

Legal Enforcement for the Environment of the British Virgin Islands



Produced by

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Surveillance and Enforcement Unit
The Conservation & Fisheries Department

Environmental Surveillance and Monitoring in the BVI

The Conservation & Fisheries Department's Environmental Monitoring Unit is dedicated to ensuring the protection of this Territory's unique natural environment. The Unit consists of various 'teams' to accomplish this vital function.

Surveillance and Enforcement forms a significant aspect of the work of the Conservation and Fisheries Department.

Surveillance (from the verb 'to survey') refers to:-

- Observing
- Watching
- Being Vigilant
- Scrutinizing
- Inspecting

Environmental Surveillance therefore refers to the activities associated with monitoring and observing the environment and the ways in which people utilize the environment.

Surveillance is important; it provides information that can help us to manage the environment properly and ensure that it is not degraded. It also detours persons from possible illegal activities.

Surveillance also allows us to recognize that a problem is beginning to occur before it becomes a crisis. This helps us to take preventative actions.

For example, if we recognize the first signs of seepage of oil into the environment, we can take steps to prevent a massive oil spill. Secondly, by constantly surveying the environment, we can identify the people who are engaging in environmentally unfriendly practices.

We can encourage those persons to comply with the environmental policies and legislation of the British Virgin Islands, and to conduct themselves in an environmentally friendly manner.

By engaging in surveillance and taking preliminary actions to curb any problems that are developing, it is possible to minimize damage to the environment and prevent unpleasant lawsuits and other legal proceedings.

Once information has been obtained as a result of the surveillance program, decisions can be made as to whether it is necessary to engage in enforcement of legislation.

Enforcement of law can be a very serious matter. It can involve the police, lawyers, the court, and can result in persons being sentenced to prison or heavily fined.

There are several words that may be used to describe enforcement. They are:

- Application (of the law)
- Coercion
- Constraint
- Implementation
- Compulsion
- Requirement

The Aim of the Enforcement Unit then is to Compel or Force Persons to Comply with the Law

There are several laws that the Conservation and Fisheries Department helps to enforce. These include:-

- The Fisheries Act 1997
- Marine Parks and Protected Areas
- Endangered Animals and Plants
- Wild Birds Protection Ordinance (CAP96) 1982
- The Fisheries Regulations 2001
- Ordinance (CAP 243) 1979
- Ordinance 1976
- Land Development (Control) Ordinance (CAP 241) 1972

Environmental Surveillance and Enforcement is a broad topic. In order to successfully enforce environmental legislation, the Conservation and Fisheries Department works with several other departments and organizations.

These include:

- The Marine Police
- The Attorney General Chambers
- The Immigration Department
- Government Information Services
- The National Parks Trust
- The Customs Department
- Town and Country Department

Surveillance and Enforcement helps us to control problems such as:

- Oil Pollution
- Sand Mining
- Illegal Fishing
- Anchor Damage to the marine environment
- Siltation due to reclamation and other development activities
- Loss of important terrestrial and marine habitats, such as mangrove, coral reef and seagrass beds.

In order for the Environment of the BVI to be properly managed, we also need your support and assistance. You can assist us in our surveillance and enforcement efforts by:

- Becoming more knowledgeable about local environmental legislation and policies.
- Reporting any illegal environmental practises to the Conservation & Fisheries Department.
- Adopting environmentally friendly practices.

