



Recommendations to Improve Legislation and Strengthen the Countries' Reef Restoration efforts and the Critical Route to Follow to Apply the Recommendations



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Environmental Law Alliance Worldwide
July, 2018



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In order to avoid repetition between documents and to concentrate the information, the regional recommendations were included in the RR.11 document.

BELIZE

General Law on Environmental Protection

Recommendations: It is important to set a national protocol to assess damages to the coral reef and a program for restoration of the reef system. This can be done by designating government authorities who will be specifically tasked with ensuring that damaged reef is restored and outlining the specific actions that must be undertaken to do so. Ideally, this would include the Department of the Environment (DOE), the Coastal Zone Management Institute and Authority and the Fisheries Department. As part of this, an insurance program could be proposed by DOE, but would need Cabinet approval.

Belize should seek scientific expertise from neighbors of the Mesoamerican Reef to conduct the necessary and proper mapping exercises to identify and prioritize the restoration of the endangered parts of the Belizean Barrier Reef system. This consultation could be informal and does not require adoption of any laws or protocols.

Environmental Liability Act

Recommendation: Strong legislation needs to be adopted and a proper method established to determine who will carry out the crime scene investigation and on what terms, who will be responsible for carrying out and monitoring the restoration of the damaged reef.

Law Protecting the Reef and Corals

Recommendations: The draft Coral Restoration Policy must be passed into law. This policy is a framework for the formulation and implementation of a restoration program,

which include the requirement that the responsible authority develop and implement a plan for the restoration of damaged coral reefs.

The law needs to do emphasis on keystone, endangered or rare species, with a focus on required genetic diversity for any restored species. Any restoration efforts for tourism or mitigation purposes must be carefully screened through a rigorous process involving the Fisheries Department, Department of the Environment and local coral reef experts before any approval is given and requires permits from the Fisheries Department.

Dredging Law

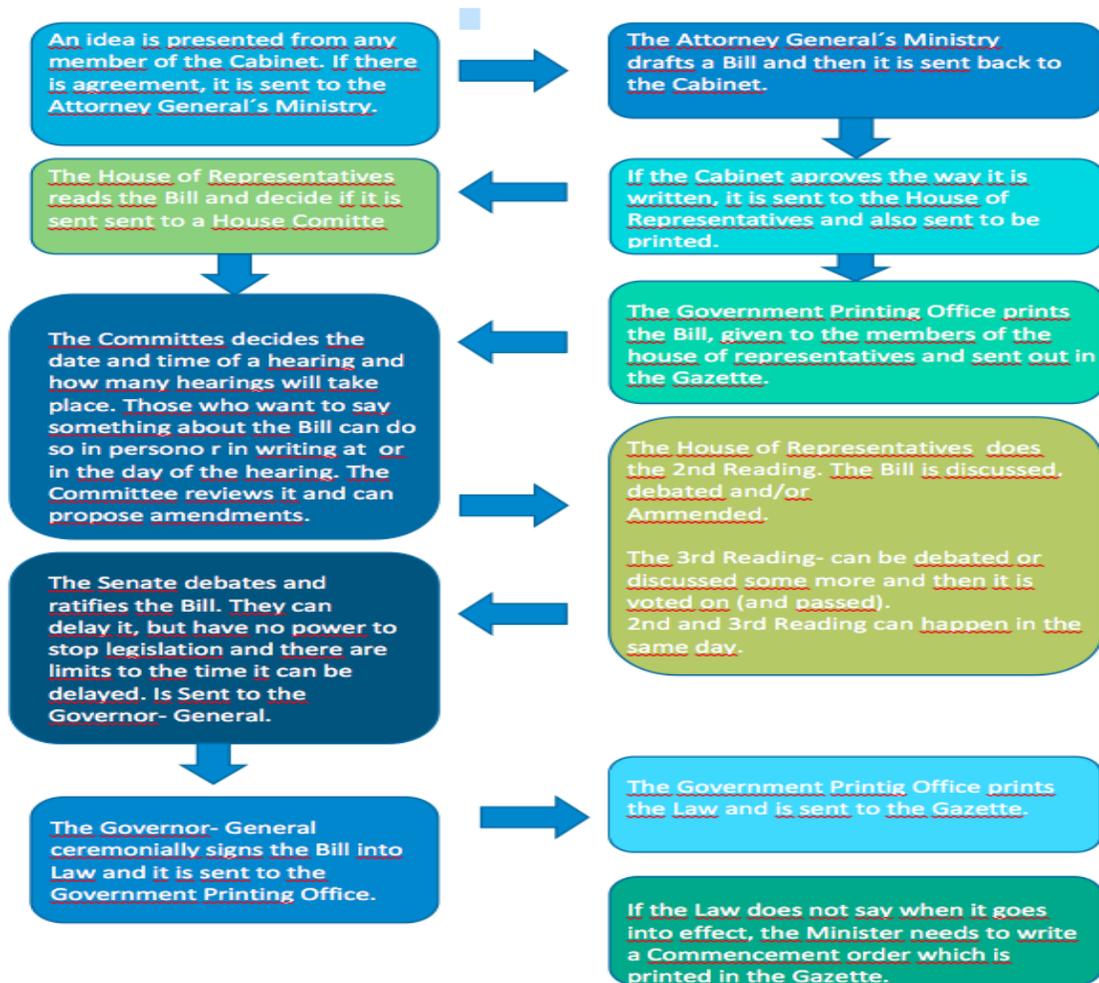
Recommendations: The Mines and Minerals Act governs mining activities. Dredging is defined as a form of underwater mining in the Act. There needs to be a strong legislative framework that bans certain dredging works in or near vulnerable reef areas and impose heavier penalties on offenders. We recommend that Belize adopt a Dredging Law to this.

Public Awareness and Involvement

Recommendations: The Environment Protection Act states that it is a duty of the Department of Environment to raise public awareness on environmental issues. This must include raising awareness about reef conditions and encouraging the participation of people living in buffer zones, hoteliers and other stakeholders to ensure the preservation and restoration of Belize's reef resources.

Belize has a draft reef restoration policy and a draft bill to ban oil exploration that impacts the Reef. Both of these should be adopted.

Figure 1. How a bill becomes law in Belize



HONDURAS

Environmental and General Law

Recommendation: Based on the suggestions made by those attending the Reef Restoration Network meeting, it is recommended that the terms "restitution, replacement, and rehabilitation" be replaced by the broader term "restoration," thus providing legal certainty of the obligation that must be met when impacts are identified by the environmental impact assessment for a project or its operation.

General Environmental Law Regulation

Recommendation: To establish an administrative procedure to demand the compensation referred to in the Regulation to the General Environment Law for cases of environmental damage to a reef or other natural assets.

Regulation of the National Environmental Impact Assessment System (*Reglamento del Sistema Nacional de Evaluación de Impacto Ambiental*) (SINEIA)

Recommendation: To define that the mitigation measure and / or compensation for damage to a reef should always be restoration to its previous state or an improved state.

Environmental Classification Table

Recommendations: Since locating a project in an environmentally fragile and protected area increases the project's classification, the rights of the co-managers to participate in the environmental licensing process should be considered. It is also important to propose a list of restoration projects to be included in the classification table.

Fisheries and Aquaculture Law

Recommendations: Artificial reefs created as a means of repopulation should be considered as hydro biological resources equal to the other elements defined here, not as the property of those who install them. This is not clear in the current legal framework. The above is important since it gives a higher level of protection to the installed reefs, including the requirement to repair them, in case of damage by a third party. It is recommended that what applies to repopulation applies to restoration. It is also recommended that the danger or damage to coral reefs be prohibited without entailing responsibility, as is currently the case with the term "non-mitigating risk".

It is recommended that a percentage of the Tax Contributory Fee be established for the restoration of reefs that require it and that are important to the recovery of fishing species. This can be done through the Regulation of the Law on Fisheries and Aquaculture, which is developing this process. The regulation can be carried out based on article 69 of the Fisheries and Aquaculture Law, for which a proposed regulatory article could be the following:

ARTICLE XX - USES OF THE FISHING CONTRIBUTORY FEE. The contributory fishing fee is a mandatory contribution which must be used for the following purposes and activities:

1) Forty percent (40%) for the protection, surveillance and inspection of resources and fishery activity, including damages and effects to the marine-coastal ecosystems that serve as sustenance for the fishing activity where habitats of different species targeted for fishing are found;

2) Twenty-five percent (25%) for fisheries research programs, understanding this is a research-action that allows the researched techniques and verification of their hypothesis to be put into practice, while establishing a continuous study infrastructure;

3) Twenty percent (20%) for programs to reconvert artisanal fishing activity, including programs for restoration, rehabilitation and recovery of coral reefs, since they are important habitat for large amounts of commercial fish and whose constant degradation affects the fishing activity when the habitats are found degraded; and,

4) Fifteen percent (15%) for programs to protect fishers and workers in vulnerable conditions, such as health and education for individuals, market diversification, technical improvement of the production chain, among others in this economic bracket.

The trust created by the Secretary of State in the Finance Department to administer the contributive fee's resources can be regulated to guarantee the speed and transparency of the funds' usage, including the collection and allocation of resources.

Tax Contributive Fees must be made within three (3) days after the docking of the ship, following the next procedure:

- Identification before port captaincy;
- Presentation of sworn statement to the Ministry of Finance and Secretary of Agriculture and Livestock;
- Payment through an authorized banking institution; and
- Presentation of receipt to the corresponding institution.

The lack of any of these payments and compliance with the information procedure leaves the licensing and the departure permits of the obligated parties in abeyance.

Protected Forest Areas and Wildlife Law

Recommendations: The Fund for the Management of Protected Areas and Wildlife should have a chapter specifically for restoration projects. A sub-account has already been created specifically to manage funds from an environmental fee imposed by a development project. The Fund should be nourished by other fines imposed for damage to natural resources, even in the case of indirect damages. These fines may come from breaches of environmental measures, resolutions of complaints filed against projects that have violated environmental legislation, and damages caused to neighboring ecosystems identified through control and monitoring by the environmental authority.

Despite the fact that the Protected Forest Areas and Wildlife Law defines restoration, it does not mention this again in its content. It is necessary to indicate, at least, cases in which it must be carried out and the possibility of doing it voluntarily. Likewise, it must indicate the terms under which the restoration and monitoring mechanisms must be carried out.

General Standards for the Development Control of the Bay Islands

Recommendation: It is recommended that the restoration of beaches be extended to the restoration of reefs, as the latter are essential to avoid erosion and encourage the formation of beaches. The General Standards for the Development Control of the Bay Islands contain guidelines for the construction of coastal tourism infrastructure and lighting and coastal signaling by the state only.

The recently published regulation of the Tourism Promotion Law contains in its Article 16 on the Territorial Ordinance of the Bay Islands some changes to the Norm provisions. For example, while previously the creation of artificial beaches was prohibited, now it is allowed, with the proviso that, for the formation of new and maintenance of existing ones, material can be extracted from sites where there is no coral reef or continental coastal areas, and that an environmental license for this may be obtained and an Environmental Impact Assessment conducted.

Special Law for the Protected Areas of the Bay Islands

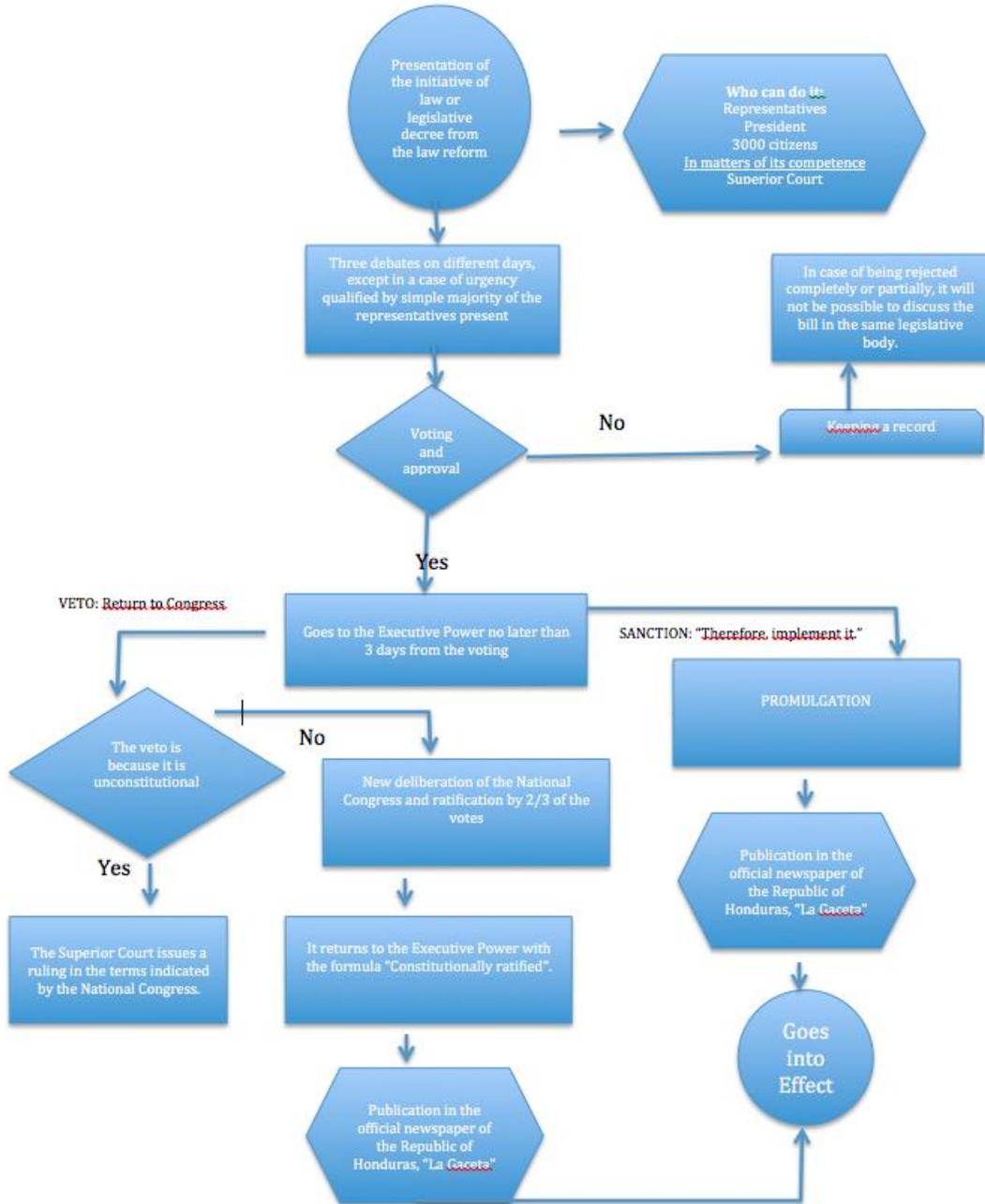
Recommendation: To regulate the Bay Islands Special Law for the Protected Areas of the Bay Islands, define the criteria for restoration as a way of recovering biological diversity, ecological functions and environmental services, specifically in the case of reefs and associated ecosystems.

Legislative Process for Law Reforms

Article 1 of the Civil Code establishes: "The Law is the declaration of the citizen's will that, manifested in the form prescribed by the Constitution, mandates, prohibits or permits." The legislative process is found in Chapter II of Title V of the Constitution of the Republic of Honduras, between Articles 213 and 221. (Figure 2)

Figure 2

Figure 2

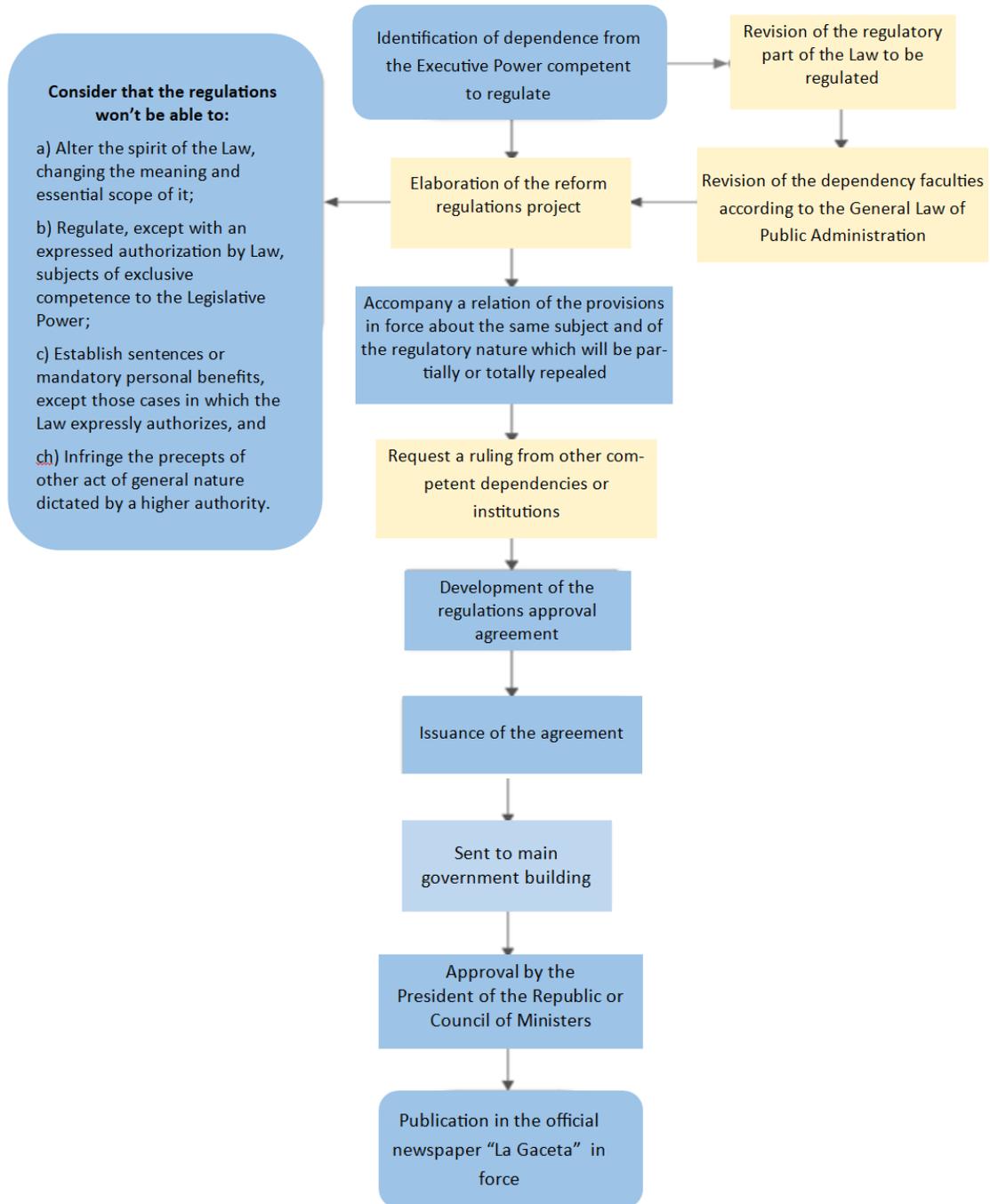


Process

Administrative Procedure to Modify Regulations

Article 41 of the Law of Administrative Procedure establishes: "It corresponds to the Executive Power to issue the regulations of the Public Administration, unless otherwise provided by the Law." Article 6 of the Law of Administrative Simplification in turn mandates: "Every organ of the The State has the obligation to diagnose and analyze the different administrative procedures that must be followed, in order to design simplification measures which must be adopted in accordance with the objectives of this Law. " (Figure 3)

Figure 3.



GUATEMALA

Protection and Improvement of the Environmental Law

Recommendation: The Taxation List of Works, Projects, Industries or Activities must be modified to incorporate those that periodically cause serious damage to the reefs, making their restoration necessary, as well as the application of the Evaluation Regulation, Control and Monitoring (*Reglamento de Evaluación, Control y Seguimiento*) (RECSA). The modification of the Taxation List of Works, Projects, Industries or Activities would identify, through an environmental instrument established (predictive or corrective), all the specific aspects that may cause damage to reefs and establish an Environmental Management Plan that includes commitments that must be endorsed by a Bond or Surety Bond.

The restoration itself must be incorporated into the aforementioned list to foresee the mitigation measures required to avoid further damage to the reef.

The aforementioned list is updated through the issuance of a Ministerial Agreement with the Ministry of Environment and Natural Resources, so it is a somewhat complex procedure.

Law of Protected Areas, Decree 4-89 of the Congress of the Republic

Recommendation: When initiating the process of modifying the law, it is necessary to keep in mind the incorporation of the List of Areas of Special Protection—those reef ecosystems that are considered propitious for recovery—thereby establishing the necessary requirements to ensure their restoration through the application of appropriate methodologies.

The incorporation of Special Protection Areas for the purpose of reef protection requires modification of the Law on Protected Areas. The procedure for this modification is carried out directly by the Congress of the Republic, since it is a Legislative Decree.

At the end of this section, the process of approving a law or its modification by the Congress of the Republic can be seen through a flow chart (Figure 4).

Regulation of the Law of Protected Areas, Government Agreement 759-90

Recommendation: It is necessary to update the Regulation according to the modifications introduced in Decree 110-96 Amendments to the Law of Protected Areas, and, for the restoration of reefs, to incorporate within the glossary the full scope of the term "restoration of reefs," the methodologies to apply, and the specific procedures necessary to obtain the permits required to execute these activities, specifying the

authorities in charge of monitoring the scientific control, as well as the technical and monitoring requirements that must be met.

Instead of using the terms "rehabilitate, recover and restore," it is recommended that the term "restore" be used to describe the overall concept.

The regulatory proposal is implemented through a participatory process, including governmental organizations linked to the management of biodiversity and protected areas, non-governmental organizations registered with CONAP, and the communities that live close to protected areas. The aim is to "socialize" the proposal, which must subsequently be issued through a governmental agreement approved by the President of the Republic and the Council of Ministers.

Climate Change Law, Decree 7-2013

Recommendation: To issue the general regulation indicated in Art. 27 of the Law, as well as the specific Regulation referred to in Art. 24 to implement the National Fund for Climate Change. Particularly the requirements to apply to be the beneficiary, given that the option of managing resources for reef restoration would be opened, since the marine-coastal zones have been prioritized in the law itself.

On the other hand, it is required that the responsible authorities mentioned in Article 15 of the Law establish the strategic institutional plans for vulnerability reduction, adaptation and mitigation to climate change. Particularly in regard to Coastal Marine Areas, it is important to minimize the impacts of climate change on fragile ecosystems, such as reefs, and to protect populations at risk.

The Regulation shall include the methodologies and requirements to carry out the adaptation and mitigation activities contained in Art. 20 of the Law.

The regulations referred to will be proposed by the National Council on Climate Change and approved by a governmental agreement approved by the President of the Republic and the Council of Ministers.

Other Recommendations

Finally, in order to provide the CSI Emergency Teams, it is necessary to establish criteria for quantifying damage to the reef, and to designate the authorities in charge of following up the process to ensure the proposed objectives are achieved.

The procedure to establish these criteria and methodologies could initially come from an initiative of non-governmental organizations that support the "Restoration of Reefs," forming a working group in coordination with CONAP and the Ministry of Environment

and Natural Resources. The proposal may constitute a specific regulatory initiative by the National Council of Protected Areas to approve the protection of biodiversity. CONAP has recognized that reefs are one of the objects of conservation for Guatemala; therefore, the option of promoting regulations to fully regulate the issue is open, not necessarily only the aspects mentioned at the beginning of this paragraph.

(Figure 4)

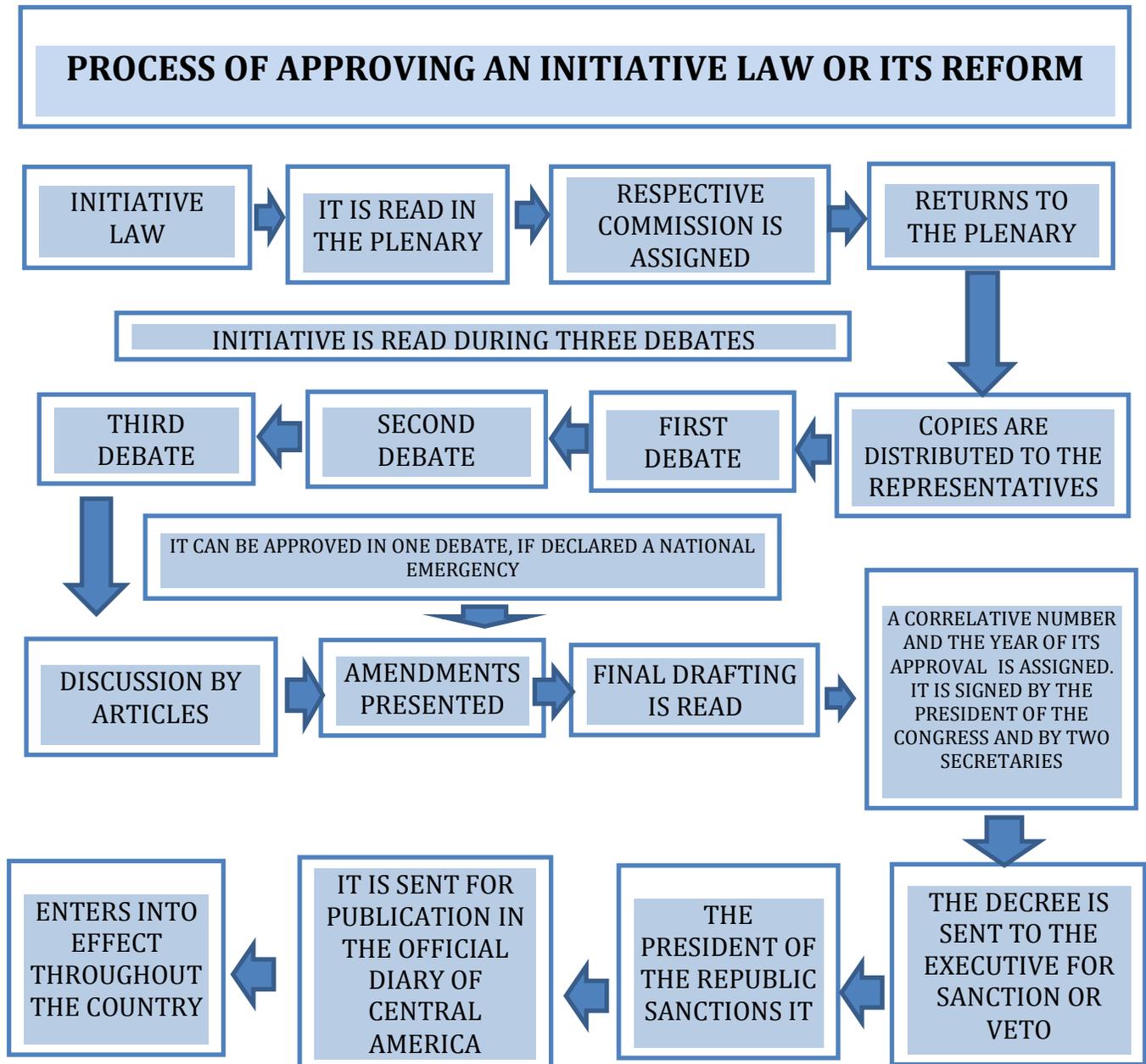


Figure 4: The reform of an ordinary law issued by the Congress of the Republic is carried out through the same procedure incorporated above.

MEXICO

General Law of Ecological Balance and Environmental Protection

Recommendations: To establish the Marine and Regional Ecological Management Program for the Gulf of Mexico and the Caribbean Sea, guidelines, and Environmental Management Units for the restoration of reefs in the Mexican Caribbean.

General Law of Wildlife

Recommendation: Include coral reefs in the prohibitions of extractive use (eg. Art. 60 and 60 bis 1 on marine mammals and marine turtles, respectively). This will ensure that the General Directorate of Wildlife is responsible for granting permits, taking into consideration the entire ecosystem and not just the specimens found in NOM-059. Also, based on the results of studies on reef deterioration and the Healthy Reefs Initiative report, ask SEMARNAT for the formulation and execution of a reef restoration program in Quintana Roo.

To this end, it is possible to proceed with the declaration of a restoration zone in accordance with the provisions of numerals 77 and 78 of LGEEPA, given the accelerated processes of degradation that imply the loss of resources with very difficult regeneration, such as the reefs. In this case the SEMARNAT will be involved as promoter, developing the studies that justify it and the holder of the Federal Executive, finalizing the process, issuing a decree, and making it public in the Official Gazette of the Federation and the respective municipalities that will have the responsibility to make note of it in their public records of property and trade, if applicable.

Regulation of the General Law of Wildlife

Recommendation: To include the obligation for the authority to elaborate and execute a plan of attention to coral reefs, as long as the addition recommended in the previous point is made. Approve terms so that only restoration is used in wildlife areas.

Regulation of the General Law of the Ecological Balance Pertaining to Natural Protected Areas

Recommendation: To include the obligation of the CONANP (as responsible for wetlands and protected natural areas) to create a reef ecosystem restoration program with priorities, goals, objectives, deadlines and priority sites. Most coral reefs enjoy some protection (generally under some category of protected natural area). Although it is true that most of the management programs of these areas recognize the restoration of reefs, there is no standard methodology or priority restoration index. This is important so that

the efforts have greater impact, and so no isolated efforts are made without using the best available methodologies.

Internal Regulation of the Ministry of Environment and Natural Resources

Recommendation: To include in the attributions of the SEMARNAT the development and updating of an atlas or inventory of coral reefs and their state of conservation and / or degradation (e.g., wetlands and forests), that serve as an input to generate a strategy or national policy of coral reef restoration.

General Law of Sustainable Fisheries and Aquaculture

Recommendation: To repeal the authority of CONAPESCA to issue permits when dealing with coral reefs. The General Law of Sustainable Fisheries and Aquaculture is an extractive law and corals are not extracted. Coral reefs should be included as a complete ecosystem.

Observation: Review the current deadlines for the restoration and issuance of permits.

Federal Law of Environmental Responsibility

Recommendation: It is necessary to determine with what authority and on what terms it will be possible to demand, carry out and monitor restoration due to environmental damage.

General Law on Climate Change

Recommendation: The inclusion of blue carbon and the fundamental ecosystems for its capture is recommended. It is also recommended to establish a legal obligation for whom to have insurance.

Look for ways to link resources for coral reef restoration projects in combating and adapting to climate change.

Official Mexican Standard NOM-059-Semarnat-2010. Environmental protection of wild flora and fauna species native to Mexico. Risk categories and specifications for inclusion, exclusion or change-List of species at risk

Recommendation. Given their importance and deterioration, all coral species must be included in official standard lists, and the procedures to carry out their restoration should be facilitated and unified. Currently, these end up divided among authorities of wildlife (those listed) and fishing (those not listed) by the provisions of the second paragraph in Article 1 of the LGVS.

Institutional Matters

Recommendation: Make an inter-institutional agreement between the Ministry of Environment and Natural Resources (DGVS and DGIRA), the National Commission of Protected Natural Areas (CONANP), and the Secretary of the Navy (SEMAR) to regulate processes and permits related to restoration projects of coral reefs. Obtaining these permits is slow and complicated, even contradictory to one another. In addition, the authorities do not have communication mechanisms between them to know if a project has approvals and / or conditions.

The creation of a single contract or a specific unified document for this purpose would encourage the implementation of restoration projects and generate more economical processes with less paperwork.

Several of the actors interviewed agreed that the regulations on water discharges and treatment should be verified and modified to introduce additional considerations for processes involving coastal zones with coral reefs. This can be reflected in an inter-institutional agreement between the competent authorities.

Regarding Research and Capabilities

Recommendation: The Government should create the capacities to generate knowledge and experts in coral reef restoration in Mexico, as well as encourage incentives to systematize information and experiences on this subject.

Observation: Legislation and public policy should reflect the increased importance of reef health and its relationship to ecosystems.

Recommendation: The restoration of coral reefs is a national priority, so there must be a national policy of attention to coral reefs, focused on restoration (as in the case of forests and mangroves).

Recommendation: Create synergies with national efforts with the Mexican Society of Coral Reefs (*Sociedad Mexicana de Arrecifes Coralinos*) (SOMAC) and the Reef Law Initiative Working Group of the Republic Senate.

Recommendation: To develop a coral reefs atlas.

Legal Reform

Recommendation: To create an initiative to reform the General Wildlife Law to include coral reefs as a complete ecosystem. This so that their oversight falls on SEMARNAT. At the same time, the General Law of Sustainable Fisheries and Aquaculture will have to be reformed to eliminate CONAPESCA's authority over the reefs. In this way, it will be possible to approve the legislation for the restoration of coral reefs, and will eliminate disincentives and contradictions between dependencies.

Likewise, the General Directorate of Wildlife requires the creation of a specialized area, budget and personnel working on restoration of coral reefs (issuance of permits, administrative improvement, systematization of information, generation of public policy).