



**Necessary measures in each country to
build and implement regional protocols
for the restoration of reefs**



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Necessary measures in each country to build and implement regional protocols for the restoration of reefs

This document corresponds to the third product of the second delivery stipulated in the agreement signed between MarFund and ELAW, which includes a report of necessary actions in the country to build and implement the regional protocols for reef restoration.

In addition to the legal and regional recommendations included in the other documents for the restoration of reefs, the creation of a National Committee for the Restoration of Reefs is recommended for each country. The committees must sign a coordination agreement or a memorandum of understanding (according to a determination by the authorities), in order to establish obligations, an estimate, a work plan, financial procedures and a focal point to coordinate with the Mesoamerican Reef Restoration Network. Finally, this committee will be able to work in the development of a National Policy for Reef Restoration.

It is for the foregoing that, this document aims to explain the responsibilities of the authorities identified as relevant in each country in the matter of reef restoration to be part of said Committee.

BELIZE

In Belize, there are two primary government bodies with authority over reef restoration: The Department of the Environment and the Coastal Zone Management Authority.

Department of Environment.

The Department of the Environment (DOE) was established under the Environmental Protection Act.¹ The Act defines the powers, duties, and functions of the DOE to:

- (a) be responsible for the continuous and long-term assessment of natural resources and of pollution;
- (b) ensure the protect and rational use of natural resources for the benefit of the present and future generations;
- (f) undertake surveys and investigations into the causes, nature, extent and prevention of pollution and to assist and co-operate with other persons or bodies carrying out similar surveys or investigations;

¹ Environmental Protection Act (EPA), Laws of Belize, Chapter 328 (Revised Edition 2000), sec. 3, available at: <http://www.belize-law.org/web/lawadmin/PDF%20files/cap328.pdf>.

- (g) conduct, promote, and co-ordinate research in relation to any aspect of environmental pollution or the prevention thereof, and to develop criteria for the protection and improvement of the environment;
- (h) specify methods to be adopted in taking samples and making tests for the purpose of this Act;
- (j) undertake investigations and inspections to ensure compliance with this Act or the regulations made thereunder;
- (k) provide information and education to the public regarding the importance of protection and improvement of the environment;
- (l) undertake resource inventories, surveys and ecological analyses to obtain information on the social and bio-physical environment with special reference to environmentally sensitive areas and areas where development is already taking place or likely to take place;
- (m) examine and evaluate and if necessary carry out environmental impact assessments and risk analysis and to make suitable recommendations to mitigate against harmful effects of any proposed action on the environment;
- (n) monitor environmental health;
- (o) advise the Government on the formulation of policies relating to good management of natural resources and the environment;
- (q) advise on any aspect of conservation;
- (r) provide decision-making with the necessary information so as to achieve long-term sustainable development;
- (u) conduct studies and make recommendations on standards relating to the improvement of the environment and the maintenance of a sound ecological system;
- (v) monitor trends in the use of natural resources and their impact on the environment;
- (w) advise on the effects of any sociological or economic development of the environment;
- (x) play a major role in providing the direction for long-term sustainable development based on the promotion or incorporation of ecological concerns in the economic development process;
- (y) foster, through inter-ministerial cooperation, the prudent use and proper management of the natural resources of Belize, the control of pollution of the natural environment and the re-establishment of an ecological equilibrium, where needed, so as to guarantee a better quality of life for present and future generations;

(z) encourage governmental and non-governmental institutions/ agencies to align their activities with the ideas of sustainable development;

(aa) exercise any other functions relating to the protection of the environment.²

Officers of the DOE are authorized to enter any premise and obtain relevant information to carry out their duties under the Act.³ The officer may take and remove samples, seize evidence, take photographs, and take other action to ensure determine compliance with the Act, or any license, compliance plans, etc.⁴ Finally, the Act confers the power for designated offers to detain vehicles and people if there is a reasonable suspicion that an offence “has been or is likely to be committed[.]”⁵

After consulting with the DOE, the Minister of Agriculture, Fisheries, Forestry, the Environment and Sustainable Development has the authority to issue any regulations needed to protect and restore the reef.⁶

The Coastal Zone Management Authority

The other important government entity is the Coastal Zone Management Authority (CZMA) created under the Coastal Zone Management Act.⁷ The CZMA shall “maintain a national coral reef monitoring programme and coastal water quality monitoring programme and any other technical monitoring programmes.”⁸ The Government of Belize has designated the CZMA to coordinate all actions related to coral reef management. However, no regulations specifically requiring protection or restoration of the reef have been adopted.

The Act defines the functions of the CZMA to be:

(a) Advise the Minister on all matters relating to development and utilization of the resources of the coastal zone in an orderly and sustainable fashion;

(b) advise the Minister on the formation of policies in regard to the coastal zone;

(c) assist in the development and implementation of programmes and projects that translate the marine and related policies of the Government into activities that contribute to sustainable development of coastal resources;

(d) assist in the development and execution of programmes and projects that foster and encourage regional and international collaboration in the use of marine and other related areas of the environment;

² Id. sec. 3(4).

³ Id. sec. 5.

⁴ Id. sec. 5(2)-(3).

⁵ Id. sec. 5(4).

⁶ Id. sec. 7(1)(l).

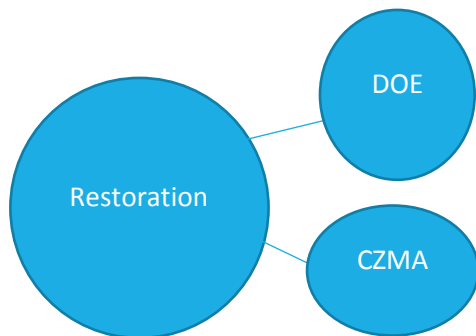
⁷ Coastal Zone Management Act, Laws of Belize, Chapter 329 (Revised Edition 2000), sec. 3. The Act can be accessed through the Laws of Belize at: <http://www.belize.gov.bz/>.

⁸ Id. sec. 5(1)(j).

- (e) review the Coastal Zone Management Plan prepared in accordance with the provisions of Part V of this Act and furnish recommendations thereon, if any, to the Minister;
- (f) commission research and monitoring in any coastal area or in relation to any activity which may impact on such areas;
- (g) promote public awareness of the unique nature of the Belize coastal zone and of the importance of its effective conservation and the sustainable management and utilization of its resources for the benefit of present and future generations of Belizeans;
- (h) in consultation with governmental agencies, non-governmental agencies and the private sector, assist in the preparation of guidelines for developers for coastal zone development;
- (i) co-operate with government departments, statutory boards, non-governmental organizations and the private sector on matters that are likely to have an impact on the ecology of the coastal zone;
- (j) in collaboration with government and private sector agencies, maintain a national coral reef monitoring programme and coastal water quality monitoring programme and any other technical monitoring programmes;
- (k) advise the Minister on any other matters relating to the coastal resources that may be referred to the Authority by the Minister.⁹

The Act also creates a Board of Directors of the CZMA which is “shall be the principal policy-making organ of the Authority.¹⁰ “The Board shall establish a Barrier Reef Foundation to receive gifts and donations and to raise funds to promote the conservation and management of the coastal resources of Belize, including the barrier reef.”¹¹

A Committee for Reef Restoration in Belize should include representatives of the Department of Environment and the Coastal Zone Management Authority.



⁹ Id. sec. 5(1).

¹⁰ Id. sec. 14.

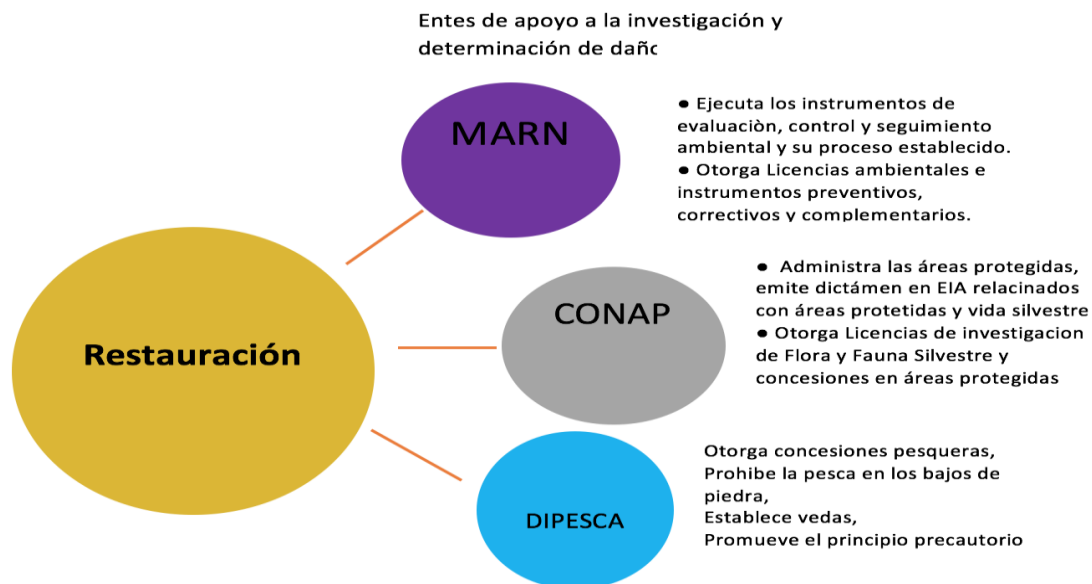
¹¹ Id. sec. 34.

GUATEMALA

The authorities identified as relevant, to be part of the National Committee of Reef Restoration are as follows:

- The **Ministry of the Environment and Natural Resources** (*Ministerio del Medio Ambiente y los Recursos Naturales*) (MARN), has faculties to establish regulations for the studies of environment evaluation, control and follow-up. (Article 8 of the Environment Protection and Improvement Law, Decree 68-86 of the Congress of the Republic).
 - The **Bureau of Environmental Management** (*Dirección de Gestión Ambiental*) (DIGARN), of the Ministry of the Environment and Natural Resources (MARN), is in charge of issuing, renewing, suspending and cancelling environmental licenses for the administration, operation and development of a restoration project (Article 8, Insert f, Regulations of Environmental Evaluation, Control and Follow-up (*Reglamento de Evaluación, Control y Seguimiento Ambiental*) (RECSA), Governmental Agreement 137-2016).
 - In addition, it is responsible for: a) Receiving, analyzing, ruling on and resolving the submitted environmental documents, in accordance with what is stipulated in RECSA, b) Determining the insurance amount, acceptance, extension, reduction and renovation, subject to its competence, in accordance with what is stipulated in these regulations; c) Doing inspections and/or verifications, by the Court or by motion of the party, in applicable cases. d) Establishing the environmental commitments and control measures needed to conserve and improve the environment and natural resources, and determining the update of the same during the different phases of the approved project, construction, industry or activity.
- The **National Council of Protected Areas** (*Consejo Nacional de Zonas Protegidas*) (CONAP) is the entity that manages the wild flora, fauna, and biological diversity of Guatemala. Through the Department of Development of SIGAP and the Department of Forestry and Wildlife, it is responsible for:
 - Issuing a favorable ruling for the study of environmental impacts for activities to be performed in protected areas. (Articles 20 and 21 of the Protected Areas Act). It is responsible for defining the internal management procedures of evaluation documents, control, follow-up and environmental monitoring for projects, construction, industries or activities to be performed or being performed within the Guatemalan System of the Protected Areas (*Sistema Guatemalteco de Zonas Protegidas*), (SIGAP), and what is pertinent to biological diversity.
 - CONAP is responsible for issuing research licenses, according to Article 26 of the Regulations of the Protected Areas Act, for which the applicant must comply with the specific guide.

- The Executive Secretary of CONAP is responsible for approving management plans for protected areas, within which it has been established that reefs constitute a conservation target. Article 18 of the Protected Areas Act.
- The National Council of Protected Areas is responsible for the creation and management of the National Fund of Conservation, which includes financing projects for the protection and conservation of biological diversity, as well as reef restoration.
- The **Bureau of Regulations for Fishing and Aquaculture** (*Dirección de Normatividad de la Pesca y Acuicultura*) manages and diversifies Guatemalan fisheries, establishing management measures to harmonize them with the latest scientific knowledge. The General Law of Fishing and Aquaculture (*Ley General de Pesca y Acuicultura*) and the Decree 80-2002 promote a precaution criterion in the conservation, management and exploitation of fishing resources. Article 1 awards fishing licenses. Article 5 establishes a closing-season program, which is revised annually according to the information available. It prohibits fishing for endangered species and has developed artificial reefs to increase and maintain fishing stocks.
- The **Guatemalan Tourism Institute** (*Instituto Guatemalteco de Turismo*) (INGUAT), in conjunction with the National Council of Protected Areas, has established a tourism promotion policy within protected areas to promote them as places for ecological tourism, which values the country's biological diversity. In this respect, it is responsible for:
 - The CONAP must issue a ruling before establishing activities in protected areas, according to Articles 20 and 21 of the Protected Areas Act.
 - The CONAP, in its function as tourism license administrator in protected areas, could assign resources for reef restoration.



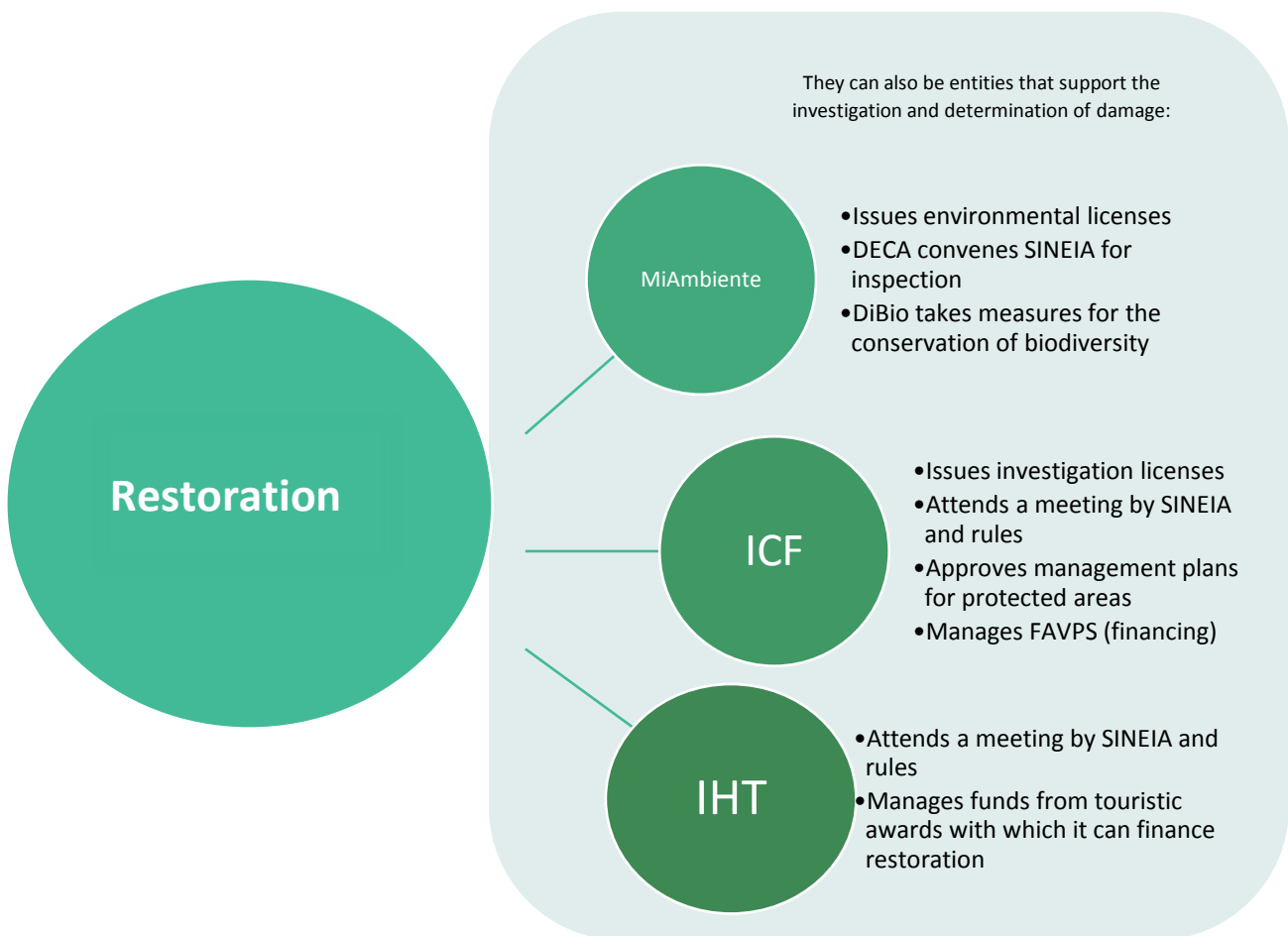
Based on the attributions mentioned of each of these authorities, we propose the creation of a National Reef Restoration Committee, in which MARN, CONAP, DIPESCA, Academia, and Civil Society participate (mainly the Healthy Reefs Initiative, the Association of Marine Biologists -ABIMA-), and Private Sector benefited by the environmental services of the reef. This Committee should determine the priority sites to restore, and in order of that MARN and CONAP could issue a license exemption or a general license for restoration projects and develop a Protocol of action that includes environmental variables.

HONDURAS

The authorities identified as relevant participants in reef restoration in Honduras are the following:

- The **Secretary of Energy, Natural Resources, Environment and Mines** (*Secretaría de Energía, Recursos Naturales, Medio Ambiente y Minas*) (**MiAmbiente**) is responsible for issuing the environmental licenses of operation and functioning required for the execution of a restoration project. (Article 5, Regulations of SINEIA)
 - The **Bureau of Environmental Evaluation and Control** (*Dirección de Evaluación y Control Medioambiental*) (**DECA**) is responsible for convening and coordinating the National System of Environmental Impact Evaluation (SINEIA) for the evaluation of a project proposition or the inspection of an operating project. (Articles 9 and 10 of RSINEIA)
 - The **General Management of Biodiversity** (*Dirección General de Biodiversidad*) (**DiBio**) is responsible for managing measures for the protection and conservation of biodiversity, in coordination with the National Institute of Conservation and Forest Development, Protected Areas and Wildlife (*Instituto Nacional de Conservación y Desarrollo Forestal, Zonas Protegidas y Vida Silvestre*) (ICF), as executive authority along with the other agencies with responsibilities in this field. (Article 38 of the Internal Regulations of MiAmbiente)
- The **National Institute of Forest Conservation and Development, Protected Areas and Wildlife** (*Instituto Nacional de Conservación y Desarrollo Forestal, Zonas Protegidas y Vida Silvestre*) (ICF) is in charge of protecting and managing the wild flora and fauna of the entire country regarding restoration, specifically:
 - To form SINEIA and, when requested by DECA/MiAmbiente, to issue an environmental license for a restoration project. (Articles 7 and 8, RSINEIA)
 - To award research licenses, according to Agreement No. 045-2011, contained in the Manual of Technical-Administrative Rules for the Management and Sustainable Use of Wild Life of Honduras.

- To approve the management plans of protected areas which may contain reef restoration measures, if it is defined as a target for conservation. (Article 18, Forestry, Protected Areas and Wild Life Act (*Ley Forestal, Áreas Protegidas y Vida Silvestre*)), and to coordinate the co-administrators of the protected area in question.
 - To administer the Funds of Protected Areas and Wildlife (*Fondo de Áreas Protegidas y Vida Silvestre*) (FAVPS), as a possible source of financing restoration projects.
- The **Honduran Tourism Institute (*Instituto Hondureño de Turismo*) (IHT)** has a stated purpose to stimulate and promote tourism as an economic activity that drives the country's development through the conservation, protection and rational use of national tourism resources, regarding restorations, specifically:
 - Create the SINEIA and issue a ruling when DECA/MiAmbiente requests it for issuing an environmental license for a restoration project. (Articles 7 and 8, RSINEIA)
 - As the administrator of touristic awards, it has led previous initiatives to strengthen capacities for such restorations and may assign funds for such restorations in the future.



Based on the responsibilities mentioned above by each of these agencies, the creation of a National Committee of Reef Restoration is proposed, in which the main participants include MiAmbiente, ICF and IHT, Academia, civil society and the private sector, benefited by the environmental services of the reef. This committee must determine the principal sites to be restored, and with MiAmbiente and ICF issue an exemption of licenses or a general license for restoration projects and, in that way, accelerate the procedures. In addition, said committee will be able to create a fund for restoration projects from the funds obtained by ICF for touristic awards; thommittee will have to name a body to represent the country at a regional level.

MEXICO

In Mexico, three authorities directly affect reef restoration processes, and they should therefore be part of a national committee of reef restoration:

1. Secretary of the Environment and Natural Resources (*Secretaría del Medio Ambiente y Recursos Naturales*) (SEMARNAT), through:

- The **General Administration of Wildlife (*Dirección General de Vida Silvestre, DGVS*)**, which is authorized by the General Law of Wildlife to apply the national policy of wildlife and to issue permits for scientific collection to the individuals who will conduct the restoration programs.
- The **National Commission of Protected Natural Areas (*Comisión Nacional de Zonas Naturales Protegidas*) (CONANP)** is in charge of managing programs for protected natural marine areas, which also contain protection and restoration terms for reefs.
- The **General Administration of Impact Assessment and Risk (*Dirección General de Impacto y Riesgo Ambiental, DGIRA*)**, receives and evaluates the impact assessments submitted. According to Article 30 of the General Law of Ecological Balance and the Protection of the Environment (*Ley General del Equilibrio Ecológico y la Protección al Ambiente*) the projects that affect coastal ecosystems must present an EIA.

2. Secretary of Ranching, Agriculture, Fishing and Food (*Secretaría de Ganadería, Agricultura, Pesca y Alimentación*), through the **National Commission of Fishing (*Comisión Nacional de Pesca*)**, the same included in reef restoration processes, when corals are part of, and are not detailed in, the regulation about endangered species. This commission authorizes fishing as part of the activities of scientific collection, based on

Articles 41 and 60 of the General Law of Fishing and Sustainable Aquaculture (*Ley General de Pesca y Acuacultura Sustentables*).

3. Secretary of the Mexican Armed Navy (*Secretaría de la Marina Armada de México*), which induces reef restoration processes when these require marine funds. This situation requires a permit for dumping in Mexican sea waters, based on Article 5 of the Water Dumping in Mexican Sea Areas Law (*Ley de Vertimientos en Zonas Marinas Mexicanas*).

