

- The Fisheries Committee's tasks are to follow the development of the fish stock and fishing activities in the territorial sea and fisheries zone of the Netherlands Antilles, and advise the Minister and Executive Committee on fishing matters, both on request and of its own accord.

**AN1
Art.13**

Regulations for Non-Permit Holders (vessels under 12m or 6 gross register tons capacity) Fishing in Territorial Waters

In the Marine Park, it is forbidden to:

- fish for or trade in all species of sea turtle (see "Flora and Fauna", "Sea Turtles" and "International Conventions" sections, and **X1**)
- fish for or trade in marine mammals (see "Flora and Fauna", "Marine Mammal" and "International Conventions" sections, and **X1**)

- spear fish using SCUBA or Hookah equipment.

**EUX3
Art.4**

- use poisons, chemicals or explosives for fishing

**EUX3
Art.5**

- undertake activities that are harmful to or intentionally destroy the marine environment, or to kill, break, catch or collect corals or other bottom-dwelling invertebrates and plants on or in the sea floor.

**EUX3
Art.9**

- See regulations for taking conch in "Conch" section
- See regulations for taking lobster in "Lobster" section

Fishing

Permits, Licenses, Certificates, Exemptions and Fees

- The permit for fishing in the fisheries zone is granted by the Minister of General Affairs with advice from the Fisheries Committee, and can only be extended to the territorial sea if given consent by the relevant island territory's representative in the Fisheries Committee.
- Exemptions for fishing in the territorial sea/fisheries zone without a permit can be granted by the Minister for scientific research (on advice from the Fisheries Committee, and research results must be made available to the Country/Island Territories) and fishing contests (only for period indicated and vessels registered for the competition).
- A permit determined necessary for a vessel of under 6 gross register tons capacity or 12m in length to fish in the territorial zone is granted to Netherlands Antilles residents by the Executive Committee of their Island Territory.

**AN1
Art.2**

Punishment for violation of **AN1-Art.2** (misdemeanour) > imprisonment of up to 3 months or a fine of up to ANG 5,000, or both.

**AN1
Art.15**

- As long as the conservation and natural development of fish stocks are not compromised, permits can be granted to residents, persons, companies, foundations or associations of the Netherlands Antilles.

**AN1
Art.6**

- A permit can only concern one vessel as indicated, and should be on board the vessel and shown immediately on demand of a law enforcement officer. A substitute vessel can be temporarily used, if granted permission by the Executive Committee or appointed agency in writing, which indicates name and registration number of the substitute vessel, and the time for which the substitution is valid.

**AN1
Art.9**

- A permit is granted only on the basis of a written request, including an explanation for asking for the permit, and after payment of a fee (see page 33 - 34) and will mention the name and registration number of the vessel. The permit can have conditions, which can be amended or retracted officially or on request.

- A permit can be retracted by or on behalf of the Minister and with the advice of the Fisheries Committee if it would not have been granted had the full information been made known at the time of request, or if there are violations of the National Fisheries Ordinance or the permit's requirements.

**AN1
Art.7**

- If a permit (or its conditions) is denied or retracted, the applicant can appeal. If upheld by the Court of Appeals, this is taken into account by the Executive Committee, along with advice from the Fisheries Committee, when making a decision.

- A permit is granted by the Minister, with advice from the Fisheries Committee, for a maximum of twelve months, after which it is repeatedly extended upon request (at least three months before the current permit expires) for a maximum period of twelve months, unless the conservation and natural development of the stocks are compromised, in which case requests from persons of the Netherlands Antilles are prioritised.

**AN1
Art.8**

- Permits cannot be transferred.

**AN1
Art.11**

Fishing

Permit fees for fishing (per annum, all fees are in ANG and to be deposited in a Finance Ministry bank account):

For fishing with fish traps, diving for lobster, fishing for mollusc *Strombus gigas* and for demersal species with bottom and drop longlines:

For natural and legal persons who are residents, persons, companies, foundations or associations of the Netherlands Antilles:

- ships less than 12m in length, or a capacity of less than 6 gross register tons (GRT) - nil
- ships with a capacity of 6-25 GRT, or less than 6 GRT but longer than 12m - ANG 550
- ships with a capacity of 25-50 GRT - ANG 900
- ships with a capacity of 50-150 GRT or more - ANG 1,250

**AN2
Art.5**

For natural and legal persons who are not residents, persons and companies, foundations or associations of the Netherlands Antilles

- ships less than 12m in length, or a capacity of less than 6 gross register tons (GRT) - ANG 900
- ships with a capacity of 6-25 GRT, or less than 6 GRT but longer than 12m - ANG 1,800
- ships with a capacity of 25-50 GRT - ANG 2,700
- ships with a capacity of 50-150 GRT or more - ANG 3,600

For fishing with gill nets with a maximum length of 2.5km

- ships with a capacity of less than 25 GRT - nil
- ships with a capacity of 25-50 GRT - ANG 900
- ships with a capacity of 50 GRT or more - ANG 1,450

For fishing with drift longlines

- ships with a capacity of 25-50GRT - ANG 3,600
- ships with a capacity of 150-300 GRT - ANG 9,000
- ships with a capacity of 300 GRT or more - ANG 14,500

AN2
Art.5

For fishing with ring nets

- ships with a capacity of up to 800 GRT - ANG 18,000
- ships with a capacity of 800-1000 GRT - ANG 27,000
- ships with a capacity of 1000 GRT or more - ANG 36,000

Flora and
fauna

**Species protected by conventions
and regulations**

**Conch, Lobsters, Marine mammals,
Sea turtles**

FLORA AND FAUNA

The CITES Convention – see section at end for further details

- The Convention of International Trade in Endangered Species regulates trade in all listed species, and all specimens must have the necessary permits and certificates, and meet accompanying conditions, for import, export, re-export, transit, trans-shipment or introduction from the sea.
- Annex I includes species of whales, sea turtles, and the peregrine falcon, and cannot be traded for purposes that are commercial or at all detrimental to the species.
- Annex II includes species of dolphins, whales, flamingo and other birds of prey and water birds, iguana, the queen conch, most black and stony corals, and several species of cacti, orchids, a tree fern and lignum-vitae. An export or re-export permit with conditions is required, but no import permit is needed unless required by national law. An introduction certificate is required for specimens introduced from the sea.

**AN6
Art.7
A,B**

- Permits and certificates can be retracted if they would not have been granted had the full information been made known at the time of application, of if the permits conditions are not honoured.

**AN6
Art.7B**

Punishment for intentional violation of **AN6-Art.7A, AN6-Art.7B**, (felonies) > imprisonment of up to 4 years or a fine of up to ANG 1,000,000, or both.

**AN6
Art.33
Art.34**

Punishment for unintentional violation of **AN6-Art.7A, AN6-Art.7B**, (misdemeanours) > imprisonment of up to 1 year or a fine of up to ANG 100,000, or both.

The SPAW Protocol – see section at end for further details.

<ul style="list-style-type: none"> • The Island Council is responsible for the protection and conservation of the species mentioned in the SPAW Protocol Annexes and its requirements. 	<p>AN6 Art.13</p>
<ul style="list-style-type: none"> - For species in Annexes I and II (e.g. whales, dolphins, sea turtles, manatees, a tree fern and the peregrine falcon) it is forbidden to pick, collect, cut, uproot, or trade commercially the flora, or their seeds, parts or products, and to take, possess, kill or trade commercially the fauna, or their eggs, parts or products. It is forbidden to disturb such species, particularly during periods of breeding, incubation, migration or other biological stress. SPAW-Art.11a,b - For species in Annex III (e.g. mangrove and seagrass species, queen conch, spiny lobster, iguana, lignum-vitae, a cactus, and most corals (all fire, lace, soft, stony and black corals) management plans should be developed including the prohibition of non-selective means of capture and harvesting, the institution of closed seasons, and regulation of taking possession, transport or commercial trade of living or dead species and their eggs, seeds, parts or products. SPAW-Art.11c 	<p>AN6 Art.8A</p>
<ul style="list-style-type: none"> • Exemptions from these prohibitions can be granted by General Ministerial Resolution if approved by the Scientific and Technical Advisory Committee. 	<p>AN6 Art.8B</p>
<p>Punishment for intentional violation of AN6-Art.8A, AN6-Art.8B (felonies) > imprisonment of up to 4 years or a fine of up to ANG 1,000,000, or both.</p> <p>Punishment for unintentional violation of AN6-Art.8A, AN6-Art.8B (misdemeanours) > imprisonment of up to 1 year or a fine of up to ANG 100,000, or both.</p>	

**AN6
Art.33
Art.34**

Flora and Fauna

The Convention on Biological Diversity - see section at end for details.

- The Island Council is responsible for the conservation of biological diversity, the sustainable use of its components and the fair and equitable sharing of the benefits arising out of the use of genetic resources, and requirements of the Convention.

**AN6
Art.14**

National and Island Regulations [see also “Fishing”, “Conch” and “Lobster Sections” and other specific species sections]

- Regulations within the CITES, SPAW and Biological Diversity Conventions are applicable within the island territories – see “International Conventions” section at the end and above.

X1

- It is forbidden to undertake activities that harm or intentionally destroy the marine environment, or to kill, break, catch or collect corals or other bottom-dwelling invertebrates and plants on or in the sea floor.

**EUX3
Art.9**

- For all species within the boundary of the Quill / Boven National Park it is prohibited to (*Management Plan 2000-2004*):

- pluck, cut, transplant, collect, destroy, disturb, or damage plants (or destroy or disturb plants as a result of negligence).
- capture, keep, pick up, kill, harm or directly or indirectly disturb the environment resulting in physical threat or damage to animals.

**EUX6
Art.3**

<ul style="list-style-type: none"> • Special protection is afforded to species of animals, plants, bushes, shrubs, brushwood, trees and climbing plants in the Quill / Boven National Park: 	EUX6 Art.2
<ul style="list-style-type: none"> - "Statia Morning Glory" - <i>Ipomoea sphenophylla</i> - Orchids - <i>Epidendrum ciliare</i>, <i>Epidendrum diforme</i>, <i>Epidendrum kraenzlinii</i>, <i>Epidendrum secundum</i>, <i>Erythrodes hirtella</i>, <i>Erythrodes plantaginea</i>, <i>Brassavola cucullata</i>, <i>Polystachya concreta</i>, <i>Oncidium urophyllum</i>, <i>Prescottia stachyodes</i>, <i>Spiranthes elata</i>, <i>Spiranthes lanceolate</i>, <i>Jacquiiniella globosa</i>, <i>Tetramiera canaliculata</i>, <i>Liparis nervosa</i> 	EUX7 Art.1
<ul style="list-style-type: none"> - The native iguana <i>Iguana delicatissima</i> 	EUX7 Art.2
<ul style="list-style-type: none"> • An animal's owner is responsible for any damage it causes to protected species. 	EUX6 Art.4

Permits, Licenses, Certificates, Exemptions and Fees

<ul style="list-style-type: none"> • Exemptions (to which conditions can be attached) may be granted by the Executive Committee from the prohibitions of: 	
<ul style="list-style-type: none"> - the St. Eustatius Marine Environment Ordinances (for scientific, commercial – in the case of fishers who are entirely dependent on fishing - or educational purposes) 	EUX3 Art.21
<ul style="list-style-type: none"> - the St. Eustatius Flora and Fauna Ordinance (for traffic safety, private property or scientific research purposes, after seeking advice from the relevant experts/authorities) 	EUX6 Art.7 Art.9

Flora and fauna

<ul style="list-style-type: none"> The request for exemptions or dispensations must be submitted in writing, with full explanation. Any rejection in full or part must be explained, to which the applicant can file an objection. Any decisions regarding the exemption or objection in writing. 	<p>EUX6 Art.8, 10,11 & 12</p>
<ul style="list-style-type: none"> A fee may be charged for an exemption permit. 	<p>EUX7 Art.7</p>
<p>Requests for exemptions and dispensations may not be processed if the request has not been submitted according to regulations, or until an administration fee has been paid.</p>	<p>EUX7 Art.6</p>

Conch

<ul style="list-style-type: none"> <i>Strombus gigas</i> is listed in Annex II of the CITES Convention (see section at end), therefore trade in this species requires an export or re-export permit, and an introduction certificate for specimens introduced from the sea. <i>Strombus gigas</i> is listed in Annex III of the SPAW protocol, therefore their capture, and trade in live or dead species (or their parts or products) should be regulated. 	<p>X1</p>
<ul style="list-style-type: none"> In the fisheries zone or for permit holders (vessels over 12m or 6 gross register tons capacity) fishing in the territorial sea, it is forbidden to fish for <i>Strombus gigas</i> (conch) of less than 18cm, or less than 225g without shells. 	<p>AN2 Art.3</p>
<ul style="list-style-type: none"> When collecting conch in the Marine Park (for vessels under 12m or 6 gross register tons capacity) it is prohibited to use SCUBA or Hookah, to take conch less than 19cm (7.5 inches) or without a well developed lip, or to take more than 20 conch per person per year. Collection of conch is only for private use and consumption, and catch must be reported at once to the Marine Park manager. 	<p>EUX3 Art.7</p>

Lobsters

<ul style="list-style-type: none"> • “Lobsters” are defined as ‘crustaceans belonging to the <i>Panulirus</i> family, also known under the names langoustine, langouste, lobster, (spiny) lobster, crawfish’. 	<p>EUX1 Art.1</p>
<ul style="list-style-type: none"> • <i>Panulirus argus</i> is listed in Annex III of the SPAW protocol, therefore their capture, and trade in live or dead species (or their parts or products) should be regulated. 	<p>X1</p>
<ul style="list-style-type: none"> • In the fisheries zone, or for permit holders (vessels over 12m or 6 gross register ton capacity) fishing in the territorial sea, it is forbidden to fish for <i>Panulirus argus</i> (lobster) of less than 25cm long (measured in prone position from the edge of the head between the eyes, to the curve in the tail), or a carapace of less than 9.5cm, or a total weight of less than 680 grams, or tail weight of less than 200 grams. It is forbidden to keep lobsters if they are in ecdysis or are carrying eggs, or to remove the eggs. 	<p>AN2 Art.3</p>
<ul style="list-style-type: none"> • For vessels less than 12m or 6 gross register ton capacity, it is forbidden to catch, kill, keep, have dead or alive in stock for sale or for delivery, offer for sale, sell, buy, deal in, donate, deliver, transport, import or export lobsters below the minimum size (with a head/chest area, or cephalothorax or cape, of a length measured across the back side of 8.75cm or 3.5 inches or less), except for those with permission under certain conditions to transport or export lobsters for scientific, educational or other purpose. • Live lobsters caught that are below the minimum size must immediately be released. 	<p>EUX1 Art.2</p>

Flora and fauna

<ul style="list-style-type: none"> It is forbidden to catch or kill lobsters with the assistance of skewers, spears or forks except when done as an individual sport. 	<p>EUX1 Art. 3</p>
<ul style="list-style-type: none"> It is forbidden to buy lobsters with the objective to sell, deal in, deliver, transport, import or export them without a Governor's permit. 	<p>EUX1 Art.4</p>
<p>Punishment for violation of EUX1-Art.2,3,4 (misdemeanours) > imprisonment of up to 1 month or a fine of up to ANG 200.</p>	<p>EUX1 Art.5</p>

Marine mammals

<ul style="list-style-type: none"> Some whales are listed in Annex I of the CITES Convention (see section at end) and cannot therefore be traded for purposes that are commercial or at all detrimental to the species. Some dolphins and whales are listed in Annex II of the CITES Convention (see section at end), therefore trade in these species requires an export or re-export permit, and an introduction certificate for specimens introduced from the sea. All whales, dolphins, and manatees are listed in Annex II of the SPAW protocol, therefore it is forbidden to take, possess, kill or trade commercially in these species (or their parts or products) or to disturb these species, particularly during periods of breeding, migration or other biological stress. 	<p>X1</p>
<ul style="list-style-type: none"> It is forbidden to fish for all species of marine mammal in the fisheries zone and for permit holders fishing in territorial sea. 	<p>AN2 Art.3</p>

SEA TURTLES

- Sea turtles are listed in Annex II of the SPAW protocol, therefore it is forbidden to take, possess, kill or trade commercially in turtles (or their eggs, parts or products) or disturb them, particularly during periods of breeding, incubation, migration or other biological stress.
- All sea turtles are protected under the Inter American Convention for the Protection and Conservation of Sea Turtles which prohibits the intentional capture, retention or killing of, and domestic trade in sea turtles, their eggs, parts or products.
- All sea turtles are listed in Annex I of the CITES Convention and cannot therefore be traded for purposes that are commercial or at all detrimental to the species.

X1

- The Island Council is responsible for the conservation measures and requirements of the Inter American Convention for the Protection and Conservation of Sea Turtles.
- It is forbidden to fish for all species of turtle in the fisheries zone and for permit holders fishing in territorial sea (vessels over 12m).

**AN6
Art.11**

**AN2
Art. 3**

See also National Regulations for protected species, including all sea turtles, for which it is prohibited to:

- capture, keep, pick up, kill, harm or directly or indirectly disturb the environment resulting in physical threat or damage to animals.

**EUX6
Art.3**

National and marine park management

National Legislation:

nature policy, nature parks,
management & conventions

Island Legislation: impacts on environment,
management plans, beach protection

NATIONAL AND MARINE PARK MANAGEMENT

National Legislation	
<ul style="list-style-type: none"> The Minister establishes a National Nature Policy Plan once every 5 years which forms a general framework for nature policy, and reports on its status annually before September 1st. The Plan includes goals, priorities, principles of nature conservation, and a list of both land and marine national parks. 	<p>AN6 Art.2</p>
<ul style="list-style-type: none"> A Nature Conservation and Protection Committee advises the Minister/Executive Committee on execution of the National Nature Conservation Ordinance. 	<p>AN6 Art.3</p>
<ul style="list-style-type: none"> Within 2 years of the National Nature Conservation Ordinance coming into effect, the Island Council should establish regulations to execute the island territories' obligations. Should this fail to occur, regulations will be established through a General National Resolution (with advice from the Executive Committee) within the following 2 years. 	<p>AN6 Art.15</p>
<p>Punishment for intentional violation of AN6-Art.15 (felonies) > imprisonment of up to 4 years or a fine of up to ANG 1,000,000, or both.</p> <p>Punishment for unintentional violation of AN6-Art.15 (misdemeanours) > imprisonment of up to 1 year or a fine of up to ANG 100,000, or both.</p>	<p>AN6 Art.33 Art.34</p>

<ul style="list-style-type: none"> • The Executive Committee establishes an Island Nature Plan every 5 years, in keeping with the National Nature Policy Plan, that must be approved by the Island Council, to whom it reports on the status annually before June 1st. The plan includes an overview and timeline of goals, and the points of departure in compliance with obligations of International Conventions and the National Nature Policy Plan. 	<p>AN6 Art.9</p>
<ul style="list-style-type: none"> • The Island Council establishes nature parks where possible. Parks established as part of the RAMSAR or Biodiversity Conventions, or the SPAW Protocol, should adhere to their requirements, and the Minister submits details of the nature parks to be included in the lists of protected areas of the Conventions. 	<p>AN6 Art.10</p>
<ul style="list-style-type: none"> • The Minister appoints a Management Authority responsible for ensuring that conditions for trade in all CITES listed species are met regarding the legality and welfare of specimens, the purpose of trade, the suitability of recipients, the cancellation and retention of previous permits and certificates, the identification marking of specimens, the validity of specimens for stated exemptions, and maintenance of records of trade in all listed species. 	<p>AN6 Art.5</p>
<ul style="list-style-type: none"> • The Minister appoints Scientific Authorities responsible for advising on the status of traded species, the number of permits granted in relation to this, the fate of confiscated species for CITES, the identification of specimens/species for CITES and SPAW and all nature conservation matters upon request. 	<p>AN6 Art.6</p>

National and marine park management

Island Legislation

• It is forbidden to damage, destroy or alter areas that are vital or unique natural landscapes. **EUX6 Art.6**

• It is forbidden to begin, continue, expand or amend environmentally harmful activities (indicated by General Island Resolution, along with exceptions **EUX2-Art.4**), or change any of the working methods involved, without a permit from the Executive Committee (to whom notification of changes should be given in advance **EUX2-Art.4**) – except for expansions or changes to an activity or work method that will have no effect or only positive effects on the environment. **EUX2 Art.3 Art.4**

Punishment for violation of **EUX2-Art.4** (misdemeanour) > imprisonment of up to 1 month or a fine of up to ANG 3,000.
 Punishment for violation of **EUX2-Art.3** or failure to comply with permit conditions (felonies) > imprisonment of up to 2 months or a fine of up to ANG 5,000.
 Repeat offences within a year can incur double the sentences. **EUX2 Art.45 Art.44**

Permits, Licenses, Certificates, Exemptions and Fees

<ul style="list-style-type: none"> The Minister appoints a Management Authority authorised to issue permits, certificates, exceptions and other authorisations, to update registers and provide registration receipts (and charge fees) for the CITES and Bonn Conventions and SPAW Protocol. 	<p>AN6 Art.5</p>
<ul style="list-style-type: none"> Application for a permit for activities that might be considered environmentally harmful must be submitted to the Executive Committee which makes a decision within 1 month based on the information submitted, any conflicts with statutory provision (particularly Development Planning), the condition of the environment, the consequences of the activity and any expected developments, any existing developments – a permit may only be denied in the interests of protecting the environment. 	<p>EUX2 Art.8 9,15, 18</p>
<ul style="list-style-type: none"> The Executive Committee can revoke a permit in whole or in part. 	<p>EUX2 Art.26 Art.29</p>
<ul style="list-style-type: none"> The Executive Committee can attach, amend or revoke conditions on a permit. 	<p>EUX2 Art.22 Art.29</p>
<p>Failure to comply with condition of EUX2-Art.22 (felony) > imprisonment of up to 2 months or a fine of up to ANG 5,000.</p>	<p>EUX2 Art.44</p>
<ul style="list-style-type: none"> It is forbidden to damage, destroy or alter areas that are vital or unique natural landscapes. 	<p>EUX6 Art.6</p>
<p>Exemptions may be granted, with conditions, by the Executive Committee.</p>	<p>EUX6 Art.7 Art.9</p>



Pollution
and waste

**Discharges or sinking objects,
waste disposal, sewage**

Pollution and Waste from Ships:

spills, handling harmful substances,
ports, sinking vessels

POLLUTION, WASTE

See also the “Oil Spills Protocol”, “Pollution from Land Based Sources and Activities Protocol”, and “International Convention for the Prevention of Pollution from Ships” sections

- It is prohibited to discharge any substance in or flowing into the Marine Park with the exception of fish, fish parts, chumming material, and cooling effluent.

**EUX3
Art.12**

Pollution and Waste from Ships

For articles from **AN3** – ‘the Convention’ refers to the “International Convention for the Prevention of Pollution from Ships” which covers the prevention of pollution of the marine environment by ships from operational or accidental causes, and refers to pollution by oil, chemicals, harmful substances in packaged form, sewage and waste (see “International Conventions” section).

- It is prohibited to discharge a harmful substance (including oil, sewage and waste) into the sea from a ship (and foreign ships in Netherlands Antilles territorial waters) except as prescribed by the Convention.

**AN3
Art.6**

Punishment for violation of **AN3-Art.6**(felony) > imprisonment of up to 4 years or a fine of up to ANG 1,000,000.

Punishment for violation of **AN3-Art.6** (misdemeanours) > imprisonment for up to 1 year or a fine of up to ANG 100,000.

Suspected violation > the Captain of a foreign ship (with help of the police) can be ordered not to leave a Netherlands Antilles port/inland water until a fine is paid.

**AN3
Art.38
Art.39**

<ul style="list-style-type: none"> It is prohibited to discharge any substance in or flowing into the Marine Park with the exception of fish, fish parts, chumming material, cooling effluent and effluent of marine sanitation devices of vessels. 	<p>EUX3 Art.12</p>
<ul style="list-style-type: none"> The manager (or owner) of a port is obliged to see that there are sufficient facilities suitable for receiving the remnants of harmful substances (including oil, sewage and waste) coming from ships, and can set rules in which the managers of certain loading docks and ship wharfs in their ports are obliged to provide these facilities, the costs of which lie with the ship that left these remnants. 	<p>AN3 Art.7</p>
<ul style="list-style-type: none"> The construction, design, and equipment for preventing or limiting the discharge of harmful substances (including oil, sewage and waste) from ships should meet Convention requirements. 	<p>AN3 Art.8</p>
<ul style="list-style-type: none"> Convention regulations about the stowage, manner of packing and labelling harmful substances (including oil, sewage and waste), related bills of lading, and the handling of such harmful substances, their remnants, and related operations, should be displayed on board a ship. 	<p>AN3 Art.12</p>
<ul style="list-style-type: none"> The Captain of a ship (and foreign ships in Netherlands Antilles territorial waters) must immediately report a pollution occurrence covered in the Convention (involving harmful substances, including oil, sewage and waste) to the authorities of the nearest coastal state, in the manner prescribed in Protocol I of the Convention. 	<p>AN3 Art.14</p>
<p>Punishment for violation of AN3-Art.12 and AN3-Art.14 (felony) > imprisonment of up to 4 years or a fine of up to ANG 1,000,000.</p>	<p>AN3 Art.38 Art.39</p>

Pollution and waste

<p>Punishment for violation of AN3-Art.12 and AN3-Art.14 (misdemeanours) > imprisonment of up to 1 year or a fine of up to ANG 100,000. Suspected violation > the Captain of a foreign ship (with help of the police) can be ordered not to leave a Netherlands Antilles port/inland water until a fine is paid.</p>	<p>AN3 Art.38 Art.39</p>
<ul style="list-style-type: none"> • The authorities should notify the Shipping Inspectorate, the Department of Public Health and Social Development and the services responsible for the environment of the island territories involved of any pollution occurrence covered in the Convention (involving harmful substances, including oil, sewage and waste). 	<p>AN3 Art.14</p>
<ul style="list-style-type: none"> • On Netherlands Antillean territory, including the territorial sea and exclusive economic zone (or area beyond and adjacent to the territorial sea of up to 200 nautical miles), in a loading or unloading quay, in a port, or in an inland waterway (but not concerning warships and other ships of the country that are not used for trade): 	<p>AN4 Art.2</p>
<ul style="list-style-type: none"> - The owner of a ship at the time of an oil pollution incident, or beginning of a series of incidents, shall be liable for any pollution damage caused by the ship (except when the incident is a result of an act of war, a natural phenomenon, or caused wholly by negligence of a third party, Government or other authority). 	<p>AN4 Art.3</p>
<ul style="list-style-type: none"> - When an incident resulting in oil pollution damage involves two or more ships, all owners, unless exonerated, shall be jointly and severally liable for all damage that is not reasonably separable. 	<p>AN4 Art.4</p>
<ul style="list-style-type: none"> - For details of Liability and the International Fund for Compensation of Damage by Oil, see AN4 and AN5 	

Permits, Licenses, Certificates, Exemptions and Fees

Pollution and Waste from Ships

For regulations from **AN3** - 'the Convention' refers to the "International Convention for the Prevention of Pollution from Ships" which covers the prevention of pollution of the marine environment by ships from operational or accidental causes, and refers to pollution by oil, chemicals, harmful substances in packaged form, sewage and waste (see "International Conventions" section).

- A ship that meets the Convention requirements for its construction, design, and equipment for preventing or limiting the discharge of harmful substances (including oil, sewage and waste) receives a certificate. **AN3 Art.9**

- It is forbidden to leave a port with a (foreign) ship without a certificate if required by the Convention for that ship. **AN3 Art.15**

Punishment for violation of **AN3-Art.15** (misdemeanours) > imprisonment of up to 1 year or a fine of up to ANG 100,000 (maximum). **AN3 Art. 38**
 Suspected violation > the Captain of a foreign ship (with help of the police) can be ordered not to leave a Netherlands Antilles port/inland water until a fine is paid. **Art.39**

- A foreign ship in a Netherlands Antilles port can be subject to inspection by civil servants of the Shipping Inspectorate to ascertain if the ship has a valid certificate or if harmful substances (including oil, sewage and waste) were discharged into Netherlands Antilles territorial waters. **AN3 Art.20 Art.21**

Pollution and waste

A civil servant of the Shipping Inspectorate is authorized to arrest a ship (or foreign ship in a Netherlands Antilles Port with the flag of a Contracting Party) if it:

- Does not meet the certificate's requirements
- Does not display the necessary Convention regulations on board
- Is constructed, designed or equipped so that it forms a threat of polluting the marine environment, even if a certificate is not required by the Convention
- Does not cooperate with the civil servant for entrance to or inspection of a ship and any potentially harmful substances on board.

**AN3
Art.22
Art.23**

- The Head of the Shipping Inspectorate can, in special circumstances, grant exemption from the Convention's requirements on the construction, design, or equipment of a ship, which can be granted with limitations or conditions, which it is forbidden to violate.

**AN3
Art.37**

Punishment for violation of **AN3-Art.37** (misdemeanours) > imprisonment of up to 1 year or a fine of up to ANG 100,000. Suspected violation > the Captain of a foreign ship (with help of the police) can be ordered not to leave a Netherlands Antilles port/inland water until a fine is paid.

**AN3
Art.38
Art.39**

- For a ship registered in the Netherlands Antilles and carrying more than 2,000 tons of oil in bulk as cargo, there is a certificate available on request from the Minister proving that they are maintaining insurance to cover liability in the event of oil pollution.

**AN4
Art.18**

- The owner, charterer and Captain of a ship is obliged to present a valid certificate on board on request and is forbidden to allow it to enter or leave a port, or a loading or unloading quay, or stay or navigate whilst transporting cargo in the inland waters of the Netherlands Antilles, without one. This can be enforced with the police's help, and a dispensation can be granted by the Minister, with conditions.

**AN4
Art.27
Art.29**

- If the ship is suspected not to have a valid certificate, the Captain can be given the order that the ship may not leave the Netherlands Antilles until a monetary amount is paid, which can be enforced with the police's help, and can also be appealed.

**AN4
Art.30**

- The Minister can require that the owner of a ship without a certificate arranges for an agreement to cover their liability for pollution damage. If this requirement is not met, the Minister can enter into such an agreement on behalf of the owner, whose ship is forbidden to leave until the Minister has been repaid.

**AN4
Art.31**

Punishment for violation of **AN4-Art.27** and **AN4-Art.31** (misdemeanours) > imprisonment of up to 1 year or a fine of up to ANG 100,000, or both.

**AN4
Art.33**



Ships

Safety equipment, in the marine park,
shipping areas

Anchoring and Mooring: anchoring
zones/areas, moorings, buoys,
use and restrictions

SHIPS

For all legislation concerning pollution or harmful substances with regard to ships, see the “Pollution/Waste” section.

- A boat used for transporting divers must have an oxygen administration kit and first aid kit on board, as well as the safety equipment prescribed when the boat is registered.

**EUX4
Art.5**

Anchoring and Mooring

- Anchoring is permitted in the anchoring zones of Statia National Marine Park
- Anchoring is not permitted (except when anchoring is required for the safety of the vessel and its crew):
 - on the sea bottom in the Statia National Marine Park Reserves

**EUX3
Art.10**

- If anchoring is necessary for the safety of the vessel and crew, no divers may enter the water except the crew if absolutely necessary

**EUX4
Art.5**

- It is prohibited to intentionally destroy or damage moorings in the Marine Park, or to remove or place new moorings without written permission from the Executive Committee

**EUX3
Art.11**

Instructions for the use of mooring buoys are:

<ul style="list-style-type: none"> • Marine Park mooring buoys cannot be used by vessels longer than 35m (115ft) 	<p>EUX4 Art.7</p>
<ul style="list-style-type: none"> • Vessels with divers or snorkellers may make use of the red and white buoys, provided that vessels longer than 15m (50 feet) make use of the red buoys. White or red buoys may not be occupied for longer than is necessary to make a dive, except when permitted by the Marine Park manager, and if no other vessel is requesting the use of that buoy. • Vessels of up to 18m (60 feet) with non-diving passengers may only use the yellow mooring buoys 	
<ul style="list-style-type: none"> • It is not permitted for there to be more than one vessel per mooring buoy, or to attach the mooring buoy pick-up line directly onto the vessel • There must be a minimum of 6m of the vessel's own line in place (from the front of the boat) unless the park manager has indicated a shorter line is allowed 	

Permits, Licenses, Certificates, Exemptions and Fees

<ul style="list-style-type: none"> • Permission for anchoring must be obtained from the Marine Park manager 	<p>EUX3 Art.18</p>
<ul style="list-style-type: none"> • The current anchorage/mooring fee on Statia is USD10.00 per boat per night (USD30.00 per week), and USD2.00 per passenger per night on cruise boats. 	<p>ExCo, 2002</p>
<ul style="list-style-type: none"> • The St. Eustatius General Port Fee Ordinance does not apply to the anchor zones and mooring buoys within the Statia National Marine Park. 	<p>EUX3 Art.18</p>

Enforcing
the law

**Monitoring compliance & violations,
authorised persons, confidentiality**

ENFORCING THE LAW

If an activity is a violation of a specific article and is a standard case, and there is an enforcement policy in place (available from Prosecutor's office), then a summons with the fine as specified in these policy guidelines should be given to the violator. If not, then consultation with the Prosecutor's office is necessary. Please note that objects can be confiscated (with permission of the prosecutor's office, unless already mentioned in enforcement policy guidelines) which were used to commit a violation. Follow the code to find the name of the legislation on page 11.

The following articles give guidance on the enforcement and application of whole ordinances, rather than just in regard to specific articles as in previous sections of this booklet

AN1 National Fisheries Ordinance – AB1991, No. 74

AN1 Art.14

- It is forbidden to use or make known any information received in relation to this Ordinance, other than which is necessary to carry out the Ordinance tasks.

AN1 Art.16

- Persons responsible for monitoring compliance and tracking down violations of this Ordinance are those indicated by the Minister and Minister of Justice, and in Article 8 of the Code of Criminal Procedure.

AN1 Art.17

- The persons responsible for monitoring compliance and tracking down violations are authorised (only as necessary to fulfil their tasks) to request from permit holders and those suspected to have acted without a permit:
 - information

AN1 Art.15

Failure to comply with **AN1-Art.17 para 1** > imprisonment of up to 1 month or a fine of up to ANG 1,000.

**AN1
Art.17**

- inspection of all books and documentation and to make copies of such
- opening and inspection of goods, and take them temporarily
- entrance to all places, except for residences, accompanied by persons they indicate, and with the help of the police (**AN1 - Art 18** also, during the seizure of goods, when persons are not caught in the act)

**AN1
Art.18**

- that Captains of vessels (excepting public transport) stop and allow inspection of items inside, and cooperate with their instructions (subject to rules regarding the manner of the demand, set by the Minister in agreement with the Minister of Justice)
- seizure of goods that are subject to seizure anywhere

**AN1
Art.19**

- For criminal acts committed by or on behalf of a legal entity, a company, fund, or any other association of persons, the prosecution and sentences are pronounced against the legal entity, company, fund, or association of persons, or those who ordered the criminal act to be committed, or who were in charge, or who act within the scope of the legal entity etc. irrespective of whether or not these persons each individually committed the criminal act or whether their actions seen collectively form the elements constituting that criminal act.

Enforcing the law

AN3 National Prevention of Pollution from Ships Ordinance – Ao1993, No. 108

AN3 Art.16

- The civil servants of the Shipping Inspectorate and civil servants provided from other departments by the Minister(s), are responsible for monitoring compliance to this National Ordinance, and any resulting resolution should be publicised in the Curaçao Courant.

AN3 Art.17

- Civil servants responsible for monitoring compliance and tracing violations of this Ordinance are authorised (only as necessary to fulfil their tasks) to:
 - enter ships (and foreign ships in Netherlands Antilles' ports or territorial waters **AN3-Art.19**) and other places (accompanied by persons they indicate and if necessary with the help of the police) except for residences, without the resident's permission or written permission from a Public Prosecutor.
 - make a written record of an entry without the resident's permission, noting the time and purpose of entry, and a copy given to the resident within 48 hours.
 - inspect and make copies of documentation relating to the production, transportation, storage and discharge of harmful substances, and subject substances (or take samples) to an investigation.

AN3 Art.18

- safe entry on to the ship and all the means and aids necessary to complete the investigation, provided by the Captain of the ship

AN3 Art.19

(and foreign ships in Netherlands Antilles' ports and territorial waters)

**AN3
Art.38**

Punishment for violation of **AN3-Art.18, 19** (misdemeanour)
> imprisonment of up to 1 year or a fine of up to ANG
100,000

**AN3
Art.39**

Suspected violation > the Captain of a foreign ship
(with help of the police) can be ordered not to leave a
Netherlands Antilles port/inland water until a fine is paid.

**AN3
Art.40**

- For criminal acts committed by or on behalf of a legal entity, a company, fund, or any other association of persons, the prosecution and sentences are pronounced against the legal entity, company, fund, or association of persons, or those who ordered the criminal act to be committed, or who were in charge, or who act within the scope of the legal entity etc. irrespective of whether or not these persons each individually committed the criminal act or whether their actions seen collectively form the elements constituting that criminal act.

Enforcing the law

**AN4 National Civil Liability Oil Tankers Ordinance –
Ao1998, No. 169**

**AN4
Art.32**

- Persons responsible for monitoring the compliance of this National Ordinance are civil servants and other persons appointed by a National Resolution, made known by publication in the Curaçao Courant, and they are authorised (only as is necessary to fulfil their tasks) to request from anyone:
 - information
 - inspection of all books and documentation and make copies of such
 - opening and inspection of goods, and take them temporarily
 - entrance to all places, except for residences against the resident's wish, accompanied by persons they indicate, and with the help of the police
 - full cooperation

**AN4
Art.34**

- For criminal acts committed by or on behalf of a legal entity, a company, fund, or any other association of persons, the prosecution and sentences are pronounced against the legal entity, company, fund, or association of persons, or those who ordered the criminal act to be committed, or who were in charge, or who act within the scope of the legal entity etc. irrespective of whether or not these persons each individually committed the criminal act or whether their actions seen collectively form the elements constituting that criminal act.

AN6 National Nature Conservation Ordinance – Ao2001, No. 41

AN6 Art.16

- Persons responsible for monitoring the compliance of this National Ordinance are civil servants/other persons as appointed by a National Resolution, or civil servants/persons as appointed by the Executive Committee for provisions established by island territories, publicised in the official publications. These persons are authorised (only as necessary to fulfil their tasks) to request from anyone:
 - information
 - inspection of all books, documentation and other data carriers, which can be taken temporarily and copies made
 - recording and investigation of goods, which can be taken temporarily for recording or taking samples from them
 - entrance to all places, except for residences without the resident's express permission, accompanied by persons they indicate, and with help from the police
 - investigation of all vessels, stationary vehicles and their cargo
 - entrance to residences or areas in vessels used as residences without the resident's express permission

AN6 Art.19

- Persons involved in the execution of this National Ordinance who do not have a legal obligation of confidentiality as a result of their position, are held to confidentiality of information, except where statutory provision or execution of tasks for this National Ordinance oblige them to make it known.

Enforcing the law

AN6 Art.33 Art.34	Punishment for violation of AN6-Art.19 > imprisonment of up to 6 months or a fine of up to ANG 25,000, or both.
AN6 Art.20	<ul style="list-style-type: none">• The Minister and Executive Committee, in as far as it concerns violation of island provisions, are authorized to have taken away, evicted, prevented, returned into the previous condition or done that which is kept, done or omitted in conflict with this Ordinance.
AN6 Art.21	<ul style="list-style-type: none">• Administrative duress can be applied to an offender in a written order in respect of the administrative enforcement required in response to an offender's actions in conflict with this National Ordinance.
AN6 Art.22	<ul style="list-style-type: none">• The offender must pay the costs for the use of administrative duress unless these costs are not (reasonably) partly or wholly their responsibility, details are indicated in the written order. Costs are due even if administrative duress is not used or not used in full due to the discontinuance of the illegal situation.
AN6 Art.23	<ul style="list-style-type: none">• Costs for use of administrative duress can be increased with collection costs.
AN6 Art.29	<ul style="list-style-type: none">• Instead of using administrative duress, a penalty can be placed on the offender by means of an order, except when this is not in the interest of the law that was violated.

**EUX1 St. Eustatius Lobster Ordinance 1966
- AB1996, No. 01**

- | | |
|-----------------------|---|
| EUX1
Art.6 | <ul style="list-style-type: none">• Criminal acts in this Ordinance are considered misdemeanours. |
| EUX1
Art.7 | <ul style="list-style-type: none">• Persons in charge of tracking down the violations of this Ordinance are Customs Officials, persons indicated by the Code of Criminal Procedure, and persons appointed by the Executive Committee. |
| EUX1
Art.8 | <ul style="list-style-type: none">• Persons responsible for monitoring the enforcement of this Ordinance are appointed by the Executive Committee. |

Enforcing the law

**EUX2 St. Eustatius Hindrance Ordinance 1993
- AB1993, No. 09**

**EUX2
Art.40**

- This Ordinance is upheld by the Executive Committee, and persons responsible for monitoring and tracking down the violations are civil servants as named in Article 8 of the Code of Criminal Procedure, who are authorised (as far as necessary to fulfil their tasks) to request:
 - inspection and copying of all books, business documentation and computer files
 - opening and inspection of goods, and take them temporarily
 - entrance to all places except for residences, accompanied by persons they indicate, with help from the police
 - opening and inspection of items and taking of samples (to be returned if possible)
 - investigation of cargo being transported, the drivers of which can be stopped and directed to another desired location.

**EUX2
Art.41**

- full cooperation and information as requested.

**EUX2
Art.42**

- It is forbidden to use or make known any information received in relation to this Ordinance, other than which is necessary to carry out the Ordinance tasks.

**EUX2
Art.43**

- Persons (held to confidentiality) responsible for monitoring and tracing violations of this Ordinance have authority to enter all places within reason to fulfil tasks in accordance with this Ordinance, if necessary with the police's help, but not against the wish of residents except with a written order from the Lieutenant Governor, the (Assistant) Public Prosecutor, or in the presence of a police commissioner or an Assistant Public Prosecutor. Written record, including time and intended goal of entry, and accompanying persons, is made within 48 hours and sent to the Public Prosecutor.

**EUX2
Art.47**

- Items acquired during the criminal acts mentioned in Articles 44 and 45 can be confiscated, and the Court's verdict may also be made known to the public.

Enforcing the law

EUX 3-4-5 St. Eustatius Marine Environment Ordinance - AB1996, No. 03

**EUX3
Art.21**

- The Executive Committee may grant exemptions (after seeking expert advice) from one or more of the prohibitions in this Ordinance for scientific research or educational purposes, (and for commercial purposes in the case of collection / picking / breaking off / killing of coral, invertebrate and / or plants on the ocean floor), to which conditions may be attached.

**EUX3
Art.23**

Violation of this Ordinance by the manager will be punishable with imprisonment for a maximum of one month.

**EUX3
Art.24
Art.25**

Violations of this Ordinance are considered to be misdemeanours (Art. 25) and punishable with imprisonment for a maximum of one month or a maximum monetary fine of ANG 5,000.

**EUX3
Art.26**

- The persons responsible for monitoring and tracing the violations of this Ordinance are those responsible for management of the Marine Park and others as indicated by General Island Resolution.

**EUX3
Art.27**

- Objects acquired through violations of this Ordinance or used committing the violation can be seized and confiscated by a Court of Law.

**EUX3
Art.14**

- A fee will be charged for permits, to which conditions can be attached in the interest of protecting the marine environment, to ensure compliance with this Ordinance, and in the interests of safety of visitors to the park. Permits or exemptions must be applied for by written request submitted to the Executive Committee, accompanied with relevant documentation.

EUX 6 St. Eustatius Flora and Fauna Ordinance - AB1997, No. 06

EUX6 Violations of this Ordinance are considered to be
Art.13 misdemeanours and are punishable with imprisonment of
Art.14 up to 1 month or a fine of up to ANG 5,000.

EUX6 • The persons responsible for monitoring and tracing the
Art.15 violations of this Ordinance are those indicated in Article
 8 of the Code of Criminal Procedure of the Netherlands
 Antilles or in an Island Resolution.

EUX6 • Objects acquired through violations of this Ordinance
Art.16 or used committing the violation can be seized and
 confiscated by a Court of Law.

International
treaties and
conventions

**Obligations, explanations,
species protected**

INTERNATIONAL TREATIES AND CONVENTIONS

The international treaties signed by the Central Government of the Kingdom of the Netherlands also bind the Netherlands Antilles, and local governments are under the obligation to implement provisions of the international treaties. Although there is not usually any formal enforcement at the local level, continuous or serious breaches of obligations under the international agreement may result in exclusion from the convention, which may result in certain economical and political pressures on the non-compliant member state. The Netherlands Antilles is Party to a number of treaties, and are home to many sites and species protected under the Conventions. These Conventions are described in more detail in the reference document 'International Treaties + Conventions Summary' – **X1**

CONVENTION OF INTERNATIONAL TRADE IN ENDANGERED SPECIES (CITES)

X1 - CITES works by subjecting international trade in specimens of selected species to certain controls through a licensing system, enforced by customs officers in both importing and exporting member states. In the Netherlands Antilles, permits may be obtained from the Department of Public Health and Environmental Hygiene (VOMIL), Curaçao. The CITES lists endangered species which are under a complete trade ban as well as threatened species whose import, export or transit are restricted/regulated. The species covered by CITES are listed in three Appendices, according to the degree of protection they need. See full text of the Convention for details: www.cites.org/eng/disk/text.shtml

Appendix I

In the Netherlands Antilles, this includes species of whales, sea turtles, and the peregrine falcon. An import permit is required, and issued only

if the specimen is not to be used for commercial purposes or those that are detrimental to survival of the species and if the proposed recipient is suitably equipped to house and care for it. An export permit is also required, issued only if the specimen was legally obtained, trade will not be detrimental to the survival of the species and an import permit has already been issued. A re-export permit may only be issued if the specimen was properly imported, if an import permit has been issued, and it has been prepared and shipped to minimize any risk of injury, damage to health or cruel treatment. **Art.3**

Appendix II

This includes species of dolphins, whales, flamingo and other birds of prey and water birds, iguana, the queen conch, most black and stony corals, and several species of cacti, orchids, a tree fern and lignum-vitae. An export or re-export permit is required, issued only if the specimen was legally obtained and export will not be detrimental to survival of the species, and for re-export, if the specimen was properly imported and has been prepared and shipped to minimize any risk of injury, damage or cruel treatment. No import permit is needed unless required by national law, except an 'introduction certificate' for specimens introduced from the sea. **Art.4**

Appendix III

In the case of trade from a State that included the species in Appendix III, an export permit is required, and issued only if the specimen was legally obtained, and prepared and shipped to minimize any risk of injury, damage or cruel treatment. In the case of export or re-export from any other State, a certificate of origin or re-export is required, respectively. **Art.5**

Permits are only valid for six months, and a separate permit is needed for each consignment of specimens. **Art.6** Exceptions can be made for

International treaties and conventions

specimens in transit or being transhipped, those acquired before CITES provisions applied to them, specimens that are personal or household effects, animals that were 'bred in captivity', plants that were 'artificially propagated', specimens that are destined for scientific research, and for animals or plants forming part of a travelling collection or exhibition, such as a circus. **Art.7**

THE CONVENTION FOR THE PROTECTION AND DEVELOPMENT OF THE MARINE ENVIRONMENT OF THE WIDER CARIBBEAN REGION (CARTAGENA CONVENTION)

X1 - This Convention legally commits participating governments to protect, develop and manage their common waters individually or jointly. The Parties are required to take appropriate measures (including establishing protected areas) to protect rare or fragile ecosystems, as well as the habitats of depleted, threatened or endangered species, and to develop technical guidelines for the planning and environmental impact assessments of important development projects in order to prevent or reduce harmful impacts. Contracting Parties are also required to take all appropriate measures to prevent, reduce and control pollution from ships, caused by dumping waste at sea, from seabed activities, from airborne pollution and from land-based sources and activities. For further details, status, and the full text, please visit: www.cep.unep.org/cartagena-convention/cartagena-convention

The Convention has been supplemented by three Protocols concerning Specially Protected Areas and Wildlife (SPAW), Co-operation in Combating Oil Spills (Oil Spills Protocol), and Pollution from Land-based Sources and Activities (LBS)

PROTOCOL CONCERNING SPECIALLY PROTECTED AREAS AND WILDLIFE IN THE WIDER CARIBBEAN (“SPAW”)

X1 - The objective of the Protocol Concerning Specially Protected Areas and Wildlife (the SPAW Protocol) is to protect rare and fragile ecosystems and habitats, thereby protecting the endangered and threatened species residing there. Further, under the SPAW Protocol, each Party must take all appropriate measures to regulate or prohibit intentional or accidental introduction of non-indigenous or genetically altered species to the wild. For further details, annexes listing the species concerned, and full text: www.cep.unep.org/cartagena-convention

Each Party is required to take measures to protect, preserve and manage sustainably areas of special value, and threatened or endangered species of animals and plants. This includes:

- prohibiting activities having adverse effects on these areas and species with enforcement (including pollution, harvesting, introduction of non-indigenous species, exploitation of the seabed, development, trade in endangered species, industrial activities, tourist and recreational activities).
- managing species so they don't become endangered or threatened (including the establishment of protected areas and buffer zones within networks, management plans, scientific research and monitoring, public awareness and education, involvement of local communities in planning and management, sustainable financing, contingency plans for response to incidents, licensing/permitting of activities within protected areas, evaluation of potential activities with EIAs, and development of qualified managers and technical personnel and appropriate infrastructure).
- Regulate activities (with consideration for traditional subsistence and cultural needs of local populations, and in cooperation with other Parties) for listed species:

International treaties and conventions

- o Annexes I and II (e.g. all whales, dolphins, sea turtles, manatees, a tree fern and the peregrine falcon) by prohibiting the picking, collecting, cutting, uprooting, or commercial trade of flora, or their seeds, parts or products, and by prohibiting the taking, possession, killing or commercial trade of such fauna, or their eggs, parts or products, or disturbance of such species, particularly during periods of breeding, incubation, or migration or other biological stress. **Art.11a,b**
- o Annex III (e.g. mangrove and seagrass species, queen conch, spiny lobster, iguana, lignum-vitae, a cactus, and most corals (all fire, lace, soft, stony and black corals) by developing management plans including the prohibition of non-selective means of capture and harvesting, the institution of closed seasons, and regulation of possession, transport or commercial trade of living or dead species and their eggs, seeds, parts or products.

Art.11c

**PROTOCOL CONCERNING CO-OPERATION IN
COMBATING OIL SPILLS IN THE WIDER CARIBBEAN**

X1 - Contracting Parties to this protocol shall, within their capabilities, cooperate to take all necessary measures (preventive and remedial) to protect the marine and coastal environment from oil spill incidents, and establish and maintain the means of responding to incidents so that the risk is reduced. For further details, annexes and full text see: www.cep.unep.org/cartagena-convention

PROTOCOL CONCERNING POLLUTION FROM LAND BASED SOURCES AND ACTIVITIES IN THE WIDER CARIBBEAN REGION

X1 - Contracting Parties to this protocol shall, in cooperation with other Parties, take appropriate measures to prevent, reduce and control pollution from land-based sources and activities, through the development and implementation of appropriate national, subregional and regional plans, programmes and measures including effective means and most appropriate technology and management approaches. For further details, full text and other Annexes for further consideration and limits of pollutants and their sources concerned with this protocol: www.cep.unep.org/cartagena-convention

INTER AMERICAN CONVENTION FOR THE PROTECTION AND CONSERVATION OF SEA TURTLES (“IAC”)

X1 - The IAC is the only international treaty created exclusively for the purpose of protection, conservation and recovery of sea turtle populations and of the habitats on which they depend. In conjunction with the CITES treaty, the IAC prohibits the intentional capture, retention or killing of, and domestic trade in sea turtles, their eggs, parts or products. For further details and full text: www.seaturtle.org/iac/convention

Contracting Parties should take appropriate and necessary measures:

Art.4

- prohibition of intentional capture, retention or killing of, and domestic trade in, sea turtles, their eggs, parts or products (with exceptions for subsistence use)
- the restriction of human activities (including Environmental Impact Assessments of marine and coastal development), especially during periods of reproduction, nesting and migration,

International treaties and conventions

- the protection, conservation and if necessary restoration of sea turtle habitats and nesting areas, and restrictions in such zones including marine protected areas,
- research and efforts to enhance sea turtle populations
- environmental education and dissemination of information to encourage governments, non-governmental organisations and the general public to be involved
- reduction of the incidental capture, retention, harm or mortality of sea turtles in the course of fisheries activities, through regulation of activities or gear (turtle excluder devices)

CONVENTION ON BIOLOGICAL DIVERSITY (“CBD”)

X1 - The Convention on Biological Diversity is an international treaty, through which governments commit to conserve and sustainably use biodiversity. They are required to develop national biodiversity strategies and action plans, and to integrate these into broader national plans for environment and development. This is particularly important for such sectors as forestry, agriculture, fisheries, energy, transportation and urban planning. Further details and full text at: www.biodiv.org/convention/convention.shtml

Other treaty commitments include:

- Identifying and monitoring the important components of biological diversity
- Establishing protected areas and promoting environmentally sound development near them
- Rehabilitating and restoring degraded ecosystems and species (in collaboration with local communities)
- Respecting, preserving and maintaining traditional knowledge of indigenous peoples and local communities.

- Preventing the introduction of, controlling, and eradicating harmful alien species
- Controlling the risks posed by organisms modified by biotechnology.
- Promoting public participation, particularly in assessing environmental impacts
- Educating people and raising awareness
- Reporting on how each country is meeting its biodiversity goals.

CONVENTION ON THE CONSERVATION OF MIGRATORY SPECIES OF WILD ANIMALS (“BONN CONVENTION” OR “CMS”)

X1 - The Convention on the Conservation of Migratory Species of Wild Animals (also known as CMS or Bonn Convention) aims to conserve terrestrial, marine and avian migratory species throughout their range. Migratory species threatened with extinction are listed on Appendix I of the Convention, and those that need or would significantly benefit from international co-operation are listed in Appendix II. CMS Parties strive towards strictly protecting these animals, conserving or restoring the places where they live, mitigating obstacles to migration and controlling other factors that might endanger them, and are encouraged to collaborate for concerted action and to conclude global or regional Agreements. For further details and full text: www.cms.int/documents/convtxt/cms_convtxt.htm

RAMSAR CONVENTION ON WETLANDS (RAMSAR)

X1 - The Convention on Wetlands is an intergovernmental treaty which provides the framework for national action and international cooperation for the conservation and wise use of wetlands (including mangroves and coral reefs) and their resources through local, regional and national actions and international cooperation, as a contribution to-

International treaties and conventions

wards achieving sustainable development throughout the world. Contracting Parties commit themselves to designate at least one wetland that meets the criteria for inclusion in the List of Wetlands of International Importance (“Ramsar List”) and ensure the maintenance of the ecological character of each of these “Ramsar Sites”. For further details and full text: www.ramsar.org/index_very_key_docs.htm

INTERNATIONAL CONVENTION FOR THE PREVENTION OF POLLUTION FROM SHIPS

X1 - The International Convention for the Prevention of Pollution from Ships (“MARPOL Convention”) is the main international convention covering prevention of pollution of the marine environment by ships from operational or accidental causes. It is a combination of two treaties adopted in 1973 and 1978 respectively and updated by amendments through the years, and covers pollution by oil, chemicals, harmful substances in packaged form, sewage and waste, and also tanker safety, design and operation, and pollution prevention from tankers. For further details and full text: www.imo.org/Conventions/mainframe.asp?topic_id=258

INDEX

Anchoring and Mooring	15, 22, 59, 61-62
Birds (<i>Aves</i>)	37, 38, 79, 80, 83, 86
Boats	See Ships
Cactus (<i>Cactaceae</i>)	37, 38, 80, 83
Conch (<i>Strombus gigas</i>)	27, 28, 33, 37, 38, 41 , 80, 83
Construction and Development	24, 49, 50, 82, 84
Conventions	See International Conventions
Corals (<i>Cnidaria: Millepora; Styasterina; Gorgonacea; Scleractinia; Antipatharia</i> -fire, lace, soft, stony and black corals respectively)	15, 27, 30, 37, 38, 39, 75, 80, 83, 86
Development Planning	See Construction and Development
Diving	See SCUBA Diving
Dolphins (<i>Delphinidae</i>)	See Marine Mammals
Fish (<i>Osteichthyes, Chondrichthyes, Agnatha</i>)	27, 29, 30, 31, 33
Fishing	15, 27-34 , 40, 41, 42, 43, 44, 82, 83, 85
Permit Fees	33-34
Flamingos (<i>Phoenicopteridae</i>)	37, 80
Iguanas (<i>Iguana delicatissima</i>)	37, 38, 40, 80, 83
International Conventions	37-39, 48, 79-87
Bonn/CMS (Convention on Conservation of Migratory Species)	50, 86
Cartagena Convention	81-84
CBD (Convention on Biological Diversity)	48, 85-86
CITES (Convention on International Trade of Endangered Species)	37, 41, 43, 44, 48, 50, 79-81 , 84
IAC (Inter American Convention for the Protection and Conservation of Sea Turtles)	44, 84-85
International Convention for the Prevention of Pollution from Ships	53-58 , 87
Land Based Sources of Pollution Protocol	53, 81, 84
Oil Spills Protocol	53, 81, 83
Ramsar Convention on Wetlands	48, 86-87
SPAW Protocol (Specially Protected Areas and Wildlife in the Wider Caribbean)	38, 39, 41, 42, 43, 44, 48, 50, 81, 82-83
Invasive Species	86
Legal Definitions and Procedure	8-10

Lignum-vitae (<i>Guaiacum</i>)	37, 38, 80, 83
Lobsters (<i>Panulirus</i>)	27, 28, 38, 42-43 , 72, 83
Manatees (dugongs, sea cows) (<i>Sirenia, Trichechidae</i>)	See Marine Mammals
Mangroves	38, 83, 86
Marine Mammals (<i>Cetaceans</i>)	27, 28, 30, 37, 38, 43 , 79, 80, 83
Molluscs (<i>Mollusca</i>)	27
Mooring	See Anchoring and Mooring
National and Marine Parks (Protected Areas)	15, 16, 22, 30, 39, 40, 47-50 , 53, 54, 61, 85
Establishment	9, 48, 81, 82, 85, 87
Fees	22
Management plans	38, 82, 83, 85
Transporting within	19, 20, 22
Nature Policy	47, 48
Oil spills/pollution	See Pollution and Waste
Orchids (<i>Orchidaceae</i>)	37, 40, 80
Plants	16, 39, 40
Pollution and Waste	53-58 , 61, 81, 82, 84, 87
From Ships; Oil Spills; Sewage; Harmful Substances; Port Facilities	53-58 , 61, 81, 83, 87
SCUBA diving	19, 20-22 , 30, 33, 61, 62
Sea Turtles (<i>Chelonioidea</i>)	27, 28, 30, 37, 38, 44 , 79, 83, 84-85
Sea Urchins (<i>Echinoidea</i>)	27
Seagrass	38, 83
Seaweed	15, 27, 30, 39, 75
Shellfish (<i>Mollusca, Crustacea, Echinodermata, Cephalopoda</i>)	16, 19, 27, 28, 30, 33, 37, 38, 39, 41, 42, 43, 72, 80, 83
Ships (Boats/Vessels)	21, 31, 33, 34, 53-58, 61-62 , 66, 67, 68, 81
Snorkelling	22, 62
Starfish (<i>Asteroidea, Ophiuroidea</i>)	27
Staria Morning Glory (<i>Ipomoea sphenophylla</i>)	40
Tree Ferns (<i>Cyatheaceae</i>)	37, 38, 80, 83
Turtles (<i>Chelonioidea</i>)	See Sea Turtles
Vegetation	See Plants
Wetlands	86-87
Whales (<i>Cetaceans: Mysticeti, Odontoceti</i>)	See Marine Mammals
Yachts	See Anchoring and Mooring

ISLAND CONTACT DETAILS

ST. EUSTATIUS (STATIA)

Head of Public Works: +318 2821 (office)

Head of Legal Dept: +318 2597 (office)

Police Station: +318 2333 / 2535 / 2377

Public Prosecutor: +318 2910 (office)
+318 1518 (cell)
+318 2136 (fax)

St Eustatius National Parks +318 2884 (office)
+318 2884 (fax)
VHF 16/17

Harbour Office +318 2840 / 2888
VHF 16/14

Island Secretary +318 2604 / +318 2213 (office)
+318 2228 (fax)

NOTES
