

COMMUNITY NATURAL-RESOURCE CONSERVATION IN THE MESOAMERICAN REEF AREA

**Legal Frameworks and Legal Status of Marine Protected Areas in Belize,
Guatemala, Honduras, and Mexico**

FINAL REPORT



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COMMUNITY NATURAL-RESOURCE CONSERVATION IN THE MESOAMERICAN REEF AREA

LEGAL FRAMEWORKS AND LEGAL STATUS OF MARINE PROTECTED AREAS

ACRONYM	DESCRIPTION
AFE-COHDEFOR	National Forest Administration, Honduras
AMHON	Association of Municipalities of Honduras
CBM	Mesoamerican Biological Corridor
CCAD	Central American Commission on Environment and Development
CDB	Convention on Biological Diversity
CECON	Center for Conservation Studies
CI	Conservation International
COLAP	Local Council for Protected Areas, Honduras
CONANP	National Commission of Protected Natural Areas, Mexico
CONAP	National Council on Protected Areas
CONAPESCA	National Commission of Fisheries and Aquaculture, Mexico
CORAP	Regional Councils for Protected Areas, Honduras
DAVPS	Protected Areas and Wildlife Department, Honduras
DIGEPESCA	General Fisheries Directorate, Honduras
DJ-CC	Legal Department of Central CONAP Office
DTG-CC	General Technical Directorate of Central CONAP Office
DVS-CC	Wildlife Department of Central CONAP Office
FDN	Defenders of Nature Foundation (Fundación Defensores de la Naturaleza)
FOPRIDEH	Federation of Development Organizations of Honduras
FUNDAECO	Foundation for Ecodevelopment and Conservation (Fundación para el Ecodesarrollo y la Conservación)
FUNDARY	Mario Dary Rivera Foundation (Fundación Mario Dary Rivera)
GUC-CC	Management for Conservation Units of Central CONAP Office
HCRF	Honduran Foundation for the Protection and Conservation of Cayos Cochinos
IHCAFE	Honduran Coffee Institute
IHT	Honduran Tourism Institute
MAGA	Ministry of Agriculture, Livestock and Food
MAR	Mesoamerican Reef
MPA	Marine Protected Area
OSC	Civil Society Organizations
PROARCA	Regional Environmental Program for Central America, USAID
RAMSAR	Convention on Wetlands
SAG	Secretariat for Agriculture and Livestock, Honduras
SAGARPA	Secretariat for Agriculture, Livestock, Rural Development, Fisheries, and Food, Mexico
SANAA	Autonomous National Service of Aqueducts and Sewage System, Honduras
SEMARNAT	Secretariat for Environment and Natural Resources, Mexico
SERNA	Secretariat for Natural Resources and Environment, Honduras
SIGAP	Guatemalan System of Protected Areas
SINAP	National System of Protected Areas, Mexico
SINAPH	Honduran National Protected Area System
TNC	The Nature Conservancy
UNESCO	United Nations Education, Science and Culture Organization
UNIPESCA	Special Unit for Fisheries and Aquaculture, Guatemala
USAC	San Carlos University of Guatemala

1. INTRODUCTION

By means of the participation of citizens, it has been possible to recover spaces beyond countries' national borders. This is currently the case in Central America; countries and municipalities cannot ignore this reality, which generates increased activity in the spaces for citizens' involvement.

Starting in the nineties, these participative processes have increasingly been taken up, promoted by means of legally-recognized spaces established by laws that foster the participation of local stakeholders in local, regional, and national development processes.

The fundamental aim of this consultancy is to present the guiding frameworks, guidelines, and general processes existing within each country's legal framework to allow the effective participation of Civil Society Organizations (CSOs) specifically linked to fishery management. It seeks to coordinate community organizations and various stakeholders from local government and public and private institutions, so that they can participate in the decision-making process pertaining to fishing-resource management, with the commitment and responsibility warranted, in their respective action spheres, and fully aware of the dimension of their participation, and the fields in which they will undertake their roles.

The document is structured to provide a referential framework on each country's political-legal tools supporting and promoting citizen participation in resource management, and specify the processes pertaining to natural-resource management (specifically, to fisheries) being implemented in each country. The first part is a conceptual framework on the Mesoamerican Reef (MAR) and Marine Protected Areas (MPAs), as well as an overview of citizen participation.

There are four national protected-area systems within the MAR region; jointly, they are made up of nearly 70 areas encompassing 2,842,640.29 ha. In addition, based on the areas by country, Mexico and Honduras constitute nearly 82% of the total area, while Belize and Guatemala make up the remaining 18%. The order of importance is different when analyzing countries according to the number of protected areas in each one of them: Belize (29), Honduras (19), Mexico (15), and Guatemala (7). The status of area-management can be considered according to varying degrees and scales that range from areas with no institutional presence or management to areas with consolidated management and citizen-participation processes that are fully established.

This document is based on the laws of each one of the countries involved (Belize, Guatemala, Honduras, and Mexico). It is also aimed at providing accessible references and guidance on how to apply participative approaches to managing natural resources, and at establishing the basis for the citizen participation process needed to manage fisheries in the Mesoamerican Reef region.

Specifically, the terms of reference establish two subject matters that, jointly, can provide valuable information related to the condition of marine protected areas and to the way in which to organize fishermen groups in MAR-region communities. Results can also show perspectives on how to establish new marine protected areas, community marine reserves, or any other mechanism to transfer responsibility for managing fishing resources to community groups. The two subject matters are:

- a. Legal tools to establish fishing communities' resource-management agreements;
- b. Processes and criteria involved in identifying and declaring new marine protected areas in Mexico, Belize, Honduras, and Guatemala.

1.1 Objectives

1.1.1 Legal Frameworks

- a. To evaluate the legal frameworks existing in the four MAR-region countries to establish fishing-communities' resource management. If national legislations do not acknowledge community marine reserves, to describe the options that are available to interested groups.
- b. Documentation and analysis of legal status of marine protected areas in Belize, Honduras, and Mexico.
- c. Documentation and analysis of legal, political, and institutional processes involved in identifying and declaring new marine protected areas in Belize, Honduras, and Mexico. This analysis must include national and international legislation, local obligations and institutional provisions.

1.1.2 Profiles of Marine Protected Areas

- a. Description of areas identified by the analysis as key sites for special fishing-resource management in Belize, Honduras and Mexico.

2. CONCEPTUAL FRAMEWORK

2.1 Marine Protected Areas and MAR

Marine Protected Areas (MPAs) are those areas that protect or shelter some coastal or marine component. Most of them are basically land areas with a marine component or MPAs existing only in theory (Barzetti 2003). The initial approach to establishing them was to specifically regulate their uses, such as commercial fishing, but subsequently it turned into protecting specific components such as reefs, marine grasses, or turtles. At present, integral management of MPAs—from uses to protection, including various degrees of participation—is being sought.

The Mesoamerican Reef (MAR), spanning more than 1000 km, runs from the Isla de Contoy in the southern part of the Yucatan Peninsula, to the Bay Islands in Honduras. It includes the longest barrier reef in the Atlantic Ocean. Because of its length, and the types of reefs, the diversity of coral assemblages and related species it contains, it is unique in the Western Hemisphere. The MAR contributes to stabilizing and protecting coastal landscape, maintains the quality of coastal waters, and constitutes a feeding and breeding site for marine mammals, reptiles, fish, and invertebrates, many of which are commercially important. The MAR is very important socio-economically, since it provides employment and is a source of income for approximately one million persons living in adjacent coastal areas (MAR 2004).

Associated with MAR there are also extensive coastal wetland areas, coastal lagoons, marine grasses, and mangroves that sustain an exceptional and significant biodiversity and that provide critical habitats for threatened and endangered species. The considerable ecological and cultural value of the Mesoamerican Reef led UNESCO to declare Sian Ka'an—located in the eastern coast of the Yucatan Peninsula in Mexico and the Belize Barrier Reef Reserve System, as World Heritage Sites in 1987 and 1996, respectively (MAR 2004).

Acknowledging MAR's importance for the regional economy and as cultural and natural heritage of its people, in addition to the growing threats to this system, the four countries composing the MAR region, Mexico, Guatemala, Honduras, and Belize approved the "Tulum Declaration", which reaffirms their commitment to undertake actions that seek the sustainable development of the Mesoamerican Reef (MAR 2004).

As a result of this governmental declaration, in 1999, in its Twenty-Seventh Ordinary Meeting, the Central American Commission on the Environment and Development (CCAD in Spanish) Council of Ministers approved a 15-year Action Plan establishing the bases for a comprehensive work program containing regional and national activities aimed at protecting MAR's integrity and productivity. During that same meeting, the headquarters for the Belize Project and the grant agreement with the World Bank to execute it were approved (MAR 2004).

The MAR region includes nearly 70 known MPAs with various degrees of legal or official protection. The MAR Project, however, has chosen to initially focus on 15 of them, based on the fact that they are located on or near cross-border sites. The MPAs that have been selected are: Banco Chinchorro Biosphere Reserve, Bahía de Chetumal Santuario del Manatí Area Subject to Ecological Conservation, Corozal Bay (Manatee) Wildlife Sanctuary, Arrecifes de Xcalak National Park, Bacalar Chico Marine Reserve and National Park, South Water Caye Marine Reserve, Glovers Reef Marine Reserve, Port Honduras Marine Reserve, Gladden Spit/ Silk

Cays Marine Reserve, Spodilla Cays Marine Reserve, Sarstoon-Temash National Park, Río Sarstún Multiple-Use Reserve, Punta de Manabique Wildlife Refuge, Omoa-Baracoa and Utila/Turtle Harbor (SAM 2004). Eleven of these MPAs are currently under some kind of legal protection, while the other four are in various phases of the legal-declaration process. Further details on each national MPA sub-system will be included in subsequent paragraphs.

According to the definitions contained in the resolutions at the V World Parks Congress in Durban in 2003, Governance is “the interaction among structures, processes, and traditions determining how power is exercised, how decisions on public matters are made, and how citizens and other stakeholders have their say in the management of natural resources. This concept applies to protected areas at all site, national, regional, and global levels. Governance is about power, relations and accountability; about who has influence, who decides, and how each one is held accountable.” (Abraham et al., 2003, cited by Madrigal and Solís 2004)

Broadly speaking, Governance of protected areas follows one of the following general structures (Madrigal and Solís 2004)

1. *Government Protected Area*: The authority in charge of managing this type of area is a national or local government agency. It includes concessions to third parties to manage the area as a non-governmental organization.
2. *Co-Managed Protected Area*: Authority, responsibility and control in managing this area is shared in various ways by a number of stakeholders: one or more government institutions, local communities, private owners, and others.
3. *Private Protected Area*: Authority, responsibility and control in managing this type of area is borne by one or more private, individual or corporate owners, whether with profitable aims or not.
4. *Community Management*: Authority, responsibility and control in managing this type of area is borne by representatives of indigenous peoples or local communities, in accordance with their common law or traditional norms for their territories or natural resources.

The names of zoning may vary according to each country’s laws, even though activities and objectives are essentially the same. As an example, zoning for the Biosphere Reserve management category may vary as follows:

1. Natural, primitive, or core zone
2. Modifiable zone,
3. Multiple or sustainable use, recovery and culture zone, and
4. Buffer zone

It is important to underscore that management categories and zoning define the type of actions that are allowed, which are in turn ordered and reflected in a Management Plan (or Master Plan). The reason is that there are management categories that are very strict, and others that allow the integral and integrated management of areas in which human settlements (towns and communities) are fundamental planning pillars.

2.2 Citizen Participation and Natural-Resource Management

Establishing protected areas has been a process with a whole range of gray areas within two stances:

- a. Protected areas with no populated areas within its boundaries, established with strict conservation purposes.
- b. Protected areas in which populated areas are adapted to their conditions.

Planning and ordering processes have only become constant in protected-area national systems only in the recent past, with the purpose of actively managing protected areas, that is, not only defining such management on paper, but implementing it in practice.

While the process was evolving, it became evident that even protected areas with real management and presence cannot ignore their environment, and that they must relate to the communities located within them or in their zone of influence. This has led to defining social participation within this context, and to adopting and adapting concepts and experiences linked to protected-area management (globalization, de-centralization, and de-concentration).

Participation of Civil-Society Organizations (CSOs) in creating, implementing, and developing protected areas has shown to have considerable influence in management, and plays a determining role in consolidating Protected Area National Systems (SINAPs in Spanish) (CBM, CI, PROARCA, TNC, WCPA 2003). This is why sectoral (environmental and protected-area) state institutions have considered that local state institutions—through the participation of communities, CSOs and municipalities— can play a significant role in supporting conservation areas.

There are two main reasons why citizen participation in natural-resource management is useful. The first one is that, without it, long-term sustainability of many systems would be threatened. The second one is that local populations benefit from the sustainable use of natural resources for their livelihoods and their recreation as well as for their cultural and spiritual needs. These are the most important reasons for increasing local participation, but there are also many other benefits linked to management that must be taken into account.

Even though there are a number of participation efforts being undertaken at various levels by World Protected Area Congresses, international agreements (RAMSAR, CBD, among others), and regional Central American agreements, very rarely are they translated into policies, strategies, or action plans directly linked to real and proactive participation of *organized civil society* in managing a protected area.

In general, adapting concepts, we could say that citizen participation is “the active and informed intervention of local communities in a process in which those involved have influence over and take control of development initiatives and on the decisions and resources affecting them”.¹ In this context, we can say that citizen participation within the context of protected areas is “*the active, direct, non-discriminatory, inclusive and equitable participation to define common goals and the means to achieve them within a social conglomerate*”.²

¹ Adapted and modified from the World Bank 1994, cited by Millaleo and Valdez (2005) and Ramsar 2000.

² Source: Instruction Directorate; Social Instruction and Organization (FOPAS in Spanish), Guatemalan Ministry of the

Based on the foregoing, motivating a rational and sustained use of natural resources is a current need. In order to achieve such use, *the mechanisms for inclusion, participation and permanence of local communities must be established*, that is, encouraging *active and informed* participation of communities by developing pertinent criteria and guidance.

Participation is one of the components that most interest and concern those institutions working for conservation and development. It has finally been accepted that communities, instead of hindering any “initiative” to be implemented, are determining factors, especially when these efforts benefit the community. Their participation is essential to establish spaces for citizen participation. Their expertise, auditing, overseeing, and their co-participation commitments are fundamental (both for the outcome of resource conservation and for citizen, food and territorial security etc.).

According to Linares (2003) there are a series of characteristics corresponding to good participation; it must be **voluntary, organized, informed, effective, responsible, socially-oriented, systematic, and civic**. Thus, citizen participation seeks to promote *the acceptance of a series of measures* that ensure implementation of an orderly management plan or system. There is no formula or recipe for success. Participation must be conceived as action and interaction and not as inducement.

In summary, we can understand citizen participation as a gradual process through which citizens are incorporated, either individually or collectively, into decision-making, overseeing, control, and execution of actions pertaining to public and private political, economic, social and environmental matters affecting them, in order to further their full development as human beings and the development of their communities.

In the case of community participation to consolidate conservation proposals, there are several axes ensuring effective compliance with the proposal: On the one hand, a correct diagnosis; on the other, consultation with the community, understood as the beginning of a long dialog and monitoring process to audit success of proposals. It is not possible to establish a definitive list of criteria that guarantee satisfactory establishment of citizen participation, since it is an interactive and iterative process. The ample meaning of the term “participation” (which ranges from manipulation to self-management)³, and the great range of local contexts mean that there are few, if any, previous requirements to establish participative management. However, a constant factor is the existence of values and beliefs to support the concept of “sustainable use”.

Within the MAR context, local communities and indigenous populations can benefit from participative-management agreements that will promote sustainable livelihoods leading to self-management with activities such as:

- Fishing and
- Recreational uses and ecotourism

High-level political support (such as the support provided by pertinent ministries and authorities) is very important to keep governmental commitments on participative-management systems.

Environment and Natural Resources, March 2005. Personal communication with Milton Cabrera.

³ The various degrees of participation within the continuum proposed in this paragraph can be consulted in detail in Millaleo and Valdez (2005).

Experience has shown that management systems that include direct stakeholders –especially residents and local indigenous communities– tend to be more sustainable than those established without local participation. Said systems involve local and indigenous populations in:

- Identifying problems;
- Making decisions on how to solve them;
- Executing management plans, and
- Monitoring the efficacy of agreed-upon measures to face problems and opportunities.

It is possible to increase sustainability of management activities. There are some who refer to this effort as “social sustainability”, and consider it a factor that cannot be separated from ecological sustainability of natural resources.

Co-management is an agreement among parties to establish a truly democratic participation in managing a resource or an area. This process entails several elements that should be indicated: an interest of state and private sectors in the resource; negotiation to manage the resource; all those involved should have the information that will make it possible for them to participate; clear rules of the game; enough resources to engage in co-management; established management structure and procedures for decision making and conflict resolution; distribution of costs and benefits of stakeholders’ experience, and in more consolidated co-management systems, a financial incentive for stakeholders and a legal base to support the experience (Castro and Nuñez 2004).

Legal and policy frameworks regulating citizen participation in each one of the countries are described in the corresponding section. Some specific issues will be briefly explained and, in a few cases, important elements for each one of the countries will be described. Flowcharts illustrating these descriptions are included as annexes to make them easier to follow.

It is important to note that observing these specific legal frameworks is essential in order to establish and maintain governance in the region, since respecting this legal corpus will mark civil society’s intervention in the MPAs and the management of fishing sources, in particular.

The general description of these frameworks poses a question on the procedures that will enable the participation of civil society in managing protected areas or specific natural resources. The specific focus on marine areas and on fishing-resource management must be undertaken within each one of the tools established for that purpose. There are two connected processes included in another section: 1) The general procedure to establish an organization as an important element to request their registration as legal entities (associations), and 2) the general law-approval process by the Congress of the Republic.

3. **BELIZE.**

3.1. **Legal and Policy Framework**

Belize has a Protected Areas National System Plan containing the general guidelines for civil society's participation in managing PAs. The document is structured according to an analysis of the gaps in the system, the needs for its development, and the main strategic lines for its implementation (Merman and Wilson 2005).

This document indicates that system management responsibility belongs to the Forestry Department, the Fisheries Department, and the National Culture and History Institute, each under a different ministry. The implementation policies contained in the Plan include (Merriman and Wilson 2005):

1. *Governance and Participation of Civil Society.* This can be undertaken by a wide variety of stakeholders and according to various types of management systems, grouped as follows:
 - a. Local communities and indigenous people who become direct users more closely associated with natural resource management to satisfy their basic needs (for example, fishing).
 - b. Commercial interests: Considering the various goods and services that a MPA can provide, stakeholders include tour operators, commercial fishermen and other stakeholders involved in other economic alternatives that may be developed.
 - c. PA recreational uses: Include all the national and international visitors to Belize's SINAP, including hunters and sport fishermen.
2. *Protected Area Categories:* They establish the various degrees of protection and use, as well as the activities that are or are not allowed in each one of them.
3. *Protected-Area Declaration, Modification and Re-Zoning:* Even though the National System is already established, work is still needed on more detailed selection, establishment and management guidelines.
4. *Private Protected Areas:* These play a crucial role in the national system, fill great gaps in the system's coverage, and are vital in establishing operational biological corridors.

The document also recognizes the four types of governance indicated in paragraph 2.1 above: Government, Co-managed, Private, and Community-Managed. Based on this, Belize has the following specific tools:

1. National Policy to develop Protected-Area Management Plans. This document establishes the five steps to develop plans, which include: identifying the managing organization; developing and presenting the plan's draft to the authorities; reviewing and accepting the Management Plan; performing annual-plan implementation evaluations and, lastly, reviewing and evaluating the success of the plan.
2. Guidelines to Develop a Management Plan, Level 1. Protected Areas Managed by Communities.

3. Guidelines to Develop a Management Plan, Level 2. Conservation and Non-Governmental Organizations.
4. Establishing the Protected Areas Conservation Fund (Protected Areas Conservation Trust Act, Chapter 218 and Subsidiary Act of 2003).

The legal frameworks specifically associated with protected fisheries and marine areas, are:

- *Fisheries Act Chap. 210, 2003*: stipulating the main regulations, prohibitions, permitted uses and the establishment of marine reserves, among others.
- *National Parks System Act, Chap. 215, 2000*: establishing the national park, natural-reserve, wildlife-sanctuary, and natural-monument system, as well as the rules, exceptions, prohibitions and development of the general system.

3.2. Current Status of Marine and Coastal Areas

The Belizean National Protected-Area System recognizes 28 marine and coastal areas for the Caribbean MAR region, with different degrees of protection, different phases of declaration, and subsequent establishment. Some details may be seen in Table 1.

Table 1: Relevant Information on the Marine Protected Areas Recognized in the Belizean Caribbean for the MAR Region (Developed by the author. Source: Merman and Wilson 2005, www.biodiversity.bz, May 2007, Majil ⁴ 2007.)

No	Name	Management Category	Area (ha)	Administrator	Legal Basis	Year	Co-Management Agreement	Status Management Plan	Term
1	Bacalar Chico MR	Marine Reserve	6.391,50	Fishery Department-Green Reef Environmental Institute	Fisheries Act-Ch 210 GR:1996/88	1996	No	updated	5 years
2	Bacalar Chico NP	National Park	4.510,50	Forestry Department	National Parks System Act-Ch. 215 GR: 1996/89	1996	No	updated	5 years
3	Half Moon Caye Blue Hole	Natural Monument	31,00	Forestry Department		1982	Belize Audubon Society	updated	5 years
4	Blue Hole NM	Natural Monument	383,00	Forestry Department	National Parks System Act-CH.215 GR: 1996/96	1996	Belize Audubon Society	updated	5 years
5	Burdon Canal	Natural Reserve	2.126,50	Forestry Department	National Parks System Act-Ch. 215 GR: 1992/88	1992	No	?	?

⁴ Isaias Majil June 2007, MPA Coordinator, Fisheries Department, Belize. Electronic Communication

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No	Name	Management Category	Area (ha)	Administrator	Legal Basis	Year	Co-Management Agreement	Status Management Plan	Term
6	Caye Caulker FR	Natural Reserve	38,00	Forestry Department	Forests Act-Ch. 213 GR: 1998/28	1998	Forestry and Marine Reserve Association of Caye Caulker	Yes	5 years
7	Caye Caulker MR	Marine Reserve	3.913,50	Fishery Department	Fisheries Act-Ch 210 GR:1998/35	1998	Forest and Marine Reserve Association of Caye Caulker	updated	5 years
8	Corozal Bay	Wildlife Sanctuary	73.049,50	Forestry department	National Parks System Act-Ch 215 GR: 1998/48	1998	No	ongoing process	10 years
9	Dog Flea	Spawning aggregations	576,50	Fishery Department	Fisheries Act-Ch 210 GR:2003/16 1	2003	WWF/ University of Belize	ongoing process	5 years
10	Gales Point	Wildlife Sanctuary	3.681,50	Forestry department	National Parks System Act-Ch 215 GR: 1998/92	1998	No	?	?
11	Gladden spit	Spawning aggregations	1.617,50	Fishery Department	Fisheries Act-Ch 210 GR:2003/16 1	2003	Friends of Nature.	updated	5 years
12	Gladden spit and Silk Cays	Marine Reserve	10.513,00	Fishery Department-Friends of Nature	Fisheries Act-Ch 210 GR:2000/68	2000	Friends of Nature	updated	5 years
13	Glovers Reef	Marine Reserve	35.067,50	Fishery Department	Fisheries Act-Ch 210GR:1993 /38	1993	No	Ongoing updating process	5
14	Golden Stream	Private Reserve (Official)	6.085,50	Yaaxché Conservation Trust-Fauna and Flora International	None	Unknown	?	?	?
15	Gra-gra Lagoon	National Park	534,00	Forestry department	National Parks System Act-Ch 215 GR: 2002/86	2002	No	?	?
16	Halfmoon Caye	Natural Monument	3.954,00	Forestry department	National Parks System Act-Ch 215 GR: 1982/30	1982	Belize Audubon Society	updated	5 years
17	Hol Chan	Marine Reserve	1.543,00	Fishery Department	Fisheries Act-Ch 210 GR:1987/57	1987	No	updated	5 years

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No	Name	Management Category	Area (ha)	Administrator	Legal Basis	Year	Co-Management Agreement	Status Management Plan	Term
18	Laughing Bird Caye	National Park	4.095,50	Forestry department - Friends of Nature	National Parks System Act-Ch. 215 GR: 1996/94	1996	Friends of Nature	updated	5 years
19	Payne's Creek	National Park	14.739,00	Forestry department-Toledo Institute for Development and Environment	National Parks System Act-Ch 215 GR: 1994/43	1994	?	?	?
20	Port Honduras	Marine Reserve	40.469,50	Fishery Department-Toledo Institute for Development and Environment	Fisheries Act-Ch 210 GR:2000/9	2000	Toledo Institute for Development and Environment	?	?
21	Sandbore	Spawning aggregations	521,50	Fishery Department	Fisheries Act-Ch 210 GR:2003/16 1	2003	No	No	NA
22	Sapodilla Cays	Marine Reserve	15.618,50	Fishery Department - Nando Peretti Foundation	Fisheries Act-Ch 210 GR:1996/11 7	1996	Toledo Association for Sustainable Tourism and Empowerment	Updated	5 years
23	Sarstoon-Temash	National Park	16.938,00	Forestry department	National Parks System Act-Ch. 215 GR: 1994/42	1994	No	?	
24	Shipstern (N. R.)	Private Reserve (Not official)	8.228,50	None	None	unknown	No	No	NA
25	South Point Turneffe	Spawning aggregations	558,00	Fishery Department	Fisheries Act-Ch 210 GR:2003/16 1	2003	WWF/ University of Belize	Ongoing updating process	NA
26	Southwater Caye	Marine Reserve	47.702,50	Fishery Department	Fisheries Act-Ch 210 GR:1996/11 8	1996	No	Updated	5 years
27	South Point Lighthouse	Spawning Aggregation	533,00	Fishery Department	Fisheries Act-Ch 210 GR:2003/16 1	2003	No	NO	NA
28	Swallow Caye	Wildlife Sanctuary	3.631,00	Forestry department - Friends of Swallow Caye	National Parks System Act-Ch 215 GR: 2002/102	2002		?	?
29	Caye Bokel*	Marine Reserve	547,00	Fishery Department	Fisheries Act-Ch 210 GR:2003/16 1	2003	no	no	

COMMUNITY NATURAL-RESOURCE CONSERVATION IN THE MESOAMERICAN REEF AREA

LEGAL FRAMEWORKS AND LEGAL STATUS OF MARINE PROTECTED AREAS

No	Name	Management Category	Area (ha)	Administrator	Legal Basis	Year	Co-Management Agreement	Status Management Plan	Term
30	Caye Glory*	Marine Reserve	558,00	Fishery Department	Fisheries Act-Ch 210 GR:2003/16 1	2003	no	no	

Belizean MAR areas have an estimated total 308,156.00-ha area, including a total of 30 officially recognized protected areas within the system. Three of these areas do not have duly identified legal support. Information from the Fisheries Department indicates that 12 areas have co-management agreements and five-year management plans. Thirteen areas have a current management plan, four are in the process of updating theirs, five do not have any plans, and there is not enough information available regarding the management plan status for the remaining eight.

3.3. Identified Procedures

3.3.1. Protected Areas

Established procedures vary in the Forestry, National Parks, and Fisheries Acts. Forest reserves are established on national lands by the Minister with the advice of the Forestry Department. Most of these reserves were created between the 1950's and 1960's, and many of them have been redesigned under the National Parks Act, proposed mergers could continue with this trend.

Proposals under the National Parks Act are generally put forward by stakeholders who are not part of the Forestry Department. The Department then investigates, establishes the boundaries, and sends a report to the Minister so that he/she can decide whether to establish it or not.

Marine Reserves are the most recent generation of protected areas; they require extensive consultations and the approval of their Management Plan before the Minister can recommend their declaration (Figure 1). The three laws contain provisions authorizing the Minister to amend or repeal the order of declaration, a fact that implies a series of problems when exercising this power. Circumstances may justify changes in the size or status of a specific area; however, this must be done by means of revisions, consultations, and a transparent justification based on a set of criteria. At present, this is the main weakness of Belize's current system to declare protected areas. Even though there is a procedure in place, the Minister may modify it without prior consultation.



Figure 1: General Procedure for Belizean Master Plan Approval (Source: Merman and Wilson 2005)

In order to be viable, the management plan must contemplate managing protected-area resources. This is the opportunity provided to fishing communities for their participation, since management is established as an explicit agreement in the respective Area-Management Plan.

3.3.2. Fishing

Even though the Belizean Fishing Act does not establish direct mechanisms for participating in fishing-resource management, it leaves certain options open to do so by following the steps detailed below:

1. Establishing a fishermen organization (cooperative/association)
2. Incorporating as members of resource-management committees, as organized entities.
3. Being appointed by the Ministry of Agriculture and Fisheries

Fishermen must obtain a license with the Fisheries Department; it is valid for one year. The boats must also obtain licenses; they fall due on December 31 of each year (Majil 2007, personal communication).

3.3.3. Analysis

Community participation in managing fishing resources is limited, but at the same time, it provides spaces for shared management in order to reinforce the application of the Fisheries Act, and co-management in the case of the National Parks Act.

Section 4, subsection 2 of the Fisheries Act stipulates participation through membership in the fisheries-management committee, where compliance with the law is reinforced, but there is no participation in the Government's fishery planning process. This implies fishermen must be organized in legally-constituted groups in order to be taken into account; otherwise, these spaces will continue to be closed to them.

The easiest path to participation is through those protected areas in which fishing activities must be considered when preparing their Management Plans, as indicated in the previously-mentioned procedures. This implies declaring the areas through consultation processes with the residents and resource users, such as fishermen. Only then can users become an important part of the structure created to manage marine protected areas.

Two possible routes have been identified to implement joint management measures for fishing resources. The first one can be developed in the spawning-aggregation areas. It can be easily regulated because captures occur during specific seasons and fishermen extracting resources from these fish-aggregation sites concentrate there.

Communities accessing this resource may be identified and the ordering measures needed may be implemented on this basis, so that access to this resource can be regulated and trustworthy fishing statistical information can be gathered from these areas.

The advantage of performing activities in these areas is that they are not too large and that they are adequately located, so that they are easier to control and supervise; in addition, fishermen are interested their management because they are reliable fishing sources.

The second option is the Bacalar Chico National Park, whose revised management plan includes two ways to participate. The park is managed by the Fisheries Department.

The way for communities to participate in this case is through the Bacalar Chico Counseling Committee, established in a manner similar to PACT, especially because of the presence of key community groups from Sarteneja and San Pedro, where participation of the Caribeña, a local fishermen cooperative, is outstanding (Majil 2007, personal communication).

By identifying specific geographic areas where there are structures and stakeholders to streamline implementation of this process, it can be replicated in areas with those conditions. Following this line of thought and according to the Fisheries Department, all MPAs under their management have a Counseling Committee where fishermen cooperatives are members and participate in the meetings, making recommendations to the Fisheries Department on MPA management (Majil 2007, personal communication). So, once participation is institutionalized, it is easier to implement measures and to make decisions.

Some MPAs have their own regulations establishing that only catch and release sport fishing may take place, strictly observing established laws and regulations, and prohibiting the use of techniques considered harmful to fish populations (Majil 2007, personal communication).

4. GUATEMALA

4.1. Legal and Policy Framework

The Guatemalan Protected-Area System (SIGAP in Spanish) is organized in such a way that it allows coordinating Civil Society Organizations at different levels, including high-level decision making, protected-area local Councils, management, co-management, developing master plans, technical studies for area declaration, and specific studies on managing natural resources through concessions, to mention a few.

Civil society participation is organized through different tools, among them, the following:

1. National Policy and Strategies to Develop the Guatemalan Protected Area-System.
2. Guatemalan Hydro-Biological Resource Policy
3. CONAP Institutional Strategic Plan
4. Protected Areas Joint Management Policy, second edition
5. Policy for Tourism Activities in Protected Areas
6. Biodiversity Conservation and Sustainable-Use National Strategy (ENB in Spanish)
7. National Marine-Turtle Conservation and Management Strategy
8. National Manatee Conservation Strategy
9. Protected-Area Control and Overseeing Strategy
10. Forest-Fire Fighting and Control Strategy
11. Protected-Area Management Manual (Guides to Develop Technical Studies, Master Plans, Annual Operation Plans).
12. Guides for municipal protected-area registration in the National Protected-Area Council (CONAP in Spanish).
13. Guide to Establish Private Natural Reserves.

As to legislation, it is important to emphasize the one relating to local governments (municipalities), since they constitute clear examples of how space for participation may be opened by empowering these local groups. (CBM-CI-PROARCA-TNC-WCPA 2003):

- *Urban and Rural Development Council Law, Decree 11-2002 issued by the Congress of the Republic of Guatemala, and its Regulations, Government Resolution 461-2002.* The Development Council System constitutes the most important means for citizen participation in public administration (Art. 1 of the Law). It establishes several hierarchical levels in the organization of the system, which are:
 1. National, through the National Urban and Rural Development Council
 2. Regional, through the Regional Urban and Rural Development Councils
 3. Departmental, through the Departmental Development Councils (CODEDE in Spanish)
 4. Municipal, through the Municipal Development Councils, (COMUDE in Spanish), and
 5. Communal, through the Community Development Councils, (COCODE in Spanish).

These tools provide an organizational framework that has been established for the decentralization process addressed in the following laws:

- *General De-centralization Law, Decree 14-2002 issued by the Congress of the Republic of Guatemala and its Regulation, Governmental Resolution 312-2002.* Article 1 states that these tools have the purpose of achieving economic and administrative de-centralization by transferring power from the Executive Branch to the Municipalities, State institutions and legally-organized communities mentioned in Article 2. One of their principles is re-establishing and conserving environmental balance, human development, and citizens' participation, as stated in Article 4, paragraphs 8 and 9. Pursuant to the municipal code, communities must have an Environment and Natural Resource Committee, though this is not often implemented.
- *Protected-Area Law, Decree 4-89 issued by the Congress of the Republic of Guatemala and its Regulations, Governmental Resolution 759-90.* Article 2 of this law creates the SIGAP; Article 7 indicates how protected areas are constituted; Article 8 of the Law and Article 8 of its Regulations establish management categories; Articles 10 and 14 of the Law and Article 16 of their Regulations establish private natural reserves, and Article 15 of their Regulations establish those areas linked to management through municipalities. The Law also establishes the general procedures to declare protected areas, including the development of a technical study to classify or re-classify them (Articles 11 and 12 of the Law, Articles 10 and 11 of its Regulations) as well as the mechanisms for their management (Articles 12 and 57 of the Law and 17 of the Regulations). The law also stipulates that protected-area activities will be regulated through a Master Plan executed by Annual Operational Plans (Articles 18 of the Law, and 13 and 20 of the Regulations).
- *Fishing Law, Decree 80-2002 and its Regulations, Governmental Resolution 223-2005).* Article 4 of the Law recognizes fishing and aquaculture as State-regulated activities based on the concession of fishing and aquaculture-resource management, and Article 5 states that anybody is free to undertake these activities as long as there are no monopolies.

4.2. Current Status of Marine and Coastal Areas

The Guatemalan Protected-Area System recognizes seven marine coastal areas for the Guatemalan Caribbean; there are various degrees of protection, and a different declaration and establishment status for each of them. Some details may be seen in Table 2.

Table 2: Relevant Information on the Guatemalan Caribbean Recognized Marine Protected Areas (Developed by the author. Source: GUC-CONAP 2007 Data Base).

Id. No.	Name	Management Category	Area (ha)	Administrator	Legal Basis	Year of Declaration	Co-Management Agreement	Status of Master Plan	Term
28	Río Dulce	National Park	13.000,00	CONAP	Governmental Resolution 28-05-55, 23-08-88,182-93	1955	NO	Approved 2005 CONAP Resolution 160/2005	2005-2009
30	Bahía de Santo Tomás	Definitive Close Season Zone	1.000,00	CONAP	Governmental Resolution 21 06 56	1956	NO	Does not have a Master Plan	NA
70	Chocón Machacas	Protected Biotope	6.265,00	CECON / USAC	Leg. Dec. 4-89	1990	NO	Updating Process 2006-2010	Expired
84	Bocas del Polochic	Wildlife Refuge	20.760,00	CONAP / FDN	Leg. Dec. 38-96	1996	Defenders Delegated Management 1996	Approved by 2004 Resolution	2004-2009
87	Cerro San Gil	Protected Area Springs Reserve	47.433,00	CONAP/FUNDAECO	Law Dec. 129-96	1996	Fundaeco Administration Representative 1996	Updating process 2006-2010	2007-2011
155	Río Sarstún	Multiple Use Area	35.202	CONAP/FUNDAECO	Decree No. 12-2005	2005	NO	Updating Process 2005-2009	NEW
156	Punta de Manabique	Wildlife Refuge	66.900	CONAP/FUNDARY	Decree No. 023 -2005	2005	Funday- Co-management Agreement 2000	Updating process 2006-2010	NEW

There are 190 of these areas, —560 ha that represent unique ecosystems for the country inasmuch as they are located in a small region. Of these areas, San Gil and Bocas del Polochic have needed nearly ten years to be consolidated after being declared.

The Punta de Manabique Wildlife Refuge is completing a process to comply with its legal mandate, which came about after it was declared a protected area. After nearly two years, it has been able to comply with all the requirements stipulated in its creation decree, and it is now functioning normally. CONAP still has to issue a bid to co-manage the area, but its bases have already been developed.

The Río Sarstún Multiple-Use Area has reached an *impasse stalled its* regarding implementation, since the Law creating the protected area has been legally contested, and there are some local communities opposing its creation. This is why the legal mandates established by its creation decree have not yet been complied with.

The Bahía de Santo Tomás permanent no-take zone is considered by SIGAP as one of the areas only existing on paper, since it has no boundaries on official SIGAP maps, even though there is a proposal to re-establish them. It is a very small area with no institutional presence. Because of the unique characteristics of this area, it is a good candidate for a change in its registration, establishing it as a Municipal Community Reserve that would focus on local fishery-management.

The Río Dulce and Chocón Machacas areas recently began implementing updated Master Plans. They have the challenge of improving their management effectiveness while keeping their effectiveness indicators constant.

4.3. Identified Procedures

4.3.1 Protected Areas

Step 1: Picking-up the “CONAP Process Sole Application Form” and completing it as required by each case.

Step 2: Complying with established requirements according to the type of area to be declared.

National Protected Area

1. The applicant develops a Technical Study⁵ for the declaration of the area, according to the guidelines established in the “Instructions to Perform the SIGAP Protected-Area Technical Study”.
2. The applicant completes the “CONAP Process Sole Application Form” indicating the type of declaration being requested (Number 6, paragraph c).
3. The applicant begins the process by submitting it through the “sole window” system. It is recommended that the study be submitted to the CONAP Regional Offices corresponding to the area, so the process can be streamlined.
4. The Regional Office analyzes the documents, determines whether the study fulfills the requirements, and issues an expert opinion. If the opinion is negative or contrary to law, it is returned to the user or applicant so that the necessary corrections are made. Should the opinion be positive, it is sent to the CONAP Central Conservation-Unit Management (GUC-CC in Spanish) to be analyzed.

⁵ The technical study may be promoted by CONAP or by a group or several groups of organized civil society. If CONAP is promoting it, it will select the institution or organization in charge of developing the study by means of a bid. If the initiative is promoted by one or more organizations other than CONAP, CONAP may decide which one of them will develop the study, considering their technical capabilities. The study could also be prepared by a consortium of institutions or organizations. Technical studies must be developed by a multi-disciplinary team.

5. The GUC-CC analyzes the document and issues an expert opinion. If the opinion is negative or contrary to law, it is returned to the applicant for correction.⁶ If the opinion is positive, the CONAP Central Conservation-Unit Management (GUC-CC) sends the document to the CONAP Central General Technical Department (DTG-CC in Spanish).
6. The DTG-CC analyzes the document and issues its expert opinion. If the opinion is negative or contrary to law, it is returned to the applicant for correction. If the opinion is positive, the DTG-CC sends the document to the CONAP Central Legal Department (DJ-CC in Spanish).
7. The DJ-CC analyzes the document and issues its expert opinion. If the opinion is negative or contrary to law, it is returned to the applicant for correction. If the opinion is positive, the GUC-CC Management and the DJ-CC develop a proposal for a Bill to Declare the Protected Area.⁷
8. Once the procedure described in paragraph 4.3.2 is completed, the area is incorporated into SIGAP's Official List.

Municipal Protected Areas

1. The applicant prepares the technical card⁸ to declare the area, according to the guidelines established in the "Guide to Register Municipal Protected Areas with CONAP".
2. The applicant completes the "CONAP Process Sole Application Form" indicating the type of declaration involved (Number 6, paragraph b) and preparing the information requested in the guide. An application letter addressed to CONAP's Executive Secretary must be attached to the form.
3. The applicant submits the proposal through the "sole window" system. The study should be submitted to the CONAP Regional Offices corresponding to the proposed area, in order to speed up the administrative processes. The original, two printed copies, and an electronic version (CD or diskette) must be delivered.
4. The Regional Office analyzes whether the study complies with the requirements and issues its expert opinion. If the opinion is negative or contrary to law, the file is returned to the applicant for the necessary corrections. If the opinion is positive, the file is sent to the CONAP Central Conservation-Unit Manager (GUC-CC) for analysis.
5. Technical field inspection and expert technical opinion. In order to verify the information that has been submitted, CONAP's Conservation-Unit Department visits the proposed protected area. The inspection must be coordinated with the person in charge or with the municipal representative, who will be notified about the visit in advance. After the visit,

⁶ One of the reasons for a study receiving a definitive negative expert opinion could be that it lacks social, economic or ecological/biological viability. Whatever the reason, it must be duly documented by CONAP.

⁷ This bill may be prepared by CONAP, or by the institution submitting the proposal with CONAP's support and supervision.

⁸ This is a system used by CONAP to streamline registration of areas averaging from 15 to 1200 ha, since preparing a technical study is too expensive for them.

CONAP's Conservation-Unit Manager issues an expert technical opinion that is transferred to CONAP's Legal Department.

6. Legal expert opinion. CONAP's Legal Department analyzes the file and issues the corresponding legal expert opinion.
7. Approval by the National Protected-Area Council. The Executive Secretary of the National Protected-Area Council approves the declaration of the Municipal Regional Park by means of a resolution.
8. The area is then added to SIGAP's official list.

Private Natural Reserves

1. The applicant prepares the area-declaration technical card⁹ according to the guidelines established in the "Guide to Establish Private Protected Areas".
2. The applicant completes the "CONAP Process sole Application Form", indicating the type of declaration involved (Number 6, paragraph a). Preparing the information requested in the guide. An application letter addressed to the CONAP Executive Secretary must be attached to the form.
3. The applicant submits the proposal through the "sole window" system. The study should be submitted to the CONAP Regional Offices corresponding to the proposed area, in order to speed up the administrative processes. The original, two printed copies and an electronic version (CD or diskette) must be delivered.
4. The Regional Office analyzes whether the study complies with the requirements and issues its expert opinion. If the opinion is negative or contrary to law, the file is returned to the applicant for the necessary corrections. If the opinion is positive, the file is sent to the CONAP Central Conservation-Unit Manager (GUC-CC) for analysis.
5. Technical field inspection and expert technical opinion. In order to verify the information that has been submitted, CONAP's Conservation-Unit Department visits the property. The inspection must be coordinated with the owner or with his/her representative. After the visit, CONAP's Conservation-Unit Manager issues an expert technical opinion that is transferred to CONAP's Legal Department.
6. Legal expert opinion. CONAP's Legal Department analyzes the file and issues the corresponding legal expert opinion.
7. Approval by the National Protected-Area Council. The Executive Secretary of the National Protected-Area Council approves the declaration of the Private Natural Reserve by means of a resolution.
8. The area is then added to SIGAP's official list.

⁹ This is a system used by CONAP to streamline registration of areas averaging from 15 to 1200 ha, since preparing a technical study is too expensive for them.

Step 3: Selecting and establishing the protected area's co-manager

1. The protected area's manager or co-manager may be established as follows:
 - a. Management by direct appointment, according to the law creating the protected area.
 - b. Direct management by municipal institutions or private organizations based on self-management initiatives.
 - c. Co-management process as established by CONAP.
2. In the first two cases there is nothing else to add. In the latter case, further procedures must be undertaken, as follows:
 - a. Evaluation of a sole candidate in accordance with the obligations to be fulfilled, his/her capabilities, and his/her experience. CONAP may consider abstaining from a delegated-management process.
 - b. Evaluation of several candidates in accordance with the obligations to be fulfilled, their capabilities, and their experience. CONAP must select the best candidate to manage the area.
 - c. Execution of a Co-Management Agreement for a definite period of time.

Step 4: When the area is registered at SIGAP, its Master Plan or equivalent tool must be developed or updated.¹⁰

1. The applicant prepares or updates the area's strategic management Master Plan¹¹ according to the guidelines established in the "Guideline to Develop SIGAP Protected-Area Master Plans".
2. The applicant fills out the "CONAP Process Sole Application Form" indicating that it concerns (new or updated) Master Plan approval¹².
3. The applicant submits the proposal through the "sole window" system. The study should be submitted to CONAP's Regional Offices corresponding to the proposed area, in order to speed up the administrative processes.
4. The Regional Office analyzes whether the Master Plan complies with the requirements and issues its expert opinion. If the opinion is negative or contrary to law, the file is returned to the applicant for the necessary corrections. If the opinion is positive, the file is sent to CONAP's Central Conservation Unit Management (GUC-CC) for analysis.

¹⁰ Author's Note: In temporary scales of area declarations there are areas that are being managed, but they have not yet been declared, although they do have a Master Plan. When they are officially declared, they must update their plans in order to develop their first Official Master Plan. Good examples of these cases are the Punta de Manabique Wildlife Refuge and the Río Sarstún Multiple Use Area. In the case of small areas such as Private Natural Reserves and Municipal Protected Areas, easier tools for a Simplified Master Plan are being developed, because the plan was originally created for very large areas.

¹¹ Either CONAP, one or several groups of organized civil society may promote the Master Plan. If it is CONAP, it must tender for the institution or organization that will develop the plan. In case the initiative originates from one or more organizations unrelated to CONAP, this institution can decide which of them will develop the study, according to their technical capabilities.

¹² The form does not include this basic procedure in the applications submitted to CONAP.

5. GUC-CC analyzes the document and issues an expert opinion. If the opinion is negative or contrary to law, it is returned for its correction. If the opinion is positive, CONAP's Central Conservation-Unit Management (GUC-CC) sends the document to CONAP's Central General Technical Department (DTG-CC).
6. The DTG-CC analyzes the document and issues its expert opinion. If the opinion is negative or contrary to law, it is returned for corrections. If the opinion is positive, the DTG-CC sends the document to CONAP's Central Legal Department (DJ-CC)
7. The DJ-CC analyzes the document and issues its expert opinion. If the opinion is negative or contrary to law, it is returned to the applicant for correction. If the opinion is positive, the DJ-CC sends the document to the Executive Secretary.
8. The Executive Secretary of the Protected-Area National Council approves the area's master plan by means of a resolution.¹³

¹³ Depending on the Executive Secretary on duty, this process may be delayed until the Master Plan is approved by the Honorable Council, which is not an obligation, since there is a legal mandate stating that this is the responsibility of the ES, who should undertake this activity as part of his/her routine obligations.

4.3.2 Wildlife Management Concessions in Protected Areas¹⁴

1. Preparing an Environmental Impact Evaluation or Study¹⁵ on the Fishing Activity that will be undertaken, describing the project, its management plan, conditions and operating norms.
2. The applicant completes the “CONAP Process Sole Application Form” indicating the type of application it contains (Number 2, paragraph e). Adequately preparing the information requested in Article 20 of the Law on Protected Areas and Articles 27, 28, 47, and 48 of its Regulations. An application letter addressed to CONAP’s Executive Secretary must be attached to the form.
3. The applicant submits the proposal through the “sole window” system. The study should be submitted to the CONAP Regional Offices corresponding to the proposed area, in order to streamline the administrative processes. The original, two printed copies, and an electronic version must be delivered (either CD or diskette).
4. The Regional Office analyzes whether the study complies with the requirements and issues its expert opinion¹⁶. If the expert opinion is negative or contrary to law, the file is returned so it can be corrected. If it is positive, it is sent along with the expert opinion¹⁷ to CONAP’s Central Wildlife Department (DVS-CC in Spanish) for analysis.
5. The DVS issues an expert opinion and sends the file to the Ministry of the Environment and Natural Resources (MARN in Spanish) for its expert opinion¹⁸. If it is negative, the file is returned to the user so that it may be submitted to MARN for approval.
6. If the opinion is positive, the DVS sends the file to CONAP’s Executive Secretary so a contract is drafted, based on the recommendations and stipulations established by the EIS.

¹⁴ Article 19 – Law on Protected Areas

¹⁵ Article 20 – Law on Protected Areas

¹⁶ The Regional Office decides whether the process complies with the requirements and whether the paperwork is complete. It must issue an expert opinion on the fishing activity.

¹⁷ It is important to emphasize that CONAP issues expert opinions on the specific activity to be developed. If the activity is not compatible with the management category or if it is not allowed by the respective management plan, it must be rejected at the very beginning of the process. CONAP must not issue an opinion on the Environment Impact Study, since this is MARN’s responsibility. The only case when CONAP issues an expert opinion on an Environment Impact Study is when highways must be built within protected areas.

¹⁸ Author’s Note: The law establishes this procedure, making it very difficult for the user. Ideally, the user should present the project’s EIS, already approved by the MARN, and based on it, CONAP should decide if the activity is to be authorized or not within the protected area.

4.3.3 Sport or Commercial Fishing in Protected Areas

1. The applicant completes the “CONAP Process Sole Application Form to Request a Procedure” indicating the type of procedure being requested (Number 13, paragraphs a or c). Preparing the information requested by CONAP¹⁹. An application letter addressed to CONAP’s Executive Secretary must be attached to the form.
2. The applicant submits the proposal through the “sole window” system. The study should be submitted to the CONAP Regional Offices corresponding to the proposed area, in order to speed up the administrative processes. The original, two printed copies and an electronic version (CD or diskette) must be delivered.
3. The Regional Office analyzes if the study complies with all requirements and issues its expert opinion. If the opinion is negative or contrary to law, the file is returned to the applicant so the necessary corrections can be made. If it is positive, it is sent to CONAP’s Central Wildlife Department (DVS-CC) for analysis and an expert opinion. If the Regional Office has the pertinent technical capabilities, the step of sending it to the main offices may be omitted.
4. With the positive expert opinion of CONAP’s Regional Office or the DVS-CC, the corresponding collection license and transportation guide are issued.

4.3.4 Fishing Outside of Protected Areas²⁰

Licensed Fishing (Artisan, Mid-Scale and Sport Fishing)

First License:

1. The applicant submits a fishing-concession application to the Ministry of Agriculture, Livestock and Food (MAGA in Spanish) with adequate proof of the technical and financial capability to undertake the tasks required by the concession, an activity program, and should the case so require, the type of corporation requesting the concession, as it appears in its Articles of Incorporation. The specific requirements are detailed in Article 9 of the Regulations.
2. After 30 days, at the most, UNIPESCA issues a technical opinion regarding the application, according to Article 13 of the Regulations. In a term that shall not exceed 60 days, the MAGA issues a resolution notifying the outcome of the application.

¹⁹ Author’s Note: The procedure to issue fishing licenses was defined recently (2001) and it has not been institutionalized by CONAP. To that end, technical support has been received from MAGA’s UNIPESCA, even though administratively, the legal documents that are being issued are different. Homologation is a simple process within the framework of an institutional cooperation agreement, as it has been done with INAB for forests.

²⁰ This section refers to a procedure established by the Fishing Law and its Regulations for authorized and recognized fisheries in the Guatemalan Caribbean (Atlantic Ocean, according to the law). The Regulations expressly prohibit large-scale fishing in the Bahía de Amatique and the Atlantic Coast. There is no express prohibition for sport fishing, but there are no details available as there are for the Guatemalan Pacific.

3. In case of a positive opinion, a ten-year license will be issued. A management contract will also be executed, specifying the conditions of the license. The minimum information required is indicated in Article 12 of the Regulations.
4. A Ministry Resolution granting the license is issued.
5. The Resolution is published in the official newspaper, at the expense of the applicant, within 60 days of its issuance.
6. Operations must start within the twelve months following publication in the official newspaper.

Extension:

7. Preparing the extension application for MAGA two months before the license expiration date. The requirements to apply for an extension are detailed in Article 10 of the Regulations.
8. The corresponding authority will resolve and notify the applicant in a term that shall not exceed 60 days after receiving the extension application. If there is no resolution or notification, the extension will be considered granted.
9. The extension will cover a period equal to the one originally granted for the license.
10. An administrative contract will be executed based on the extension that has been granted. Said contract must include the minimum information required by Article 12 of the Regulations.
11. The extension is approved by means of a Ministry Resolution.

Fishing Authorized by Permit (Artisan and Small-Scale Commercial Fishing)

First Permit

1. The applicant submits a fishing-concession application to MAGA with adequate proof of the technical and financial capability to undertake the tasks required by the concession, an activity program, and should the case so require, the type of corporation requesting the concession, as it appears in its Articles of Incorporation, and according to the stipulations contained in Article 4 of the Regulations.
2. After 30 days, at the most, UNIPESCA issues a technical opinion regarding the application, according to the guidelines contained in Article 13 of the Regulations.
3. In case of a positive expert opinion, the permit will be issued for a 5-year period.
4. A certificate is issued, specifying the conditions in which the permit is granted and containing, at the very minimum, the information required by Article 7 of the Regulations.

Extension:

5. The applicant submits an extension application to the MAGA two months before the expiration date, according to the guidelines contained in Article 5 of the Regulations.
6. The pertinent authorities will resolve and notify the applicant within 60 days of receiving the application. If there is no resolution or notification, the extension will be considered granted.
7. The extension will be issued for a period equal to the one granted for the previous permit.

4.3.5 Analysis

In general, the procedures described above —when applied specifically to fishery co-management by artisan fishermen— are very complex; sometimes they overlap, so that there is an evident need for UNIPESCA and CONAP to homologize procedures and documents.

With the purpose of improving protected-asset management, both institutions may establish a simple process within legal frameworks aiming to:

1. strengthen local power for fishery management, as it was done to acknowledge the “Gentlemen’s Agreement” contained in the Fishing Law Regulations.
2. support gathering statistical information under standards established by pertinent authorities, assigning fishing communities significant responsibility for improving fishery management.
3. implement a regulatory culture that is not imposed by decree, but by understanding that fishery management must be carried out according to an established plan.

To that end, the following steps are proposed:

1. Supporting and strengthening the initiative to issue an ID card for artisan fishermen (permits).
2. Preparing Fishery-Management Simplified Plans (PSMP in Spanish) according to the group interested in management.
3. If the activity is executed in a protected area, the area manager must give his/her approval and the activity must be included in the Master Plan for the area. With that purpose in mind, CONAP can give its express approval through the Hydro-Biological Resource Section of its Wildlife Department.

These simple steps may easily be implemented in the area, provided that they can be operated within the institutional cooperation agreement recently signed by the MAGA-MARN-CONAP²¹, with the purpose of preserving the nation’s natural heritage by coordinating hydro-biological resource management in matters related to joint commitments and with total institutional support.

²¹ Ministry Resolution 88-2007, signed on February 21, 2007. For protocol reasons, this resolution was signed on February 2 during the celebration of the World Wetlands Day.

Several of the technicalities that sometimes prevent the implementation of related laws could probably be overcome with this agreement.

Pursuant to these general guidelines, two routes have been identified to coordinate a possible intervention by MAR Fund. The first one could be developed in the Punta de Manabique Wildlife Refuge, based on:

1. Decree 23-2005 creating the Protected Area promotes fishing sustainability (Article 3); recognizes the economic importance of fishing for local populations (Article 4), and acknowledges the participation of fishermen representatives in the Refuge Consulting Council (Article 7, paragraph 6).
2. The area has an updated Master Plan regulating all fishing activities and developed with the participation of local fishermen.
3. The Refuge can prepare and develop a Fishery Management Plan and send it to CONAP to be submitted to UNIPESCA for revision, according to the institutional cooperation principles established in paragraphs a, b, d, e, g, and s of the joint commitments.
4. This would require the correct identification of fishermen in the area, by means of ID cards issued to them, as well as a survey of fishermen working in the area. UNIPESCA already performed one some years ago, so the registry only needs to be updated (IARNA 2007).
5. As part of the commitments, fishermen should be required to keep an adequate registry of species, amounts, weights, and sizes of the fish caught, in order to improve the Management Plan during a five-year implementation period.

The second step is to foster compliance with the Gentlemen's Agreement in order to develop fishing in the internal waters of the Caribbean coasts:

1. This requires enforcing compliance of the fishing-zoning established in the pact and the contents of Articles 41, 43, 44, and 45 of the Fishing Law Regulations.
2. This implies registering all fishermen who work in the zone. Part of this work was undertaken by UNIPESCA in 2006 (IARNA 2007).
3. It also implies Simplified Management Plans developed by the Fishermen Networks, with UNIPESCA's approval, for the most important fisheries in the area.
4. Fishermen must commit to keeping an adequate registry of species, amounts, weights, and sizes of fish caught, in order to improve the Management Plan in an implementation term that should not exceed five years.

5. HONDURAS

5.1 Legal and Policy Framework

The Sistema Nacional de Áreas Protegidas de Honduras (SINAPH) (Honduras National Protected-Area System) is organized in such a way that Civil-Society Organizations and local Governments (Municipal Mayors' Offices) can be coordinated at various levels, from high-level decision making (Consejo Nacional de Áreas Protegidas [National Protected-Area Council]) to de-centralized organization by the Consejo Regional de Áreas Protegidas (CORAP) (Regional Protected-Area Councils), and the Consejo Local de Áreas Protegidas (COLAP) (Local Protected-Area Councils) (see Annex 1). Through these structures, administrators of the Honduras System streamline administration, co-management, management-plan development, technical studies, and specific studies, among others (AFE-COHDEFOR 2006).

The following are institutions connected with SINAPH management²² (see Annex 2, AFE-COHDEFOR 2006):

a. **Government Bodies**

Secretaría de Recursos Naturales y Ambiente (SERNA) (Natural-Resource and Environmental Secretariat): It is in charge of coordinating and evaluating policies related to the environment and ecosystems; protecting flora and fauna, and coordinating the Protected-Area National System.

Administración Forestal del Estado (AFE-COHDEFOR) (State Forestry Administration): It is in charge of executing policies related to SINAPH and to wildlife, by means of the Departamento de Áreas Protegidas y Vida Silvestre (DAPVS) (Protected-Area and Wildlife Department).

Instituto Hondureño de Turismo (IHT) (Honduran Tourism Institute). It has the powers and the responsibility to participate in planning tourist activities within protected areas, and it is a member of the Consejo Nacional de Áreas Protegidas (CONAP) (National Protected-Area Council).

Municipalities: The law prescribes that they must establish the regional and local bodies to participate in managing protected areas, and lead municipal efforts to manage protected areas and to establish territorial ordering in its jurisdiction (including protected areas).

Secretaría de Agricultura y Ganadería (SAG) (Agriculture and Livestock Secretariat): It is in charge of regulating and executing agricultural-sector policy. By means of the Dirección General de Pesca (DIGEPESCA) (General Fishing Directorate), it regulates the use of aquatic wild fauna, inside and outside protected areas. This body is in charge of enforcing specific fishing laws. However, it is deemed a weak entity that has little presence in the corresponding areas.

²² This section has been taken directly from the National Report presented in Honduras before the II Mesoamerican Protected-Area Congress

Instituto Hondureño de Antropología e Historia (IAHAH in Spanish) (Honduran Anthropology and History Institute): Among its responsibilities is managing the protected areas that are part of Honduran cultural heritage.

Consejo Nacional de Ordenamiento Territorial (National Territorial Ordering Council): A deliberating, consultative, and advisory entity in charge of implementing territorial-ordering initiatives, and in whose establishment law protected areas are defined as “Areas Under a Special System” (ABRE in Spanish).

Asociación de Municipios de Honduras (AMHON) (Association of Honduras Municipalities): It joins together all of the country’s municipalities, including those whose jurisdiction is within the boundaries of protected areas, and it represents them in CONAP.

Federación de Organizaciones de Desarrollo de Honduras (FOPRIDEH) Federation of Honduras Development Organizations: It represents non-governmental organizations working for protected areas in CONAP, in accordance with SINAPH’s current regulations.

Instituto Hondureño del Café (IHCAFE) (Honduran Coffee Institute): Executes coffee-promotion policies, an activity that has been developed mostly in protected areas.

Servicio Autónomo Nacional de Acueductos y Alcantarillados (SANAA) (National Aqueduct and Sewer-System Autonomous Service): It manages drinking water and sewers in most of the largest cities in the country. A considerable number of the projects it manages are located in protected areas, or depend on the water produced within them.

Among the above-mentioned bodies, AFE-COHDEFOR and SERNA are the two entities with the most conflicting stances on the management of protected areas and their resources.

b. Non-Governmental Bodies

Non-Governmental Organizations (NGOs): As a result of their own interest and due to the legal protection afforded to them, these entities have participated fully at the local level, and they have been, to date, the most important representatives of civil society in protected-area management. According to the SINAPH set of regulations, at a strategic level they are represented by the Federación de Organizaciones de Desarrollo de Honduras (FOPRIDEH) (Honduras Federation of Development Organizations).

c. SINAPH Operational Levels

SINAPH operates at the three following levels: strategic, managerial, and operative.

SINAPH’s Strategic Level: It includes the development and coordination of policies and guidelines, and the strategic decision-making about the system, based on the feedback received from the two other levels and current situation. At present, the strategic level is represented by CONAP, presided by the Natural-Resource Secretary, who is responsible for summoning and facilitating meetings.

The following are part of CONAP: AFE-CODEHDEFOR, the Natural Resource and Environmental Secretariat, the Honduran Tourism Institute, non-governmental organizations, universities, the private sector, and municipalities.

Management Level: It is responsible for implementing the policies and guidelines developed by the strategic level, streamlining strategy implementation by way of planning and operational evaluation of the system. Additionally, it is the link between the other two levels in order to guarantee that information flows both ways.

This level is represented by DAPVS, DIBIO, DIGEPESCA, INA, IHAH, IHT, AMHON, FOPRIDEH and SANAA. Actions at the management level have been practically non-existent from the time it was created to date, so it has been recommended that this level be represented by the body that, as mandated by law, should execute the policies defined at the strategic level; in this case by AFE/COHDEFOR through DAPVS.

Operative Level. It works by means of the Regional Councils (CORAPs) and the Local Councils (COLAPs). This is the level at which civil-society organizations should participate the most, both in decision-making and in regard to jobs, contracts, and project development.

At the regional level (CORAP), stakeholders from forest regions should participate in the AFE/COHDEFOR structure. This is the level at which operative decisions on each regional sub-system are made. It is constituted by municipalities; regional NGOs; government and private institutions present in the region and knowledgeable about protected areas; organized community and ethnic groups; regional protected-area coordinators (in turn coordinated by CORAP), and the protected-area managers in each region.

At a local level (COLAP), stakeholders linked to a specific protected area should participate. COLAP is the body making decisions on managing the protected area and its resources. It is constituted by the municipal authorities pertinent to each area, local NGOs, the area manager (who also heads COLAP), community and ethnic organized groups, and other governmental or private institutions working in the area.

Civil society participation is organized by way of various tools, among which are the following: (AFE-COHDEFOR 2006):

1. Forestry Policy for Protected and Wildlife Areas
2. National Strategy to Manage Protected Areas, Wildlife, and Biodiversity
3. National Ecotourism Strategy
4. Norms and Procedures to Create Protected Areas
5. Ecosystem Map used in rationalizing SINAPH
6. Management Plans for Protected Areas
7. Technical norms to manage protected areas and wildlife
8. Legal bases for agreements to co-manage protected areas and wildlife
9. Management and financial-administration mechanisms to manage protected areas and wildlife
10. Mechanisms for resolution of conflicts about land occupation and use in protected areas
11. Regional (CORAPs) and local (COLAPs) protected area committees

It is worthwhile underscoring some specific elements of these tools:

- *Forestry Policy for Protected and Wildlife Areas:* In 2001, through the Agriculture and Livestock Secretariat, this policy was approved. It defines twelve strategic lines, one of which literally reads “To consolidate the National Protected- and Wildlife-Area System, by introducing institutional ordering that will simplify the participation of stakeholders in national, regional and local protected areas”.
- *National Strategy to Manage Protected Areas, Wildlife, and Biodiversity:* There is a strategy to manage SINAPH protected areas (the first draft was developed in 1999). It was updated in mid 2005, but it has still not been approved by CONAP. Some of the lines of action of this strategy show certain progress, above all on issues such as establishing the Honduran Protected-Area Fund, the SINAPH Rationalization Study, developing management plans, and establishing co-management agreements. In 2001, SERNA developed the “National Biodiversity Strategy” that, on the issue of conservation *in situ*, concurs with the SINAPH strategic-plan lines.
- *Legal bases for agreements to co-manage protected areas and wildlife.* SINAPH’s set of regulations (Executive Agreement 921-97) establishes that it is the State’s responsibility to promote the shared management of protected areas. In 2005, a proposal was developed for a policy to co-manage protected areas in Honduras, even though this document has not yet been approved by the relevant authorities.
- *Technical guidelines to manage protected areas and wildlife.* DAPVS has developed a Manual with the Technical-Administrative Norms to Manage Honduran Protected Areas, and a Manual with the Technical-Administrative Norms to Manage and Use Wild Fauna. These manuals are currently being reviewed and updated.

In regard to legal frameworks, it is important to underscore the following issues: In Honduras, there are no specific protected-area laws. Regulations on the subject are contained in several laws, above all, in the General Law on the Environment and its Regulations, on which the SINAPH is based. The legal framework for the existence of protected areas is defined by:

- *The Constitution of the Republic*, which declares that technical and rational exploitation of the State’s natural resources is useful to the population, as well as a public need. It also stipulates that the State will regulate its use in accordance with the interests of society and that forest conservation is declared as a national convenience and a collective interest (Article 340). In addition, it states that all anthropological, archeological, and historical wealth is part of the nation’s cultural heritage, and that all natural-beauty sites, monuments and reserves shall be protected by the State; all Hondurans must ensure their conservation (Article 172).
- *Decree 85 issued in 1971 (Forestry Law)* is aimed at attaining and maintaining the maximum direct and indirect benefits deriving from the flora, fauna, water resources, and soils in forest areas, ensuring their protection and improvement, and rationalizing the use, industrialization, and marketing of forestry products.
- *Decree 87 issued in 1987* created 37 protected areas, most of which are cloud forests (12 national parks, 6 wildlife refuges, 19 biological reserves), establishing in them natural-resource conservation and ecosystem preservation.

- *Resolution 1118 issued in 1992* instructs COHDEFOR to declare 23 of the country's areas as protected forest areas, according to their specific categories; subsequently, other specific Resolutions to create protected areas have been issued.
- *Decree No. 74 issued in 1991* established the Law on Transferring Protected and Wildlife Areas that were previously under the Natural-Resource Secretariat to COHDEFOR, and created the Protected-Area and Wildlife Department (DAPVS) in the latter institution.
- *Decree No. 104 issued in 1993 (General Law on the Environment)*. This law created the Honduras National Protected-Area System (SINAPH), and allowed further specification on management categories, and a sanctioning system by way of regulations; it also empowered society so that it could participate in legal proceedings through the Environmental Attorney's Office and its general regulations.
- *Decree No. 218 issued in 1996 (Amendments to the General Law on Public Administration)* it transforms the Secretaría de Ambiente (SEDA) (Environmental Secretariat) into the Secretaría de Recursos Naturales y Ambiente (SERNA) (Natural-Resource and Environmental Secretariat), assigning to it the responsibilities for coordinating and evaluating policies related to the environment, ecosystems, protection of flora and fauna, the National Protected-Area and National Park System, and their high-level coordination.
- *Resolution No. 921 issued in 1997 "Set of Regulations on the Honduras National Protected-Area System (SINAPH)"*. Its general objective is to "establish the norms pertaining to operability, administration, and coordination of the National Protected-Area System, in order to guarantee the conservation and the integral development of natural and cultural resources within protected areas".

In this section, it is important to underscore that the municipal legal and regulatory framework, based on the Law of Municipalities, establishes spaces for their full participation in area co-management. In the specific case of some areas in the Bay Islands, their legal basis is precisely a local (municipal) declaration; such is the case of Roatán and Utila.

5.2 Current Status of Marine and Coastal Areas

The Honduras National Protected-Area System recognizes 19 marine/coastal areas in the MAR region of the Caribbean Sea. They are under various degrees of protection and various phases of their declaration and subsequent creation. Some details on these areas are shown in Table 3.

Table 3: Relevant Information on the Marine Protected Areas Recognized in the Honduran Caribbean. (Developed by the author. Source: SINAP National Report 2006.)

ID No	Name	Management Category	Area (ha)	Administrator	Legal Basis	Year of Declaration	Co-Management Agreement	Status of Master Plan	Term
4	Barbareta (Isla de)	Marine Reserve	10.107,61	BICA	Proposed Area Resolution 87-82	1982	No	Ongoing development/ updating process	NA

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ID No	Name	Management Category	Area (ha)	Administrator	Legal Basis	Year of Declaration	Co-Management Agreement	Status of Master Plan	Term
5	Barra del Río Motagua (Omoa Baracoa)	Wildlife refuge	8,843.73	No	Proposed area	NA	No	Ongoing development/ updating process	ND
6	Barras de Cuero y Salado	Wildlife refuge	13.027,00	FUCSA	Decree 99-87 Decree 38-89	1987	Agreement with FUCSA and municipalities	Management Plan completed and approved	ND
9	Capiro y Calentura (Laguna de Guaymoreto)	National Park	4.858,31	FUCAGUA	Proposed Area, Resolution 1118-92	1992	Co-management agreement with FUCAGUA and Municipality	Management Plan developed	ND
11	Cayos Cochinos	National Park	48.925,23	Cayos Cochinos Foundation	Decree 114-2003	2003	No	Management Plan developed and approved	2004-2009
39	Guanaja (Michael Rock)	National Marine Park	14,568.24	BICA	Proposed Area, Resolution 005-97 Resolution 1118-92	1992	Co-management agreement with BICA and municipality	Ongoing development/ updating process	ND
40	Guanaja (Bosque de Pino de)	Forest Reserve	2.702,87	BICA	Decree 049-1961	1961	Agreement with BICA and Municipalities	Ongoing development/ updating process	ND
42	Isla del Cisne*	Marine Reserve	458,19	Naval Force	NA	NA	ND	ND	ND
44	Jeannette Kawas (Punta Sal)	National Park	79.381,78	PROLANSATE	Decree 154-94	1994	Co-management agreement with PROLANSATE and municipalities	Management Plan developed and approved	ND
75	Port Royal	Wildlife refuge	874,05	BICA	Proposed area Mun. Dec. 20-1978; Resol. AFE 012-98 Resolution n/d Marine NP	1978	Co-management agreement with BICA and municipalities	Ongoing development/ updating process	ND
77	Punta Izopo	National Park	21.535,45	PROLANSATE	Decree 261-2000	2000	Co-management agreement with PROLANSATE and municipalities	Management Plan developed and approved	ND

COMMUNITY NATURAL-RESOURCE CONSERVATION IN THE MESOAMERICAN REEF AREA

LEGAL FRAMEWORKS AND LEGAL STATUS OF MARINE PROTECTED AREAS

ID No	Name	Management Category	Area (ha)	Administrator	Legal Basis	Year of Declaration	Co-Management Agreement	Status of Master Plan	Term
79	Río Platano	Biosphere Reserve	833,616.72	MOPAWI	Decree 977-80 Decree 170-97	1980	No	Management Plan developed and approved	ND
87	Sandy Bay-West End	Marine Reserve	5,756.97	BICA	Proposed area Mun. Dec. 17-89; Mun. Dec. 26-93	1989	Co-management agreement with BICA and municipalities	Ongoing development/ updating process	ND
89	Santa Elena	Wildlife Refuge	1.421,82	BICA	Proposed area Resolution 87-82	1982	No	Ongoing development/ updating process	NA
95	Turtle Harbour (Rock Harbour)	Marine Reserve	2.710,32	BICA	Proposed area Mun. Dec. 5064304-92	1992	Co-management agreement with BICA and municipalities	Ongoing development/ updating process	ND
	Bosque Oeste de Roatán*	Marine Reserve	1.500,00	ND	ND	ND	ND	ND	ND
	Raggedy Caye Southwest Caye*	Marine Natural Monument	2.528,00	ND	ND	ND	ND	ND	ND
	Raggedy Caye*	Marine Reserve	2.589,00	BICA	NA	NA	NA	ND	NA
	South West Cay / Half Moon Caye*	Wildlife Refuge	2.589,00	ND	ND	ND	ND	ND	ND

A total 19 areas cover approximately 1,037,669.08 ha. Out of these, 6 have an approved management plan, 8 have plans that are being updated, and 1 does not have a management plan. It was not possible to establish the current management status of the four areas that are not included in the official list (marked with an asterisk). From a total 15 official areas, 8 are reported as proposed areas, 7 have been declared and have legal backing, and one does not have it. In summary, from a total 19 areas, seven have been officially declared protected areas, eight have been proposed, and it is assumed that the four non-official ones are included in the former category.

5.3 Identified Procedures

In the case of Honduras, there are two general procedures for civil society participation: declaration of protected areas and fishery management. Each one is managed by a different institution; protected areas are under the Protected-Area and Wildlife Department (DAPVS) of the State Forest Administration (AFE-COHDEFOR), while fishing is under the General Fishing Directorate (DIGEPESCA) of the Agriculture and Livestock Secretariat.

5.3.1 Protected Areas

Presidential Resolution No. 921-97 (SINAPH Regulations) defines the process to declare a protected area, and stipulates that it can be started as an official undertaking *ex officio* or at the request of public or private natural or legal persons (AFE-COHDEFOR 2006).

The steps to declare protected areas are the following:

1. A request is submitted to DAPVS with: a justification for the declaration requested, objectives of the proposed area, spatial and physical location, studies on land property, biophysical and socio-economic characteristics, proposed category, relevant natural or cultural resources or features, opinion of authorities of the municipality in which the area is located, and funding proposals to purchase land, if necessary.
2. A technical commission, composed by DAPVS and DIBIO, analyzes the request and determines its feasibility.
3. Municipality or municipalities are notified and the news is published in national- coverage newspapers and radio stations, and in the official newspaper “La Gaceta” (within one month, at the most).
4. AFE-COHDEFOR, under CONAP, resolves claims (if any), or alternatively, they are resolved legally (within three months of the last publication).
5. DAPVS then sends the file to SERNA for its corresponding technical opinion.
6. SERNA prepares a technical opinion and issues an executive resolution.
7. The National Congress approves said resolution and issues a Legislative Decree.

The same procedure is followed to re-define management categories or the boundaries of a protected area. Allowed or non-allowed activities within the protected area are regulated by the corresponding Management Plan.

5.3.2 Fishing

The Fishing Law and its Regulations establish the mechanisms to manage fisheries and the way they can be accessed in order to use them. In general, DIGEPESCA must:

1. register fishermen and their vessels (Article 8 of the Law), recording them in the National Fishermen Registry. Fishermen must have their ID card, as well as the corresponding license for their vessels (Article 31 of the Law);
2. in the case of fishing concessions, individual persons or firms must credit their financial capability to execute such activities (Article 12 of the Law);
3. fishermen legally organized in fishing cooperatives will have preference in fishing within the area in which more than half of its members is legally domiciled (Article 15 of the Law);
4. to make the deposit established by law for concessions (Article 13 of the Law), except for fishermen’s cooperatives (Article 17 of the Law);
5. for individual fishermen, permits not to exceed one year will be issued (Article 19 of the Law);
6. in case of commercial fishing, it can only be undertaken by Honduran residents or firms whose capital is mostly Honduran (51%) (Article 20 of the Law);
7. fishing equipments must be sealed, registered, and licensed, except for pot traps and casting nets (Article 24 of the Law).

5.3.3 Analysis

Honduran fisheries and protected areas are managed by two State entities that have different institutional responsibilities, but converging interests on geographical and thematic areas. That is, DIGEPESCA, under SAG, is responsible for everything relative to fishing (scale fish, crustaceans, etc), and AFE/COHDEFOR is in charge of protected areas. The latter is a decentralized entity, but its Board of Directors is headed by the SAG Secretary (Morazán²³ 2007; personal communication).

Everything would seem to indicate that this situation would pose an advantage, but instead, it has been the main reason for not developing coherent regulations. In order to exemplify this, there was a case in which DIGEPESCA executed a project that supported groups of artisan fishermen and provided them with fishing equipment, gear, and other implements. However, this institution did not provide fishermen with any training on no-take zones within marine protected areas, so that they were never aware that they could not fish in them. Thus, this fleet engaged in fishing activities in the protected areas, and affected endangered species while they were doing so. Naval and Administration authorities in the area captured them, but they were set free because the equipment they were using was still owned by DIGEPESCA, and the State cannot penalize itself (Morazán 2007, personal communication).

This series of institutional problems is further exacerbated by the fact that MPAs in the Honduran MAR region have a rather “basic” legal backing through a presidential resolution and a COHDEFOR or municipal resolution. This leads to weak regulation and enforcement, since it is perceived by the population as a very low-scale hierarchy tool that may or may not be respected (Morazán 2007, personal communication).

An important element in managing natural resources in marine/coastal areas is setting marine boundaries of protected areas. They are not well defined, they are poorly defined *in situ*, or are not defined at all, particularly in marine/coastal areas. Most of these are based on the DIGEPESCA set of regulations that defines the 6 miles from the coastline into the ocean as a fishing no-take zone, and restricts this area to traditional fishing (Morazán 2007, personal communication).

Within this contextual framework –a poorly consolidated regulatory legal framework, State entities with limited personnel and budget, and protected areas with no clear boundaries, demarcation and management– fishing is a threat and not an opportunity for development and conservation (Morazán 2007, personal communication).

In general, “procedures” derived from the Fishing Law are not very clear, and they do not establish a clear path for users and fishing authorities’ requirements and procedures. On the topic of procedures, there are interesting experiences in Cuero y Salado and Cayos Cochinos. More details on the latter are provided below.

While working on the Cuero y Salado experience, a specific set of regulations was established for the refuge. This resolution was issued by DIGEPESCA, and it includes fishing regulations in

²³ Napoleón Morazán. May 2007. Biologist specializing in Protected-Area Management: Fishery Management in Honduras and Social Participation. Electronic communication.

the estuary and in the marine area. On the other hand, no-take zones were marked with buoys. These two cases are examples that should be replicated; even though this is not a perfect model, they have found a way to implement a participative management that could be the beginning of an initial co-management system.

The Honduras Coral Reef Fund (HCRF), communities and DIGEPESCA manage fisheries within the Cayos Cochinos Area. These entities meet once a year and negotiate fishing areas, allowed species, and time limits. These negotiations are within the legal framework of the Fishing Law, and DIGEPESCA's existing resolutions on closed seasons and prohibitions. The communities, DIGEPESCA and HCRF negotiated fishing zones in the area for the August 2002-July 2003 period. (Anonymous source 2003).

Fisheries in Cayos Cochinos are managed as follows (Oviedo²⁴, personal communication):

1. *Legal Framework:* The General Fishing Law and its set of regulations are applied. The Law on the Declaration of Cayos Cochinos as a Protected Area, which establishes some fishing regulations, is also applied. At the next level, the Regulations pertaining to the Law on Cayos Cochinos are applied. They establish the penalties that must be applied –mainly fines–.
2. *Control and Overseeing:* Both protected-area rangers and the Honduran Naval Force jointly patrol the area. There is a naval deployment team of six individuals in Cayos Cochinos. They constantly patrol the protected area along with the protected-area rangers.
3. *Monitoring:* With the cooperation of various institutions, various kinds of monitoring are undertaken in this protected area, such as: Fish and reef monitoring with the Reef Check methodology, fish monitoring, marine grasses, mangroves, reefs with MAR-MBRS protocols, fish monitoring with the support of WWF-TNC, reef monitoring with AGRRA, monitoring of fish-aggregation sites (SPAGS) with TNC support.
4. *Community Involvement:* In all monitoring, the participation of Cayos Cochinos communities is prioritized. Sometimes, they are involved in data gathering; other times they are asked to identify sample sites, and at times, they perform analysis.

This is a good example of coordination among specific sectoral laws (Fishing and Protected-Area Laws), creating a particular protected area (Law to Create the Cayos Cochinos Protected Area), specific measures and regulations (closed seasons, fishing equipment, vessels), and a Management Plan for the Area, based on information contained in fishery studies in the zone. This relationship is described in detail in the Fishing Management Plan for the Cayos Cochinos Natural Monument, Honduras (Anonymous source 2003).

Apparently, the system is facing some problems in relation to implementing control and overseeing measures aimed at achieving due compliance (Villagrán²⁵ personal communications). What is interesting in this particular example is that the implementation of the system is quite open; however, it must comply with the following:

²⁴ Adrian Oviedo, HCRF Executive Director. May 7, 2007. Managing Fisheries in Cayos Cochinos. Electronic communication.

²⁵ Juan Carlos Villagrán. MAR TNC Program, Guatemala. May 2007. Fisheries and Community Management. Personal and electronic communications.

1. Informing about and consulting on the Fishery Management Plan with key stakeholders connected with this activity;
2. Agreeing on the roles and responsibilities of the Area's Administrator with fishing authorities and fishermen, in order for the system to function properly;
3. Strengthening efforts to gather biological information, in order to improve regulations relating to areas, fishing equipment and seasons;
4. It is proposed that actions start in those communities that are closely linked with the protected area, most of which are coastal areas.

The following are the coastal areas working inside the Cayos Cochinos Natural Monument: Corozal, Sambo Creek, Roma, Cacao, Nueva Armenia, Balfate and Río Esteban. In addition, the Cayo Bolaños, Chachahuate and East End communities are also within the protected area.

There is a direct relationship among the communities located within the protected area and coastal communities, since all inhabitants of the protected areas have homes and even their families in coastal towns. The various direct relationships occur between Chachahuate and Nueva Armenia; East End and Río Esteban; Cayo Bolaños and Sambo Creek. Chachahuate and East End are permanent towns, while Cayo Bolaños is temporary, that is, it is used by fishermen as a sort of fishing camp.

In the case of Honduras, Morazán (2007 personal communication) suggests a series of steps that, coordinated according to the Cayos Cochinos experience, can help to extrapolate it to other areas:

1. To establish an artisan fishermen registry and to start a conservation and sustainable-use program for fishing sites with them.
2. To incorporate a specific fishing zone that includes protection, demarcation, and others into area management plans and declarations, with considerable community participation, through fishermen associations.
3. To carry out a brief study to determine fishing stocks, aiming to establish closed seasons, quotas, etc.
4. To undertake a fishing-productivity study in the protected area, aiming to determine the economic value of the industry, the ecosystem, and the protected area and to impact conservation with them.
5. To jointly identify fishing areas, closed-season sites, seasons and others, in order to guarantee conservation of the refuge.
6. To identify community programs and projects that help generate added value to the activities undertaken and thus, reinforce community conservation of fishing resources in protected areas.

6. MEXICO

6.1 Legal and Policy Framework²⁶

Mexico has a very structured legal and policy framework to manage protected areas and fishing. The bases for it are contained in its legal framework:

1. Federal laws and official Mexican regulations and norms
 - a. General Law on Ecological Balance and Environmental Protection
 - i. Regulations for the General Law on Ecological Balance and Environmental Protection on the Subject of Natural Protected Areas
 - b. Fishing Law
 - i. Regulations for the Fishing Law
 - ii. Official Mexican norm NOM-029-PESC-2006, Responsible Fishing of Sharks and Sting Rays. Specifications for their Use.
 - c. General Wildlife Law

The country has a series of tools and guidelines on policies, which are updated every five years. The following instruments are the central axes:

1. National Development Plan
2. National Environmental and Natural-Resource Program
3. Gender-Equity, Environmental, and Sustainability Program
4. Indigenous-Peoples Program

Mexico's administrative organization –from the Federal Government to State Governments– has a de-concentrated and de-centralized system in which the operation of legal mandates is streamlined, something that does not happen in other countries within the MAR region.

Ordering guidelines included in official fishing norms published in 2004 and updated in 2006 establish fishing areas, allowed equipment, and specific details for fishing areas established in the country. There are clearly established procedures for protected areas and fishing areas, with easy-to-follow guidelines according to legal mandates indicated in each one of the laws mentioned above.

²⁶ You can visit the following web pages to read documents on the laws and policies: CONAPESCA (<http://www.conapesca.sagarpa.gob.mx/>) and CONANP (<http://www.conanp.gob.mx/anp/anp.php>)

6.2 Current Status of Marine and Coastal Areas

The Mexican National Protected Area System follows a procedure to incorporate areas into it. In fact, out of the 15 recognized areas for the MAR area in Mexico, only 10 of them are part of the SINAP; 4 are state areas, and one is a private area that has not been clearly recognized as a protected area. Table 4 contains some details about these areas.

Table 4: Relevant information on the marine protected areas recognized in the MAR area in the Mexican Caribbean. (Developed by the author. Source: <http://www.conanp.gob.mx/anp/anp.php>)

No.	Name	Management Category	Area (ha)	Administration	Creation Decree	Year of Declaration	Management Program	SINAP
1	Arrecifes de Sian Ka'an	Biosphere Reserve	34.927,00	Federal (CONANP)	02-02-98	1998		015
2	Banco Chinchorro	Biosphere Reserve	144.360,00	Federal (National Ecology Institute)	07-19-96	1996	2000	033
3	Sian Ka'an	Biosphere Reserve	528.148,00	Federal (CONANP)	01-20-86	1986	1993	002
4	Arrecifes de Cozumel	National Park	11.988,00	Federal (National Ecology Institute)	07-19-96	1996	1998	046
5	Arrecife de Puerto Morelos	National Park	9.067,00	Federal (CONANP)	02-02-98	1998	2000	044
6	Costa Occidental de Isla Mujeres, Punta Cancún and Punta Nizuc	National Park	8.673,00	Federal (National Ecology Institute)	07-19-96	1996	1998	NI
7	Isla Contoy	National Park	5.126,00	Federal (CONANP)	02-02-98	1998	1997	008
8	Arrecifes de Xcalak Uaymil	National Park	17.949,00	Federal (CONANP)	11-27-00	2000	2004	045
9		Flora and Fauna Protection Areas	89.118,00	Federal (CONANP)	Creation Decree : 11-17-1994 Notice of misprints: 11/22/ 1994 SINAP notice: 06/ 07/ 2000	1994	?	028
10	Yum Balam	Flora and Fauna Protection Areas	154.052,00	Federal (CONANP)	Creation Decree: 06-06-94 SINAP notice: 06/ 07/ 2000	1994	?	014

COMMUNITY NATURAL-RESOURCE CONSERVATION IN THE MESOAMERICAN REEF AREA

LEGAL FRAMEWORKS AND LEGAL STATUS OF MARINE PROTECTED AREAS

No.	Name	Management Category	Area (ha)	Administration	Creation Decree	Year of Declaration	Management Program	SINAP
11	Playa de la Isla Contoy	Sanctuaries	-	Federal (CONANP)	Creation Decree: 10/ 29/ 1986 Re-categorization Resolution: 07/ 16/ 2002	1986	1997	008
12	De la Tortuga Marina Xcacel-Xcacelito	Sanctuaries	362,00	State	?	1998	no	
13	Del Manatí Bahía de Chetumal	Sanctuaries	281.320,00	State	?	1996	no	
14	Laguna Manatí and Chacmochuc	National Park	202,00	State	?	1999	no	
15	U-Yumil C'EH	?	638,00	Private	?	?	?	

1.285.930,00

The 15 protected areas cover a total 1,285,930.00 hectares. 11 of them are federal, and only one did not fulfill the requirements needed to be incorporated into SINAP, according to CONANP evaluations. All Federal Areas have a management plan, a fact that could not be established for State Areas. In the case of the private reserve, there is not much information about it or the relationship between it and the state or federal PA system. In the case of the three state areas, it was not possible to establish the legal backing on which its establishment was based, so it was not possible to clearly ascertain if they are areas that are proposed for their integration into the Federal scale and, ultimately, to SINAP.

6.3 Identified Procedures

In general, both SEMARNAT and CONAPESCA procedures can be summarized as shown in Figure 1. Every procedure that can be undertaken within legal frameworks is duly accompanied by a request form in which requirements, and sometimes the maximum response time, are indicated.

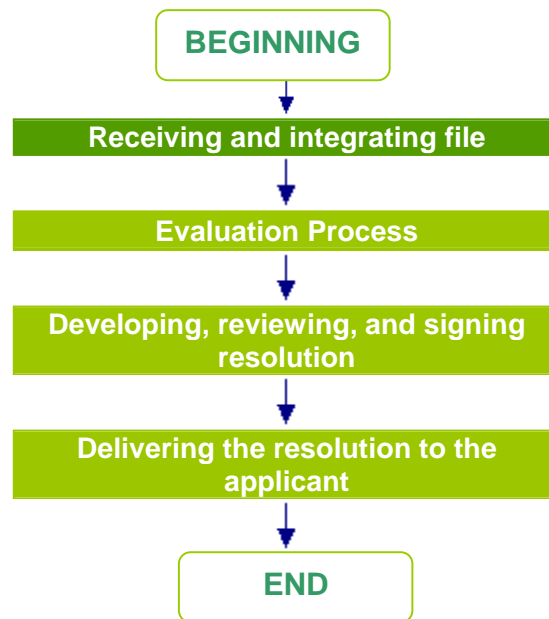


Figure 1. Simplified Flowchart on the Procedures Followed in Mexican State Institutions

6.3.1 Protected Areas

In Mexico there are a series of standard procedures linked to protected-area management. The ones connected to the contents of this document have been identified; their links to electronic documents clearly explain the requirements mandated by law and the steps that must be taken. Among them are the following:

- For PA commercial uses, a request form is available:
(http://www.cofemertramites.gob.mx/intranet/co_dialog_PublishedTramite.asp?coNodes=1328518&num_modalidad=0)
- To subject areas to protection or conservation:
(http://www.cofemertramites.gob.mx/intranet/co_dialog_PublishedTramite.asp?coNodes=424262&num_modalidad=0)
- Establishing UMAs (Wildlife Conservation Management Units) in APs:
(http://www.cofemertramites.gob.mx/intranet/co_dialog_PublishedTramite.asp?coNodes=903885&num_modalidad=0)

6.3.2 **Fishing**

The following procedures are used for fishing activities:

PROCEDURE	DESCRIPTION
CONAPESCA-01-001	For commercial fishing concessions to catch and/or extract fishing sources: CONCESIÓN DE PESCA COMERCIAL PARA LA CAPTURA Y/O EXTRACCIÓN DE RECURSOS PESQUEROS
CONAPESCA-01-003	For commercial fishing permits: PERMISO DE PESCA COMERCIAL
CONAPESCA-01-005	Permit to perform the work needed to back a commercial-fishing concession request: PERMISO PARA DESARROLLAR TRABAJOS NECESARIOS PARA FUNDAMENTAR UNA SOLICITUD DE CONCESIÓN DE PESCA COMERCIAL
CONAPESCA-01-006	Commercial fishing exception permit: PERMISO DE PESCA COMERCIAL DE EXCEPCIÓN
CONAPESCA-01-007	Authorization to fish in high seas or in foreign jurisdictional waters on vessels licensed in Mexico and under the Mexican flag: AUTORIZACIÓN PARA PESCAR EN ALTA MAR O EN AGUAS DE JURISDICCIÓN EXTRANJERA CON EMBARCACIONES DE MATRICULA Y BANDERA MEXICANAS
CONAPESCA-01-008	Authorization to install and operate fixed fishing equipment in federal-jurisdiction waters: AUTORIZACIÓN PARA INSTALAR Y OPERAR ARTES DE PESCA FIJAS EN AGUAS DE JURISDICCIÓN FEDERAL
CONAPESCA-01-013	Fishing-promotion permit: PERMISO DE PESCA DE FOMENTO
CONAPESCA-01-015	Authorization for fishing with teaching purposes: AUTORIZACIÓN DE PESCA DIDÁCTICA
CONAPESCA-01-016	Sport/recreational fishing permit: PERMISO PARA PESCA DEPORTIVO-RECREATIVA
CONAPESCA-01-017	Authorization for baiting in fishing areas, solely for the purpose of favoring fishing tournaments: AUTORIZACIÓN DE LA PRACTICA DE CEBAR EN ZONAS DE PESCA, ÚNICAMENTE PARA FAVORECER LA CELEBRACIÓN Y DESARROLLO DE TORNEOS
CONAPESCA-01-028	Aquaculture-promotion permit: PERMISO PARA ACUACULTURA DE FOMENTO

6.3.3 Analysis

In general, procedures within Mexican legal frameworks offer very few spaces, since routes are clearly established for the use of hydro-biological resources. In particular, special attention must be afforded to fishermen communities that are duly organized in cooperatives and associations, since this provides them with solid participation spaces to negotiate fishery management.

Both protected-area laws and fishing laws establish that activities being executed must comply with the corresponding legal requirements. In the case of protected areas, their Management Plans should be reviewed in order to ascertain that they include the activity that will be undertaken.

An important aspect of the Fishing Law that must be underscored are the details on the fishing areas that have been established, the regulation of equipment, and the details on fishery and species management, based on studies carried out with this aim. The recently approved Mexican Norm to Catch Sharks and Sting Rays (February 14, 2007), includes the use of circular hooks to reduce mortality of non-targeted species (swordfish, marine turtles, marine birds, and marine mammals).

In the particular case of Mexico, having a model area for fishery management is exceptionally important, since it could be the basis for replicating the management model in other kinds of fisheries and other geographic areas. It is suggested that the experiences had in Punta Allen to manage lobster fisheries be taken into account for such management (Solares-Leal and Álvarez Gil 2003).

Punta Allen is part of the Sian Ka'an Biosphere Reserve Complex. A modern lobster-fishermen community that established the Vigía Chico Cooperative operates here since 1970. Since 1957, cooperatives linked to lobsters have designated "fields" or areas under national reforms, similar to the communal lands used in agriculture. They have been able to organize the areas that have been provided to them as concessions, which have helped them to increase their productivity (Solares-Leal and Álvarez Gil 2003). The system has not been successful in other sites since the ordering system used in Punta Allen has not been successfully replicated in other areas because there is no property ownership or delimitation of "property" as mentioned before.

The development model that has been used is set within legal frameworks and the Area Management Plan, so it can be replicated in other types of fisheries, starting with those in the same area or in neighboring areas. In this case, the way to achieve development could entail using similar cooperatives to develop the model.

An issue that should be noted is that CONAPESCA has a program, "Alianza para el Campo" ("Countryside Alliance"), by means of which the Aquaculture and Fishing Program seeks to increase the standard of living of fishermen and aquaculture producers and their families through subsidies from the Federal Government. The purpose of the program is to provide resources to develop producers, to pilot programs and market infrastructure, as well as developing and executing productive projects that promote and further rational and sustainable use of fishing and aquaculture resources.

Physical or artificial persons legally engaged in the fishing and aquaculture activities, in any of the productive-process phases, can apply for the fund. Priority will be afforded to those individuals living in more marginalized communities. (See details in: http://www.conapesca.sagarpa.gob.mx/wb/cona/cona_alianza_para_el_campo_acuacultura_y_pesca)

Options include developing action plans for fishing and aquaculture in which the Government and Federal entities in charge of developing productive projects are involved. It is necessary to explore these possibilities further, in order to access funds to replicate experiences within a fishing-ordering framework for special species. (See more details in: http://www.conapesca.sagarpa.gob.mx/wb/cona/cona_planes_de_accion_convenios_con_entidades_alia)

The most practical way to start a process in Mexico is:

1. To have a duly-organized consolidated group managing fishing resources;
2. to review the updated National Fishing Chart in order to determine the areas and species that may be used;
3. Subsequently, to request a commercial fishing concession to catch and/or extract fishing resources in accordance to CONASPESCA-01-001 procedures;
4. Based on the “Diagnosis on the Organization and the Needs of Fishing Communities in the Mesoamerican Reef Region to Establish Community Marine Reserves”, it is suggested that the following organizations be considered:
 - a. Campo Pesquero María Elena, through the Cooperativa Cozumel, since this is an area where fishermen are being strengthened by the COMPAC Mexico Project, and because fishermen are under one of the most developed organizations in Mexico, the Cooperativa Cozumel.
 - b. The Cooperativa Langosteros in Banco Chinchorro. Just as in the previous case, we consider that is one of the cooperatives that has been aiming its efforts towards fishery sustainability, and that it has had an impact on the decision-making process on this issue.
 - c. Cooperativa Tulum, because it is trying to reduce its fishing efforts by engaging in alternate ecotourism projects.
5. Based on the experience of Cooperativa Vigía Chico in Punta Allen, it might be convenient to establish how they have handled administrative procedures to manage the concession granted to them, as well as to adapt the successful measures taken to manage their lobster fishery to other cooperatives’ fisheries, particularly the ones in Banco Chinchorro.

7. GENERAL PROCEDURES

While analyzing information, it became clear that there are general processes, common to the four countries, which must be followed when seeking to declare protected areas or to manage natural resources. All of them will have their own characteristics according to the laws of each country, or to the details of parliamentary procedures.

7.1 Non-Governmental Development Organizations

1. To have the minimum number of individual or legal persons required to establish an organization;
2. To develop bylaws that must contain, at least, the operation norms established by the corresponding legal bodies;
3. To establish the organization by means of a public deed signed by an Attorney-at-Law and Notary.
4. To register the NGO in the relevant Civil Registry in the location where it will be domiciled. With this, the NGO acquires its own legal capacity, separate from that of its members;
5. Subsequently, the NGO must be registered in the Tax Administration offices (to be assigned a TIN card or number); controls and full accounting procedures must be established.
6. To request authorization of documents such as receipts for donations, special invoices and accounting books.
7. To open bank accounts to manage funds.

7.2 Procedures to Approve a Bill

1. The bill that will be submitted for approval is drafted;
2. A “sponsor”²⁷ for the bill is sought;
3. The bill is submitted to the Legislative Administration, where the bill is assigned a registration number;
4. The bill is read before the Full Assembly;
5. The bill is transferred to the Environmental, Ecology and Natural-Resource Commission;

²⁷ Bills in Guatemala may be submitted by the Executive Branch of Government, by the Legislative Branch, or by the San Carlos de Guatemala University.

6. The Commission issues its expert opinion;
7. The bill goes back to the Full Assembly
8. Copies of the bill are distributed among the deputies;
9. The bill is read during three debates (first, second and third debates). If it is declared as an urgent national issue, it can be approved by means of only one debate.
10. The individual articles of the bill are discussed;
11. If necessary, amendments are submitted;
12. Final wording is read;
13. A correlative number is assigned to it and the year of approval is added to it;
14. It is signed by the President of Congress and by two Secretaries;
15. The decree is then sent to the Executive Branch for sanctioning or vetoing;
16. The President of the Republic sanctions it;
17. The decree is published in the official newspaper;
18. It takes effect in the whole national territory.

8. CONCLUSIONS

According to the objectives that have been proposed, it was determined that establishing new protected areas or community marine reserves is not a technically-feasible option for those communities whose main economic activity is fishing. This would imply that capabilities would have to be developed in order to manage areas and to establish a strong organizational base, which leads us away from the original objective: to co-manage fisheries.

Within the MAR area, there are several types of protected areas: purely marine, marine-coastal, land-marine-coastal, and land, so that when delimiting, demarcating, declaring, and planning area-management, the fishing areas, allowed uses, and fishing regulations corresponding to each area must be clearly identified and zoned.

Community fishermen groups can become involved in managing fisheries by strengthening implementation of legal norms regulating said activity in each country, and by achieving co-management of fisheries in their respective areas of influence through agreements with protected-area administrators and State entities. This indicates that a viable way to coordinate fishing communities with fishery administration and management would be through: a) a solid base organization that gathers and represents fishermen; b) linking activities to protected areas whose category allows them; c) ensuring that the Management Plan for the protected area allows the development of fishing activities, and d) developing a simplified fishery management plan that supports the agreements reached by State authorities in charge of managing these resources, the authorities in charge of managing marine protected areas, and organized fishermen.

The general analysis on the procedures to manage fisheries, both in protected areas and outside them, indicates that they must act under the State, without implying that they cannot be managed with the support of or by means of civil-society organizations such as cooperatives, fishermen associations or networks. The analysis of the legal frameworks for managing fishing resources shows complex and rigid ordering structures to delegate or co-manage; they probably derive from a poor culture of de-concentration and de-centralization.

There are examples in each of the countries in the MAR region on how de-concentration can be strengthened and furthered in order to achieve fishery co-management, both within and outside protected areas. In some cases, this experience is more developed than in others: laws, regulations, and management plans are harmonized, as in the case of Belize and Honduras; fishery co-management has been implemented as a result of self-management (Mexico) or by means of agreements by fishing communities, which have resulted in legal entities (Guatemala).

An undeniable fact is the need to have organized groups of fishermen, since this level of consolidation helps them to have their proposals taken into account, and their needs and requirements met. Additionally, this strengthens them legally, since they are entities with their own legal capacity, which is separate from that of their members, so that they can undertake responsibilities as bodies that can strengthen the management of fishing resources by the State.

9. RECOMMENDATIONS

In order to achieve adequate incorporation of communities to fishing-resource co-management processes, it is recommended that they not be involved in management actions that imply assuming responsibilities for which they are not prepared, such as managing Community Reserves, since that will require a far greater investment to strengthen base organization. In addition, the capabilities that are required to manage marine protected areas are specific and require institutional profiles that associations and cooperatives most probably do not have.

It is essential to work closely with each country's Government in order to clearly establish that managing hydro-biological resources is the State's responsibility, and that co-management does not imply a decrease in the State's guardianship of this resource, but the sharing of responsibilities in attaining responsible use of the resource deriving from the right to access it.

There are fishing communities in each country that have found the way to actively participate in managing this resource, and this is where efforts must concentrate. Thus, the following sites, by country, are recommended:

1. Bacalar Chico National Park (Belize)
2. Punta Manabique Wildlife Refuge (Guatemala),
3. Cayos Cochinos Natural Monument (Honduras).
4. Cooperativa Langosteros in Banco Chinchorro, linked to the experiences developed in Punta Allen, within the Sian Ka'an Biosphere Reserve (México) by the Cooperativa Vigía Chico.

These recommendations are initially based on protected areas, since this streamlines administrative processes, and it implements the elements contained in management plans, which are approved by and coordinated with the relevant legislation.

In general, national procedures and legislation are the factors that govern and guide declarations of new protected areas. Thus, budding co-management processes that are currently being undertaken must be identified and supported, in order to strengthen the possible ways to link them to managing fishing resources in other areas.

It is recommended that this work be linked to the efforts exerted by WWF and TNC to develop a portfolio of important fishing sites, analyzing habitats (migration, spawning, and breeding) for the main groups of commercially-important fish species and the corresponding intersection of said areas with the MAR Regional Protected-Area System. The analysis to achieve this linkage must be careful and based on the selection criteria, since this is a biological-ecological approach and not one on productivity. On the other hand, this analysis must not include species-distribution maps or the threats associated with fishing.

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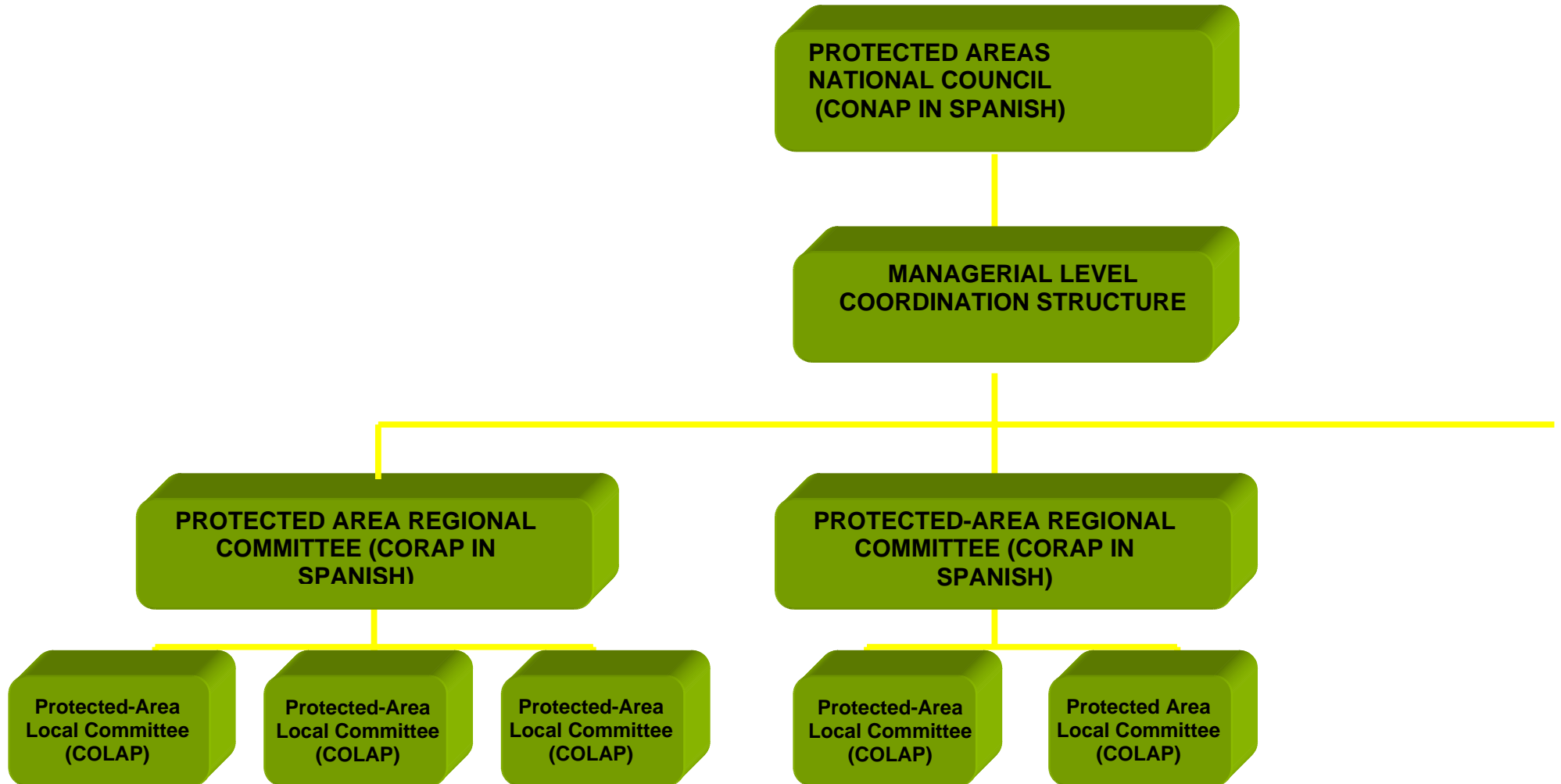
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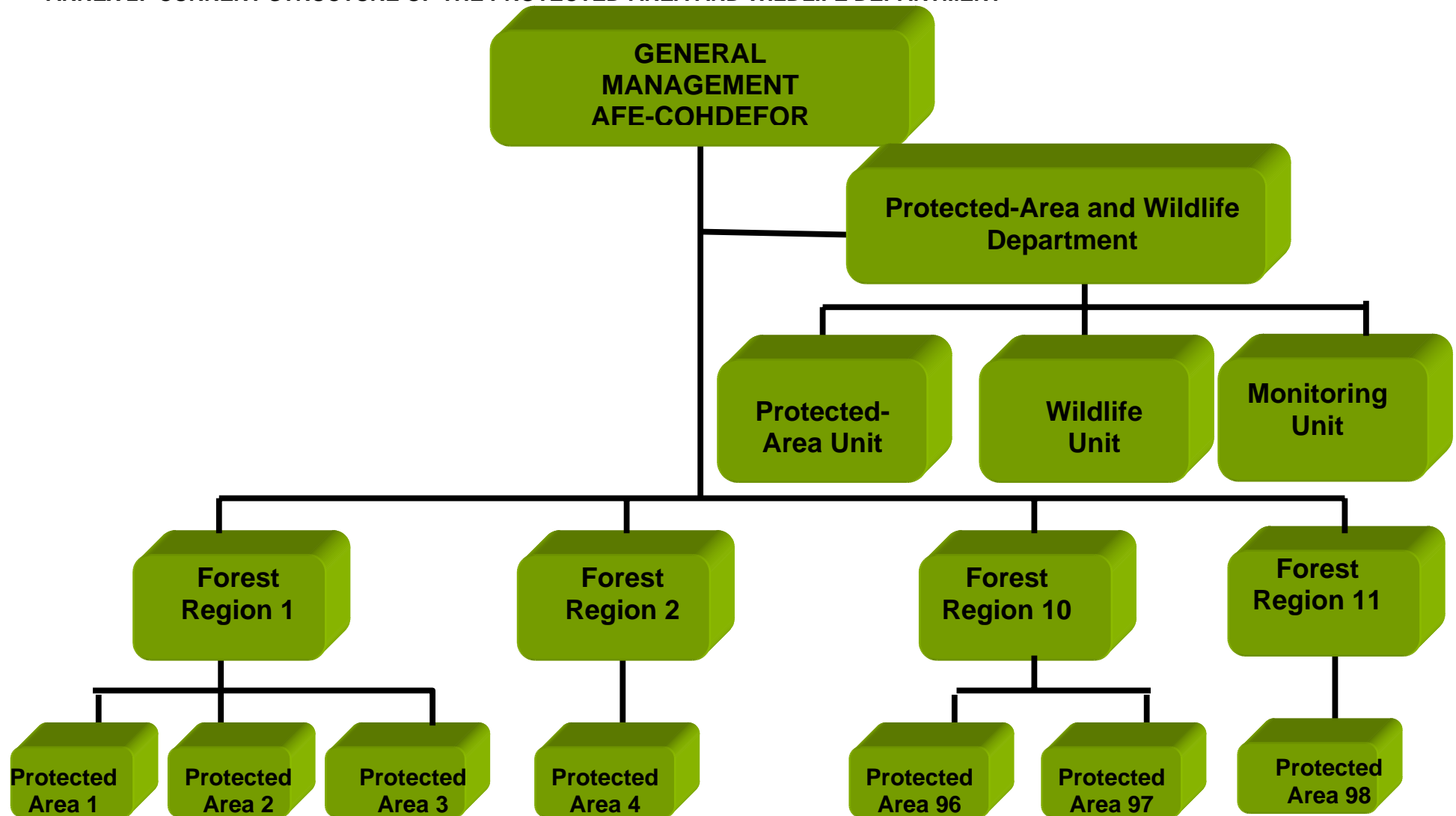
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11. ANNEXES

ANNEX 1. SINAPH STRUCTURE (according to the regulations in force)

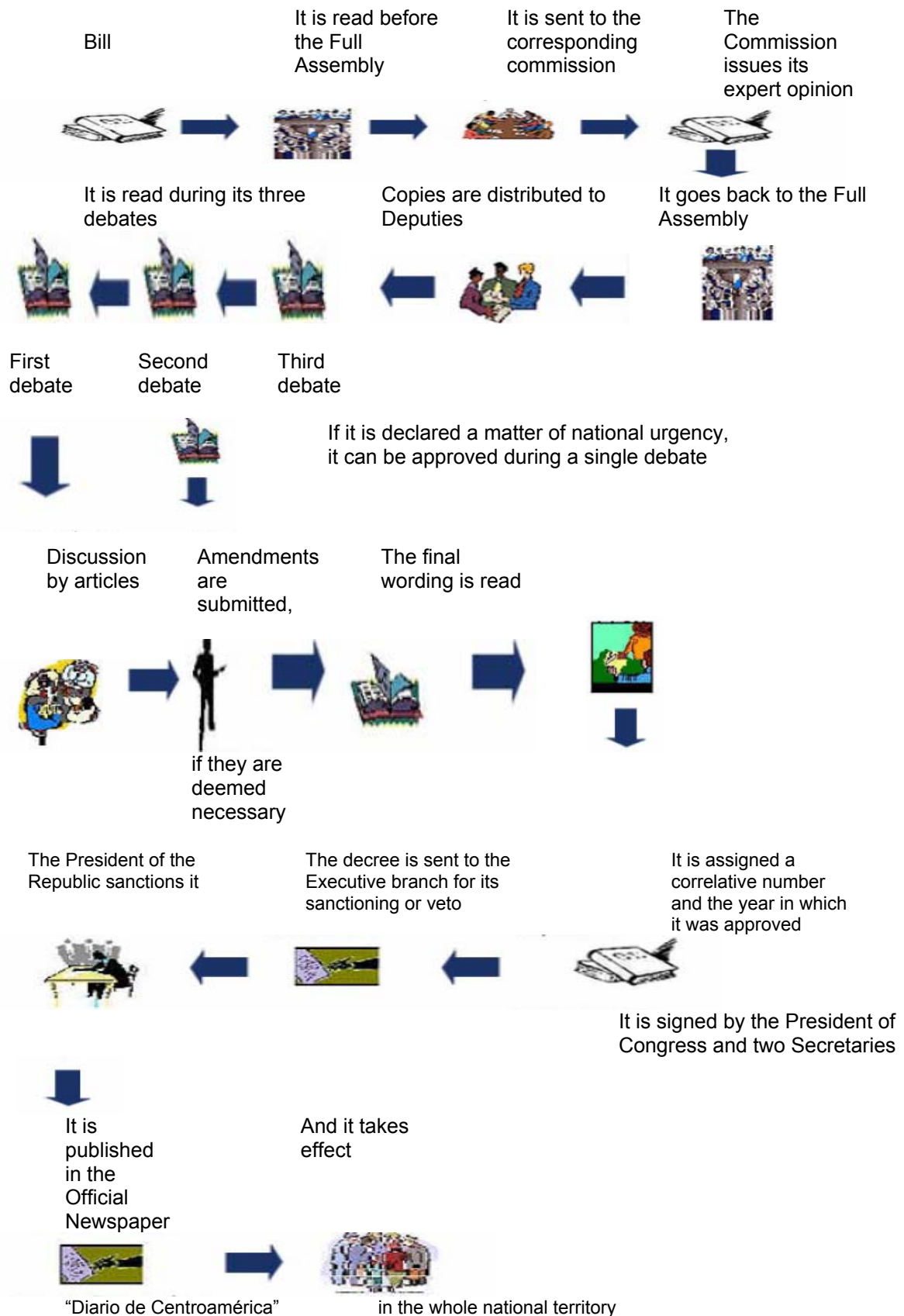


ANNEX 2: CURRENT STRUCTURE OF THE PROTECTED-AREA AND WILDLIFE DEPARTMENT

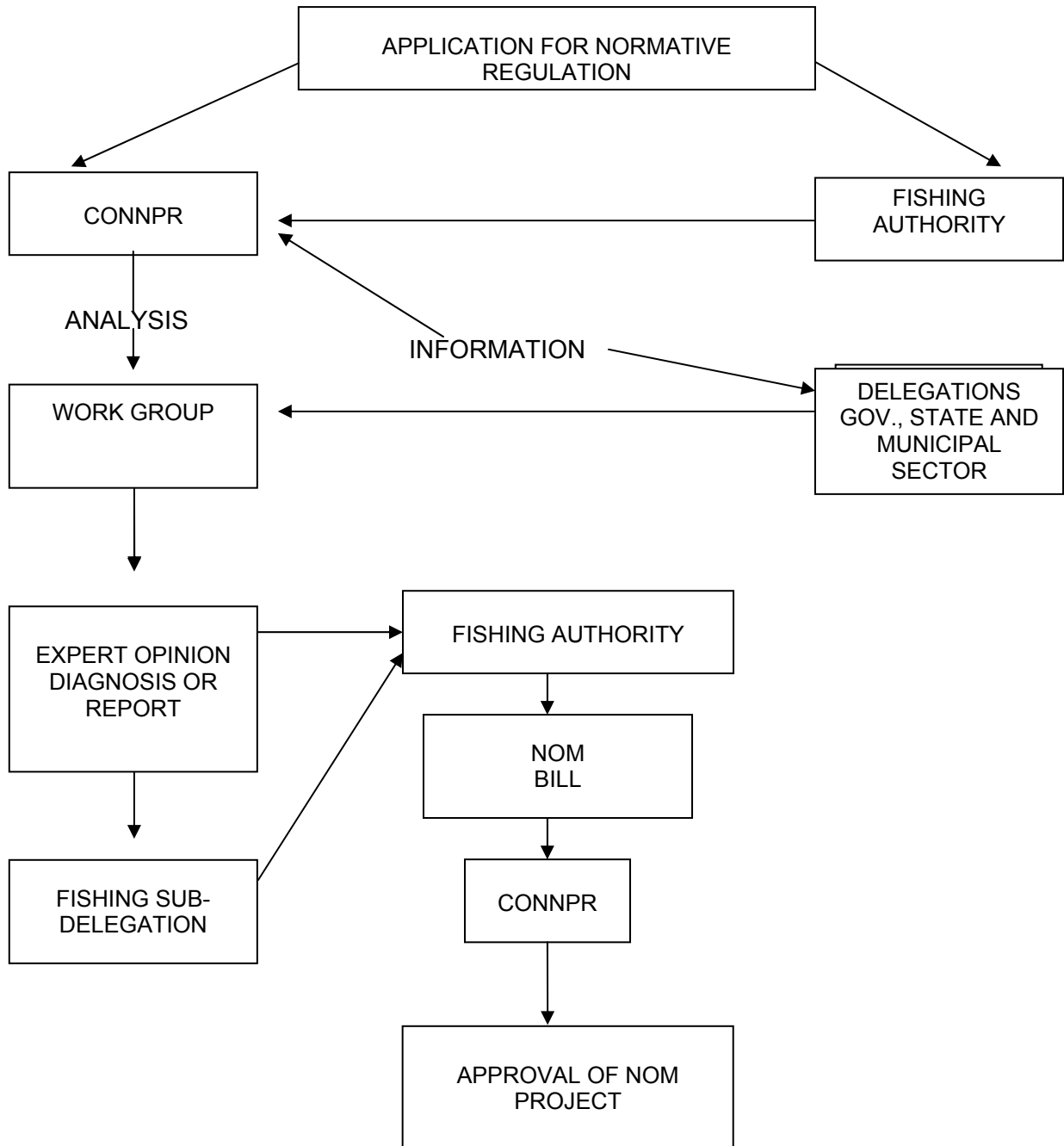


ANNEX 3. DESCRIPTION OF THE GUATEMALAN LEGISLATIVE PROCESS

(Source: http://www.congreso.gob.gt/gt/proceso_legislativo.asp).



ANNEX 4. PROCEDURE TO DEVELOP A PROJECT ACCORDING TO OFFICIAL MEXICAN NORMS (TAKEN FROM CONAPESCA-INP 2004)



Annex 5. Procedure to Publish an Official Mexican Norm (Taken from: CONAPESCA-INP 2004)

