

PRESS RELEASE

London Privy Council denies Barbudans have proprietary rights over their island in what could be a victory for Billionaire luxury real estate developers, but Barbudans are already fighting back

On 13 June 2022, the Privy Council in London issued a [judgment upending centuries-old communal land ownership on the tiny Caribbean island of Barbuda](#). The Privy Council decision came after a challenge to the *Paradise Found Act 2015*, a piece of legislation specifically introduced to bypass communal land rights and enable the company Paradise Found LLC - backed by wealthy US investors, including Robert de Niro - to develop a luxury tourism resort.

Since the abolition of slavery, Barbudans have consistently practiced collective land ownership; this was finally formalized under the *Barbuda Land Act 2007*. However, the Privy Council - the highest Commonwealth court - **decided that Barbudans do not have any “relevant interest in or right to or over property” under their Constitution.**

The Privy Council noted that Barbuda was colonised by the English in 1632 and leased to private owners for two further centuries. Thereafter, inhabitants of Barbuda - descendants of slaves - were known as “tenants of the Crown” (with the Crown as “owner of the land”). However, the Privy Council failed to address the legally recognised land tenure system on the island. It found that Barbudans’ land rights are limited to a *right to apply* for a grant of exclusive occupation or for grazing animals; whereas only exclusive proprietary rights and the rights of the Crown are protected under the Constitution. **Islanders fear this could spell disaster for their way of life and the pristine ecology of the island** which has been protected from the destructive impact of mass tourism.

The Privy Council ruling opens the door for further exploitation by other luxury developers on the island, such as the US partnership ‘Peace Love Happiness’ (PLH) and Discovery Land Company. Earlier this year, the Global Legal Action Network (GLAN) [submitted alarming evidence](#) to the Ramsar Secretariat - a Geneva based body overseeing the implementation of the intergovernmental Convention on Wetlands of International Importance - of both investors’ involvement in the **destruction of a listed wetland** on the island through the construction of luxury residences and a golf course known as ‘Barbuda Ocean Club’. In February 2022, a group of UN Special Rapporteurs [expressed deep concern](#) about the **human rights implications** of developments on the island catering for ultra-wealthy tourists.

Islanders are fighting other legal battles against the privatization of their island, including against the construction of an **international air strip in the middle of untouched forest**. The new airport is part of a concession to PLH (Barbuda) and designed to service the private jets of new visitors. The appellants in this case argue the decision to approve the airport construction occurred in breach of planning laws and without a comprehensive environmental impact assessment. [Independent assessments](#) have also warned of the high risk of the air strip caving in due to cavernous grounds, the possibility of groundwater contamination, and the loss of biodiversity.

Dr Tomaso Ferrando, GLAN Legal Advisor on Land Rights, said: “Despite the recognition of ancestral and communal relationships with the land, the Privy Council adopted a Western-centric understanding of property that does not reflect the historical, social and cultural specificity of the island. The decision reinforces the idea that colonialism has never really ended on Barbuda, and that Barbudans are merely guests on the Crown’s land.”

Jasmine Rayée, Legal Officer with GLAN, said: “The Privy Council’s ruling is not only devastating for Barbudans, it will also have potentially disastrous consequences for the island’s ecology. The Privy Council failed to recognise the importance of Barbudans collectively acting as stewards for their island, prioritizing instead the interests of the central government in Antigua and foreign luxury tourism developers. This endangers the fragile ecology of this low-lying island in times of a heightened global climate crisis: US-based developers are already destroying mangrove vegetation and natural dunes on the coast within an internationally listed wetland.”

Note to editor

According to the Barbuda Land Act, 2007, all land on the island is owned in common by the people of Barbuda. The Barbuda Council is responsible for the administration, development and granting of leases in Barbuda. Established under the Barbuda Local Government Act 1976, the Barbuda Council is a democratically elected local authority that manages the internal affairs of the island of Barbuda. Only the Barbuda Council can grant concessions for land and development projects on the island – as opposed to the Cabinet of Antigua and Barbuda.

GLAN supports the Barbuda Council in its efforts for recognition of Barbudans’ traditional land rights and protection of the ecology of their island. There is a live [crowdfund](#) launched to support legal efforts to resist the land grabbing efforts.

The Global Legal Action Network (GLAN) is a non-profit organisation that works to pursue innovative legal actions across borders to challenge powerful actors involved in human rights violations and systemic injustice by working with affected communities. GLAN has offices in the UK (London) and Ireland (Galway) | @glan_law | www.glanlaw.org. **Media Contacts:** Dr Gearóid Ó Cuinn (Director) | gocuinn@glanlaw.org | +447521203427; Dr. Tomaso Ferrando (Land Rights, Legal Action Committee) | tomaso.ferrando@uantwerpen.be | +32486925838