



Mesoamerican Barrier Reef Legal Reports

Belize

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Acknowledgements



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ELI is a research and education organization that works with governments, NGOs, and communities to help foster practical, innovative, and just solutions to environmental challenges. To address threats to the marine environment, the ELI Ocean Program focuses on strengthening ocean and coastal law and policy domestically and internationally. We support ocean management systems that are based on local priorities, inclusive and effective processes, and best available information.

About Rare

Rare is an international conservation and development organization that uses insights from behavioral science to motivate people and communities to adopt behaviors that benefit people and nature. Fish Forever is Rare’s community-led solution to revitalize coastal marine habitats, such as coral reefs, mangroves and seagrasses; protect biodiversity; and secure the livelihoods of fisher households and their communities. It uses an innovative approach to address coastal overfishing—by empowering communities through clear rights, strong governance, local leadership, and participatory management—that protects essential fish habitat and regulates fishing activities.

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Acronyms

Belize Coastal Zone Management Authority and Institute (CZMAI), 29	Marine Protected Area (MPA), 5
Coastal Advisory Committees (CACs), 30	Maritime Areas Act (MAA), 9
Coastal Zone Advisory Council (CZAC), 11	National Protected Areas System Act (NPASA), 9
Coastal Zone Management Act (CZMA), 9	System for Central American Integration (Sistema de Integración Centroamericana, SICA), 41
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1. Introduction to the Issue: Purpose of this report, key elements, and how to use the report.

This report describes the legal framework for regulation of small-scale fisheries and Marine Protected Area (MPA) management in and adjacent to the coastal waters of Belize. The report also describes the structure and function of the government of Belize.¹ As expressed in the Coastal Zone Management Plan (CZMP), “[t]he coastal waters of Belize are the country’s most important natural resource. There are many social and economic benefits attained due to its ecological richness and the many human activities supported.”² The following summarizes the importance of coastal and estuarine waters to Belize:

- At the point of interaction between freshwater runoff and saline water from the Caribbean Sea, coastal waters contain many unique habitats such as estuaries, seagrass meadows, mangroves, and stromatolites. The distribution of these habitats throughout the ecosystem is the result of a variation in the level of tolerance to a salinity and sediment gradient.³
- The coastal waters of Belize support a plethora of unique and specialized fish species as well as some threatened and endangered species such as the manatees, sea turtles, and sperm whales.
- It facilitates exchange across national and local boundaries transporting plankton, sediments, and other dissolved and suspended materials that are important to maintain ecosystem functions.⁴
- For humans, it provides and facilitates activities such as tourism and recreation, transportation, fisheries, and foreign trade.”⁵
- Belize is part of the MesoAmerican Reef, the second largest barrier reef system in the world.

Coastal fisheries in Belize support over 2,500 registered fishers and their families.⁶

¹ The purpose of this report is to support work that Rare is developing in Belize through the Fish Forever program.

² Belize Integrated Coastal Zone Management Plan. Coastal Zone Management Authority and Institute, 2016, at p. 29.

³ *Id.*, citing Mann, K. H. 2000. Ecology of Coastal Waters with Implications for Management. Second Edition. Chapter 4. Department of Fisheries and Oceans. Marine Environmental Science Division. Bedford Institute of Oceanography. Dartmouth, Nova Scotia. pp. 156-159

⁴ Siegel, D. A., S. Maritorena, Nelson, N. B., Hansell, D.A., and Lorenzi-Kayser, M. 2000. Global distribution and dynamics of colored dissolved and detrital organic materials, *J. Geophys. Res.*, 107(C12), 3228, doi:10.1029/2001JC000965, 2002.

⁵ Belize Integrated Coastal Zone Management Plan at p. 29.

⁶ *Id.*

Each section of the report describes the legal authorities applicable to the issues it covers.

2. Overview of Belize Government Structure

Belize operates under a parliamentary government with three branches: the executive, legislative, and judicial. The Governor-General, a Belizean citizen, represents Queen Elizabeth II, the constitutional head of state, in the country. The Prime Minister recommends the appointment of the Governor-General, who carries out ceremonial day-to-day duties on behalf of the Queen.

The Prime Minister and Cabinet make up the executive branch. Both the Prime Minister and Minister of Finance must be elected members of the House of Representatives. Other cabinet members may come from either the House of Representatives or the Senate. Ministers may issue regulations themselves in the form of **Statutory Instruments**. Alternatively, a Minister may request that the House of Representatives approve regulations that originate with the cabinet.

Thirty-one elected members make up the House of Representatives, and 12 appointed members make up the Senate. The Governor-General appoints the members of the Senate, six on the advice of the prime minister, three on the advice of the opposition, and four on the advice of churches, business community, civil society, and NGO community. The House wields most of the legislative power.

Each of the six districts has a Summary Jurisdiction Court for criminal cases and a District Court for civil cases. Serious criminal cases go to the Supreme Court, which also hears appeals of cases from the other courts.

There are six administrative districts: Belize, Cayo, Corozal, Orange Walk, Stann Creek and Toledo. A locally elected council administers each district. San Pedro, Benque Viejo del Carmen and the national capital of Belmopan operate their own town councils. The chief executive officer of every town council is the mayor. Town councils have jurisdiction over areas of town affairs such as environmental protection, revenue collection, town zoning, planning and urban infrastructure, town sanitation, public health, tourism, public utilities, crime, recreation, sports and culture, traffic, and relations between the town and the government of Belize.⁷

Table 1 shows the government ministries and departments and their legal authorities that apply to marine conservation and management.

⁷ Caribbean Elections. Belize Election Centre. Belize Government Structure, available at http://www.caribbeanelections.com/bz/education/government_structure.asp.

Figure 1. National authorities responsible for marine governance in Belize.

Agency	Relevant Powers	Legal Authority
Ministry of Agriculture, Fisheries, Forestry, the Environment, and Sustainable Development and Immigration	<ul style="list-style-type: none"> -Develop and implement regulations to manage fisheries -Declare marine reserves and protected areas, and develop and implement regulations to manage marine protected areas -Coordinate management of a system of protected areas -Establish and oversee co-management arrangements for protected areas -Implement the Environmental Protection Act -Establish and implement rules and regulations for the protection of mangroves -Regulate hunting and protection of wildlife 	<ul style="list-style-type: none"> -Fisheries Act, Cap 210, Rev. 2000 -Fisheries Regulations, Cap 210, Rev. 2003 -National Protected Areas System Act, Act No. 17 of 2015 -Environmental Protection (Amendment) Act, Cap 328, 2009 -Environmental Impact (Assessment) Regulations, S.I. 24 of 2007 -Forests (Protection of Mangroves) Regulations, Cap 213 -Wildlife Protection Act, Cap 220, Rev. 2000
Fisheries Department	<ul style="list-style-type: none"> -Develop, implement, and enforce regulations to manage fisheries -Declare marine reserves and protected areas, and develop and implement regulations to manage marine protected areas -Establish and oversee co-management arrangements for marine protected areas 	<ul style="list-style-type: none"> -Fisheries Act, Cap 210, Rev. 2000 -Fisheries Regulations, Cap 210, Rev. 2003 -Managed Access policy -National Protected Areas System -Act, Act No. 17 of 2015
Forest Department	<ul style="list-style-type: none"> -Establish, implement, and enforce rules and regulations for the protection of mangroves -Regulate hunting and the protection of wildlife -Administer the protected area categories of national parks, wildlife sanctuaries, natural monuments, and nature reserves 	<ul style="list-style-type: none"> -Forest Act -Mangrove regulations (revised 2018) -National Protected Areas System Act, Act No. 17 of 2015
Protected Areas Conservation Trust	<ul style="list-style-type: none"> -Fund “projects that support conservation and promote environmentally sound management of Belize’s natural and cultural resources” throughout the Belize protected areas system 	<ul style="list-style-type: none"> -Protected Areas Conservation Trust Act, Cap 218, Rev. 2003 -National Protected Areas System Act, Act No. 17 of 2015
Coastal Zone Management Authority and Institute	<ul style="list-style-type: none"> -Develop and implement an integrated coastal zone management plan 	<ul style="list-style-type: none"> -Coastal Zone Management Act, Cap 329, Rev. 2000

Agency	Relevant Powers	Legal Authority
Department of the Environment	<ul style="list-style-type: none"> -Monitor and enforce the implementation of the Environmental Protection Act and its regulations in order to prevent and control pollution -Conserve and manage natural resources -Carry out environmental impact assessments -Assess, protect, and ensure rational use of natural resources -Prevent and control pollution including through licensing system -Undertake investigations and ensure compliance -Obtain information on and monitor the environment, especially environmentally sensitive areas -Recommend measures to control pollution -Advise on conservation, sustainable development, preservation of wetlands, and management of forests. 	<ul style="list-style-type: none"> -Environmental Protection (Amendment) Act, Cap 328, No. 5 of 2009 -Environmental Impact (Assessment) Regulations, S.I. 24 of 2007 -Effluent Limitations (Amendment) Regulations, 2009
Port Authority	<p>“Provide, in accordance with this Act and [its regulations], a coordinated and integrated system of ports, lighthouses and port services”</p>	<p>-Belize Port Authority Act, Cap. 233, Rev. 2000</p>
Ministry of Natural Resources and Immigration, Mining Unit	<p>“Develop the mineral industry of Belize in accordance with the mining legislation, acceptable international standards, and sound environmental practices for the benefit of all Belizeans”</p>	<p>-Mines and Minerals Act, Cap 226, Rev. 2000</p>
Ministry of Economic Development and Petroleum	<ul style="list-style-type: none"> -Regulate and develop the petroleum sector in Belize -Maritime Zone Moratorium bans all drilling in Belize maritime waters 	<ul style="list-style-type: none"> -Petroleum Act, Cap. 225, Rev. 2000 -Petroleum Operations (Maritime Zone Moratorium) Act 481, No. 54 of 2017

3. Legal Authority for Area-Based Management of Ocean and Coastal Resources

There are several ministries and departments with authority over the planning, conservation, and use of marine resources. The primary statutes applicable to management of ocean and coastal resources are the Maritime Areas Act (MAA), Fisheries Act, National Protected Areas System Act (NPASA), Coastal Zone Management Act (CZMA), and Environmental Protection Act (EPA).

I. Ownership of ocean space

The marine area of Belize is under national ownership. The territorial sea of Belize, according to the Maritime Areas Act (MAA),⁸ extends from the mean low water mark to 12 nautical miles outward in most places. The original text of the MAA established that the outer limit in southern Belize (from the Sarstoon River to Ranguana Caye), was measured three nautical miles from the mean low water level to act as a compromise in consideration of ongoing maritime jurisdiction negotiations with Guatemala at the time MAA was enacted. However, after the decision in 2019 to submit the maritime boundary dispute with Guatemala to the International Court of Justice (ICJ), the Belize House of Representatives amended the act to eliminate this provision. The baseline from which of the territorial sea is measured is the low water line along “the coast of the mainland of Belize as well as the coasts of all islands and cayes that form part of Belize.” Given Belize’s peculiar coastal features, much of the sea areas between the mainland and the main atolls (Turneffe, Lighthouse Reef and Glovers Reef) are thus included within the internal waters of Belize.⁹ Belize has not signed any international maritime boundary agreements with its neighbors. Belize has not deposited a list of geographical coordinates of straight baselines with the UN Secretary General in accordance with the Law of the Sea Convention.

The CZMA defines the **coastal zone** as “the area bounded by the shoreline up to the mean high-water mark on its landward side and by the outer limit of the territorial sea on its seaward side, including all coastal waters”;¹⁰ the coastal zone is coterminous with the territorial sea. “Coastal waters” include sounds, bays, lagoons, ponds and estuaries. The CZMP covers activities in the coastal zone.¹¹

Under the MAA, the exclusive economic zone of Belize extends to 200 miles from the baseline.¹² Where the equidistance line between Belize and an adjacent state is less than

⁸ Statutory Instrument 12 of 1992.

⁹ Belize Integrated Coastal Zone Management Plan 2016 §§ 4 & 5.

¹⁰ Coastal Zone Management Act § 2.

¹¹ CZMA § 23.

¹² Maritime Areas Act § 6.

200 nautical miles from the nearest point of the baseline of the territorial sea, the countries will establish the line by mutual agreement in accordance with international law.¹³ The Fisheries Act applies to the whole of Belize, including the territorial sea and Exclusive Economic Zone.¹⁴

II. Planning authority

Three primary statutes provide planning authority for the coastal waters of Belize. The CZMA authorizes comprehensive planning for the coastal zone. The NPASA sets up a system of planning for protected areas. The Fisheries Act provides authority for regulation of fisheries, which includes use of zoning and area-based regulation.

The **CZMA** defines “coastal zone management” as conservation of the Barrier Reef and other coastal resources, and the planning, management and sustainable development of resources within the coastal zone. The Minister of Agriculture, Fisheries, Forestry, the Environment, Sustainable Development and Immigration has ultimate authority under the Act for coastal zone management. Primary administration of the Act takes place through the Coastal Zone Management Authority, which has the functions to advise the Minister on “all matters relating to the development and utilization of the resources of the coastal zone in an orderly and sustainable fashion,”¹⁵ and the formation of policies concerning the coastal zone. It also assists in creating and implementing programs and projects, reviews the Coastal Zone Management Plan, commissions research and monitoring, promotes public awareness, publishes development guidelines, cooperates with other government departments and organizations on coastal issues, and coordinates with government and private agencies to monitor coral reefs and the coastal waters.¹⁶ A Chief Executive Officer is the head of the Authority,¹⁷ while the Board of Directors is the principle policy-making organ in the Authority.¹⁸ An Advisory Council provides guidance to the Authority on technical matters. The Advisory Council may also help to formulate policies, plans and programs, facilitate information sharing, and review the Coastal Zone Management Plan, among other duties. The Act also creates a Coastal Zone Management Institute (CZMI),¹⁹ which is to conduct research on the marine environment, provide a central source for coastal zone information, provide support for courses and educational programs, and research coastal zone development, among other functions.²⁰

¹³ Maritime Areas Act § 7.

¹⁴ Fisheries Act § 3.

¹⁵ CZMA § 5.

¹⁶ *Id.*

¹⁷ CZMA § 11.

¹⁸ CZMA § 14.

¹⁹ CZMA § 8.

²⁰ CZMA § 10.

The Coastal Zone Management Plan addresses the range of activities in the coastal zone.²¹ The Chief Executive Officer is to submit a comprehensive Coastal Zone Management Plan to the Board of Directors of the Coastal Zone Management Authority. The Plan is to include “plans to establish marine protected areas and to conserve threatened or potentially endangered species.”²² The Authority works with Coastal Advisory Councils, discussed in section 4 of this report, to develop the Plan. For the Plan to go into effect, the House must approve it,²³ while “the Authority, with the Minister’s approval, [makes] regulations to carry out the objects of the Act.”

The CZMA and Plan lack an enforcement mechanism and effective coordination systems with the agencies that regulate specific activities in the coastal zone, including the Fisheries Department, Tourism Department, Mining Department, and Port Authority. The 2016 Plan recommends that legislation be passed to ensure that all actions in the coastal zone be submitted to the Coastal Zone Advisory Council (CZAC) at the national level by the relevant permitting agencies. Such legislation would provide a mechanism through which the CZAC would ensure that all activities in the coastal zone comply with the Plan.

Funding of the CZMAI is partly through sale of sport fishing licenses, which the Authority sells.

The 2015 National Protected Areas System Act (**NPASA**) provides for planning for protected areas, establishing all of the protected areas in Belize as the National Protected Areas System.²⁴ The National Protected Areas Advisory Council prepares the National Protected Areas System Plan, and the Minister can develop policies and plans for updating the National Protected Areas System Plan.²⁵

The goals of establishing protected areas are, among others, to safeguard Belize’s natural heritage and encourage its stewardship and promote the widest range of uses of biodiversity without degradation. In implementing the goals, there is to be regard for Belize’s international environmental commitments, which include the UN Convention on Biological Diversity, UN Framework Convention on Climate Change, UN Convention to Combat Desertification, the Wetlands Convention, the Convention on International Trade in Endangered Species, and the UNESCO World Heritage Convention.²⁶ In addition, the 1997 Tulum Declaration, which the countries renewed in 2006, is a

²¹ CZMA § 23.

²² CZMA § 23(c)(ii).

²³ CZMA § 3(1).

²⁴ NPASA § 4.

²⁵ NPASA § 6.

²⁶ NPASA § 7.

commitment by Mexico, Honduras, Guatemala and Belize for the conservation of the Mesoamerican Reef.

The **Fisheries Act** gives the Minister the authority to regulate fishing in marine waters, including by declaring Marine Reserves²⁷ and using area-based regulation.²⁸ **Under the authority of a Statutory Instrument, the Fisheries Department has divided the whole of the Belize Territorial Sea and EEZ into nine fishing zones.**²⁹

III. Establishing marine protected areas (MPAs)

Although Belize protects 20% of its marine spaces in marine protected areas, it protects less than 4% of the marine area as “no-take” zones. Most of the area in marine protected areas (MPAs) is zoned general use, which allows fishing with a license.³⁰ Belize has recently announced that it will increase the percentage of no-take zones to approximately 11.6% of its marine area.³¹

There are several categories of marine protected areas in Belize defined in the NPASA. Generally, a protected area is “an area that falls within any classification specified in section 8 (of the NPASA) and declared as so classified **whether pursuant to this Act (NPASA), the Forests Act, the Fisheries Act or the National Institute of Culture and History Act.**” For each marine protected area, a Statutory Instrument establishes, among other provisions, the boundaries of zones and the activities permitted and those prohibited within each zone.

Marine protected areas include:³²

1. Marine reserves,
2. Private protected areas,
3. Protected seascapes,
4. Spawning aggregation sites,
5. Special management areas,
6. National parks,
7. Wildlife sanctuaries (1 and 2),
8. Natural monuments, and

²⁷ Fisheries Act § 14.

²⁸ Fisheries Act § 13.

²⁹ Descriptions of Fishing Areas, Fisheries Department, Belize Gazette, 11 Feb. 2017. On file with the authors.

³⁰ Gordon & Green 2011, Belize Integrated Coastal Zone Management Plan, at 61.

³¹ See SEAFOOD SOURCE, Belize to triple total area of no-take zones, <https://www.seafoodsource.com/news/environment-sustainability/belize-to-triple-total-area-of-no-take-zones>; see also MONGABAY.COM, <https://news.mongabay.com/2019/04/belize-to-nearly-triple-area-under-strict-marine-protected-areas/>.

³² NPASA § 8(1).

9. Nature reserves.

Current MPAs in Belize include nine marine reserves, two natural monuments, eleven fish spawning aggregations sites, one national park, and two marine wildlife sanctuaries. Table 2 shows the protected area categories and the MPAs authorized under the NPASA and Fisheries Act.

Figure 2. Categories of Protected Areas in Belize.

Protected Area	Definition/Purpose	Legal Authority	Marine Protected Area/ IUCN Level
National park	Any area established for the protection and preservation of natural and scenic values of a national significance for the benefit and enjoyment of the general public	NPASA § 8 (1)(a)	Laughing Bird Caye (II) World Heritage
Nature reserve	Any area reserved as a scientific reserve for the protection of nature, be it biological communities or species and to maintain natural processes in an undisturbed state in order to have ecologically representative examples of the natural environment available for scientific study, monitoring, education and the maintenance of genetic resources	NPASA § 8 (1)(b)	None
Wildlife sanctuary 1	Any area reserved as a nature reserve for the protection of nationally significant species, groups of species, biotic communities or physical features of the environment requiring specific human manipulation for their perpetuation	NPASA § 8 (1)(c)	Corozol Bay (IV) (may be reclassified as Wildlife Sanctuary 2 or Marine Reserve); Swallow Caye (IV)
Wildlife sanctuary 2	Similarly construed as “Wildlife Sanctuary 1” except that established traditional community use, including harvesting on the basis of a sustainable use plan, is permitted	NPASA § 8 (1)(d)	None
Natural monument	Any area reserved for the protection and preservation of nationally significant natural features of special interest or unique characteristics to provide opportunities for interpretation, education, research and public appreciation	NPASA § 8 (1)(e)	Blue Hole (II) World Heritage; Half Moon Caye (II) World Heritage
Forest reserve	“Where the Minister is satisfied, after such inquiry as may be necessary, that any part of the national land should become a forest reserve, and that such rights and privileges of private persons as may exist	NPASA § 8 (1)(f); Forest Act	None

Protected Area	Definition/Purpose	Legal Authority	Marine Protected Area/ IUCN Level
	in respect of such land have been satisfactorily defined and recorded, he may by Order declare the land to be a forest reserve and may from time to time alter, vary or revoke such Order.”		
Marine reserve	An area of land and sea declared as a marine reserve under section 14 (1) of the Fisheries Act or any equivalent statutory provision that may replace that provision. The purpose of a marine reserve is “(a) to afford special protection to the aquatic flora and fauna of such areas and to protect and preserve the natural breeding grounds and habitats of aquatic life; (b) to allow for the natural regeneration of aquatic life in areas where such life has been depleted; (c) to promote scientific study and research in respect of such area; or (d) to preserve and enhance the natural beauty of such areas.”	NPASA § 8 (1)(g); Fisheries Act § 14 (1)	Bacalar Chico (IV) World Heritage; Caye Caulker (VI); Gladden Spit and Silk Cayes (IV); Glover’s Reef , World Heritage (IV); Hol Chan (II); Port Honduras (IV); Sapodilla Cayes (IV), World Heritage; South Water Caye (IV) World Heritage, Turneffe Atoll
Archaeological reserve	An area of land declared as an archaeological reserve under section 59 of the National Institute of Culture and History Act. The Act specifies that “archaeological Reserves [...] can be established in any area of “national land containing or adjacent to an ancient monument,” and that the Reserves shall “be entrusted to the care and control of the Minister responsible for Tourism for the purpose of having such reserves visited by the public”	NPASA § 8 (1)(h)	None
Private protected area	Any private land declared to be a protected area under this the NPASA for purposes of conservation	NPASA § 8 (1)(i)	None

Protected Area	Definition/Purpose	Legal Authority	Marine Protected Area/ IUCN Level
Protected landscape or protected seascape	An area declared as a protected landscape or an area declared as a protected seascape, because of (a) its distinct character with significant ecological, biological, scenic value, and (b) the fact that safeguarding the integrity of the interaction of humans and nature is vital to protecting and sustaining the area and its associated nature conservation and other values	NPASA § 8 (1)(j)	None
Spawning aggregation site	The place where important aquatic and terrestrial species of animals congregate to engage in reproductive activities and which is declared as such under the Fisheries Act	NPASA § 8 (1)(k); Fisheries Act	11 designated sites
Special management area	An area so declared under this Act for the protection of biological corridors, critical nesting, roosting or congregation areas requiring active management	NPASA § 8 (1)(l)	None

i. General legal authority

A single Ministry, that of Agriculture, Fisheries, Forestry, the Environment, Sustainable Development, and Immigration, houses the Fisheries Department, Forest Department, and administration of Protected Areas. Under the Fisheries Act, the Minister may declare Marine Reserves and create restrictions on activities in certain areas, including Spawning Aggregation Sites.³³ Under the NPASA, the Minister may declare a range of types of protected areas. **The Fisheries Department has authority over most marine protected areas.³⁴ However, the Chief Forest Officer – not the Fisheries Department – has authority over the protected area categories of national parks, wildlife sanctuaries, natural monuments, and nature reserves, including those located in marine areas.³⁵**

ii. Instruments establishing MPAs and legal requirements of each

The NPASA³⁶ and the Fisheries Act both provide for establishing marine protected areas.

The NPASA defines types of protected areas, including marine reserves (which are also defined under the Fisheries Act), protected seascapes, spawning aggregation sites,

³³ See, e.g., Government of Belize. Statutory Instrument No. 161 of 2003. Fisheries (Spawning Aggregation Site Reserves) Order, 2003. 161, 1-8 (statutory instrument establishing spawning aggregation sites for grouper).

³⁴ Please note that fisheries, forestry, and environment are all under the authority of the same Minister.

³⁵ NPASA § 15.

³⁶ October 2015.

special management areas, national parks, wildlife sanctuaries, natural monuments, and nature reserves.³⁷ The Minister for Protected Areas has the power to declare protected areas, change their boundaries, and declare that an area is no longer a protected area.³⁸ All protected areas are known collectively as the National Protected Areas System.³⁹

The National Protected Areas Advisory Council is to advise the Minister for Protected Areas on a range of issues involved in the policy and implementation of protected areas.⁴⁰ The council is made up of the heads of agencies that include Fisheries, Forests, the Institute of Archaeology, the Protected Areas System Trust, the Coastal Zone Management Authority, Lands, and Tourism; one representative of the largest umbrella non-governmental organization representing public protected areas and one from private protected areas; and representatives from the University of Belize, the National Security Council, and private developers in the natural resources area.

Before declaring a protected area, the Minister must conduct an integrated assessment, create a preliminary management plan, and conduct other studies.⁴¹ The assessment is to evaluate the area's ecological, social and economic status, as well as potential impacts of the protected area creation and its contribution to the National Protected Areas System. The statute also requires "such consultative process as may be appropriate in the circumstances, but must **ensure consultation with nearby communities and affected parties of the area and follow a [specific] process of public participation.**"⁴² The Minister must take petroleum and mining potential into account before declaring the area.⁴³ An area of land or sea may be declared as a National Park, Nature Reserve, Wildlife Sanctuary, and National Monument. Management plans must follow the National Management Plan Framework⁴⁴ and may include prohibitions on take that include fishing, prohibitions on damage to ecosystems, and limitations on access.⁴⁵ Revocation of a protected area must follow procedures that include the public consultation process.⁴⁶ Figure 3 summarizes the process for declaring protected areas under the National Protected Areas System Act.

³⁷ NPASA § 8.

³⁸ NPASA § 15.

³⁹ NPASA § 4.

⁴⁰ NPASA §§ 10-12.

⁴¹ NPASA § 14.

⁴² NPASA § 19.

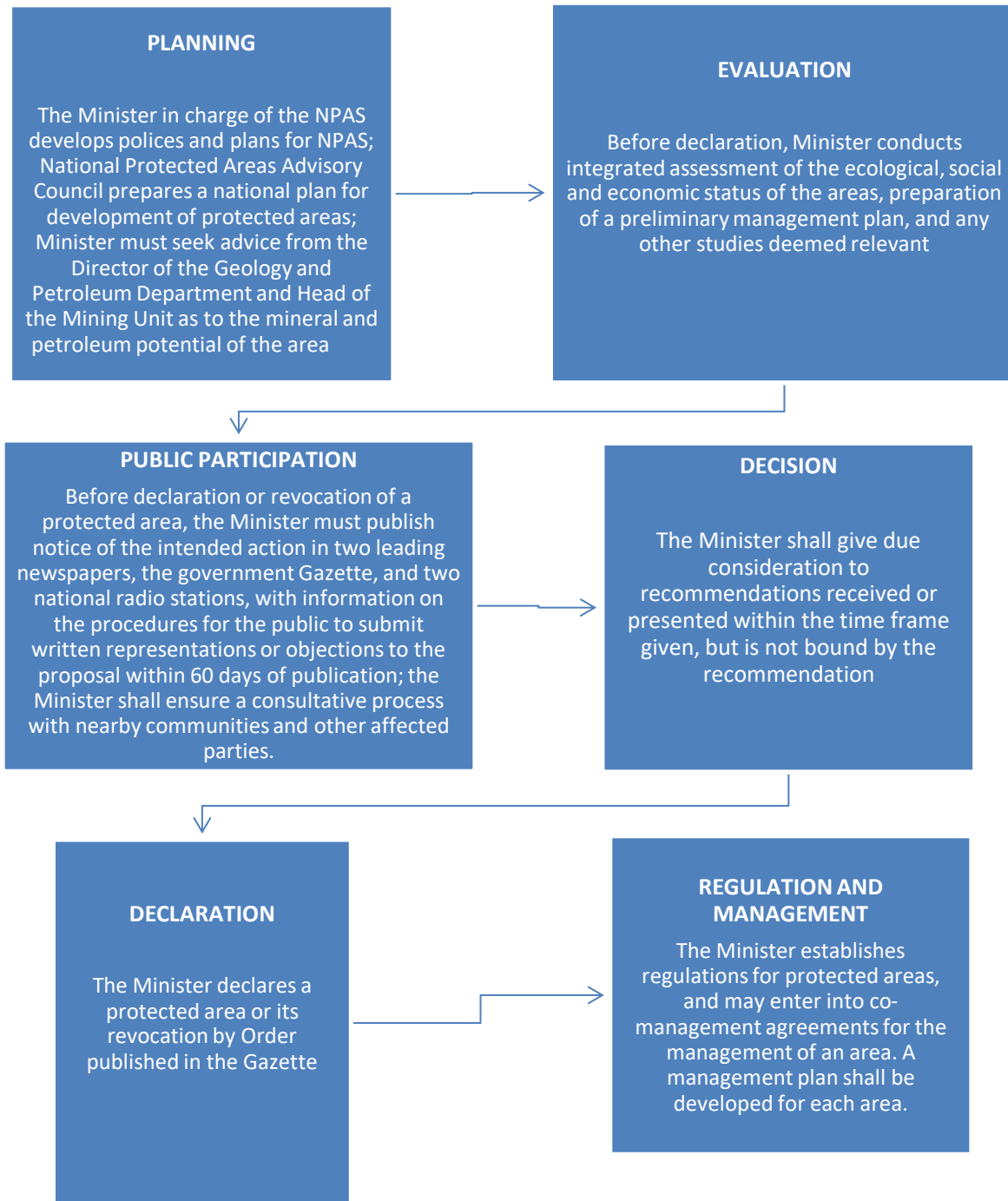
⁴³ NPASA § 17.

⁴⁴ NPASA § 28.

⁴⁵ NPASA § 52.

⁴⁶ NPASA § 13.

Figure 3. Process for declaring protected areas under the National Protected Areas System Act.



The **Fisheries Act**⁴⁷ authorizes the Minister to protect marine areas under either general regulatory authority to manage fishing in particular areas, or by declaring a **Marine Reserve**, which is a marine protected area. The **Fisheries Minister has the authority to declare as a Marine Reserve any area within the fishing limits of Belize and as appropriate any adjacent land, by order published in the Gazette.**⁴⁸ Reasons for such declaration include protecting the flora and fauna of an area and their natural breeding grounds and habitats; allowing for the regeneration of depleted aquatic life; promoting scientific study and research; and preserving and enhancing the natural beauty of the area.⁴⁹

The Fisheries Act gives authority to the Minister to manage Marine Reserves, who may encode regulations for Reserves in a Statutory Instrument.⁵⁰ The Protected Area Management (Marine Reserve) program of the **Ecosystems Management Unit** of the Fisheries Department has specific authority to manage the reserves⁵¹ and directly manages two of the fourteen MPAs.

Without a license, the Act generally prohibits fishing, removal of any species, scientific research, and damaging the area or its species, as well as other activities⁵² within a Marine Reserve. Within the Marine Reserves, the Minister may create different zones, including no-take zones. For example, in the **Turneffe Atoll Marine Reserve**, regulations designate four types of areas and their boundaries: a general use zone, conservation zone, preservation zone, and special management zone. Currently, fishers operating under fishing licenses have permission to fish in the majority of areas of Marine Reserves.

The Minister has the general authority to make regulations prohibiting the taking of fish at such times and in such areas as may be defined in the regulations.⁵³ Under this authority, the Minister has created spawning aggregation sites, and placed restrictions on fishing within those areas. For example, Statutory Instrument No. 161 of 2003. Fisheries (Spawning Aggregation Site Reserves) Order⁵⁴ protects eleven spawning aggregation sites. One part prohibits fishing year-round in spawning sites,⁵⁵ while the other provides for a closed season for Nassau Grouper.⁵⁶

⁴⁷ Cap 210-Fisheries Act (2000).

⁴⁸ Fisheries Act § 14.

⁴⁹ Fisheries Act § 14(1).

⁵⁰ Fisheries Act § 13.

⁵¹ Glover's Reef Management Plan.

⁵² Fisheries Act § 14(3).

⁵³ See, e.g., Statutory Instrument of 2012, Fisheries (Turneffe Atoll Marine Reserve) Order, 2012.

⁵⁴ Statutory Instrument 161 of 2003.

⁵⁵ The Fisheries (Spawning Aggregation Site Reserves) Order, 2003.

⁵⁶ Fisheries (Nassau Grouper Closed Season) Order, 2003.

Fisheries Regulations⁵⁷ authorize the Fisheries Administrator to require reporting of catch. Reporting requirements are also contained in regulations for a number of marine reserves including Hol Chan, Port Honduras, Gladden Spit and Silk Cayes Marine Reserves, and in regulations for the shrimp fishery.⁵⁸ Under the Glover's Reef Management Plan, fishers are to monitor their catch in collaboration with the Wildlife Conservation Society.

Under the **High Seas Fishing Act**,⁵⁹ which applies to areas outside of the Belize EEZ where regional or international agreements to which Belize is a party apply, conservation and management measures may include declaring open or closed seasons for any specified area, and prohibiting taking of fish from any area.⁶⁰

The CZMP, prepared under the **CZMA**,⁶¹ makes recommendations (which are not legally binding) as to the creation of protected areas. Specifically, the Plan is to recommend creation of marine protected areas to conserve threatened or potentially endangered species; propose reserving areas of land or water for certain uses; and recommend prohibiting certain activities in identified areas of the coastal zone. The Chief Executive Officer submits the comprehensive Plan to the Board of the Authority,⁶² while the House must approve the Plan for it to have effect.

Location of MPAs and access to them by enforcement staff and users

There are fourteen MPAs and 11 spawning aggregation sites⁶³ in Belize. The map below shows MPAs as well as other protected areas in Belize.

The MPAs include nine marine reserves, one national park, two natural monuments, and two marine wildlife sanctuaries (see Table 2). Seven of the MPAs are World Heritage Sites. No specific legislation protects World Heritage Sites although Belize is signatory to the international agreement. One proposed MPA is being considered at Ambergris Caye that would cover three sites: Mexico Rocks, Bajos and Cayo Frances.⁶⁴ Persons who wish to fish or engage in otherwise prohibited activities within the areas must first obtain a license.⁶⁵ Access varies by zone, which the Statutory Instrument for the MPA describes.⁶⁶ In preservation or wilderness zones, for example, regulations generally prohibit any

⁵⁷ Fisheries Regulations, § 43.

⁵⁸ Fisheries Act Chapter 210 Rev. Ed. 2003 showing the Subsidiary Laws as at 31st October, 2003.

⁵⁹ High Seas Fishing Act, 2013 (No. 26 of 2013).

⁶⁰ High Seas Fishing Act § 7.

⁶¹ Cap 329, Coastal Zone Management Act (Rev. 2000).

⁶² Coastal Zone Management Act § 23(1).

⁶³ <http://protectedareas.gov.bz/marine-reserves/>

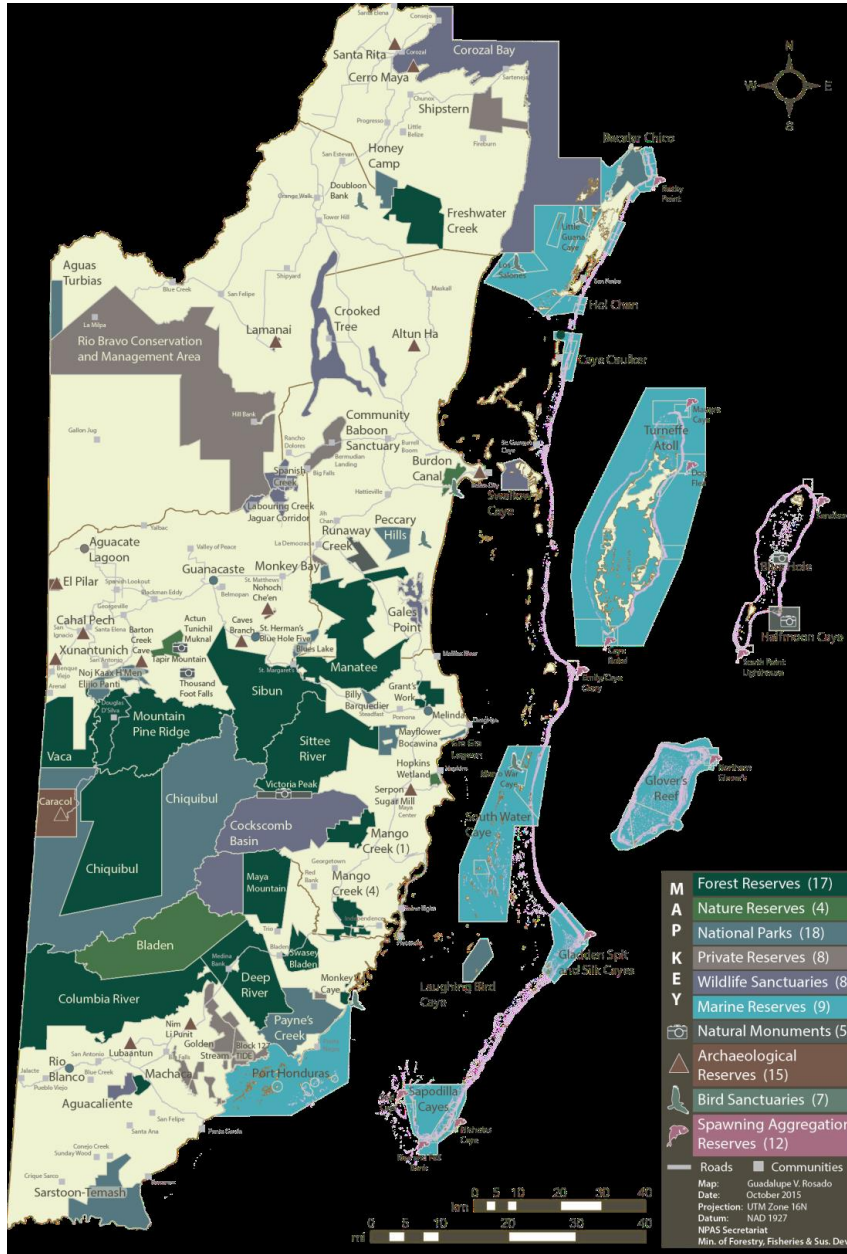
⁶⁴ Integrated Coastal Zone Management Plan 2016, p. 61.

⁶⁵ Fisheries Act, § 14(3).

⁶⁶ See, e.g., Glover's Reef Marine Reserve Statutory Instrument (SI 137 of 2001).

person from entering the area.⁶⁷ The Minister also has statutory authority to prohibit fishing in any area.⁶⁸

Figure 4. Protected Areas of Belize.



Source: National Protected Areas System Plan, Ministry of Forestry, Fisheries, and Sustainable Development, Govt. of Belize, Rev. Ed. 2015

⁶⁷ See, e.g., Turneffe Atoll Regulations; Glover Reef Management Plan.

⁶⁸ Fisheries Act, § 13(1)(c).

A plan announced in April 2019 seeks to nearly triple the size of MPAs in Belizean waters.⁶⁹ As of June 2019, no new legal instruments have been adopted in relation with this plan.

Authorized enforcement officers

The Minister has the authority to “**appoint any public officer or fishery officer to carry out the [Fisheries] Act or its Regulations; [and] appoint any member of the management committee of a fishing co-operative a fishery officer for the purpose of enforcing any regulation.**”⁷⁰

Under the NPASA, an “authorized officer” appointed under the NPASA, the Forests Act, or the Fisheries Act has the power to enforce its provisions. Authorized officers include police officers and customs officers.⁷¹ **A managing entity, public managing entity, or co-management entity also has the power to appoint authorized officers** for the purpose of enforcement.⁷²

Under the CZMA, the Chief Executive Officer or any officer generally or specially authorized by the statute may, at any reasonable time, “enter upon any land within the coastal zone and to do such acts as may be reasonably necessary for the purpose of executing any scheme of work or of making any survey, examination or investigation, preliminary or incidental to the exercise of any power or the discharge of any function under this Act, or any regulations made thereunder.”⁷³ However, the Coastal Zone Management Authority does not have the power to enforce the provisions of the Coastal Zone Management Plan.

⁶⁹ See MONGABAY.COM, Belize to nearly triple area under strict marine protected areas, available at <https://news.mongabay.com/2019/04/belize-to-nearly-triple-area-under-strict-marine-protected-areas/>.

⁷⁰ Fisheries Act § 4.

⁷¹ NPASA § 2.

⁷² NPASA § 30(3).

⁷³ CZMA § 35.

Areas based on gear or fishing type restrictions versus blanket prohibitions

Under the Fisheries Act, the Minister has the authority to make regulations to restrict the size of fish taken or sale of fish that are in spawn.⁷⁴ Regulations can prohibit the taking of fish at such times and within such areas as may be defined in the regulations.⁷⁵ Regulations may also prescribe the use of particular types of nets, other gear, or methods for fishing.⁷⁶

General fisheries regulations provide a few restrictions on the use of gear within MPAs. No person shall use a trap or any device constructed of net or wire within 100 yards of the Barrier Reef.⁷⁷ Such devices shall not be used near Bottonwood Caye, Caye Glory, and Maugre Caye. In addition, the individual **MPA regulations** may provide for additional restrictions. For example, Glovers Reef Marine Reserve regulations prohibit the use of traps, nets, and long lines. Port Honduras Marine Reserve regulations prohibit the use of beach traps, long lines, and gill nets; and trawling, nets, or traps within its Conservation II zone. Bacalar Chico Marine Reserve regulations prohibit long lines, spear guns, gill nets, new beach traps, and traps constructed of several types of netting. Gladden Spit and Silk Cayes regulations prohibit long lines, trawlers, or gill nets in the Reserve unless authorized by the Fisheries Administrator; and prohibit long lines, trawling, or setting nets or traps in Conservation Zone II.⁷⁸

Under the NPASA, the Minister has broad authority to make a range of regulations for protected areas including creating prohibitions on fishing and access.⁷⁹ They may also make rules for protected seascapes, including restricting certain activities that would interfere with the purpose of the protected area,⁸⁰ and regulate activities within biological corridors.⁸¹

The CZMP may include proposals to prohibit certain activities in areas of coastal zone.⁸²

Special access permits/fees

The Minister has the authority under the Fisheries Act to license fishing and other activities in Marine Reserves.⁸³ The Minister may prescribe fees for such licenses.⁸⁴

⁷⁴ Fisheries Act § 13(1)(b).

⁷⁵ Fisheries Act § 13(1)(c).

⁷⁶ Fisheries Act §§ 13(1)(a) and (d).

⁷⁷ Fisheries Regulation 8.

⁷⁸ Fisheries Act Chapter 210 Rev. Ed. 2003 showing the Subsidiary Laws as of October 31, 2003.

⁷⁹ NPASA § 52.

⁸⁰ NPASA § 16.

⁸¹ NPASA § 25(1)(b).

⁸² CZMA § 23(a)(d).

⁸³ Fisheries Act § 14(3).

⁸⁴ Fisheries Act § 13(1)(i)(ii).

Regulations for a few reserves, Port Honduras, Bacalar Chico, and Glovers Reef for example, specifically authorize **subsistence fishing** for fishers living within the reserve. In these reserves, subsistence fishers must obtain a license to fish that prescribes the conditions under which they may fish, that they may use the fish only for consumption and not for sale, and may only fish in the General Use zone.⁸⁵

Under the NPASA, entry into a national park, nature reserve, wildlife sanctuary, or natural monument requires a permit accompanied by payment of a fee.⁸⁶ The Minister may issue special use permits for scientific research, education and fishing, among other activities.⁸⁷

Incorporating mechanisms to fund enforcement

The Fisheries Act does not discuss funding mechanisms, although it prescribes penalties for breach of regulations and fishing without a license, and gives the Minister authority to require license fees.⁸⁸

The Belize Protected Areas Conservation Trust Act (see Box 1), provides some funding for protected areas. The Act provides that funds may be allocated to management organizations of protected areas, non-governmental organizations, and community organizations involved in the conservation and management for sustainable use of Belize's natural resources and protected areas.⁸⁹

⁸⁵ Fisheries Act Chapter 210 Rev. Ed. 2003 showing the Subsidiary Laws as of October 31, 2003.

⁸⁶ NPASA § 38.

⁸⁷ NPASA § 42.

⁸⁸ Fisheries Act § 13(1)(i)(ii).

⁸⁹ NPASA § 35(1). The Schedule, sec. 1, lists specific activities of management organizations that are eligible for funding.

Box 1. Protected Areas Conservation Trust (Amendment) Act

The **Protected Areas Conservation Trust (Amendment) Act (Cap. 218)** provides for the establishment of the Protected Areas Conservation Trust to contribute to the sustainable management of Belize's natural and cultural assets for the benefits of Belizeans and the global community. The Fund supports primary activities such as core costs, including cost of permanent staff of non-governmental organizations at such levels and or positions as determined by the Trust. It is also to fund secondary activities that involve Protected Areas Management and Conservation, including *monitoring and surveillance activities that ensure compliance* with management plans that have been developed and are being implemented in protected areas (§1(d)), protection of the wildlife species specified in the Convention on International Trade on Endangered Species list, training personnel (§1e), and protection of wildlife species (§1g). The Trust, however, does not prioritize the funding of these enforcement-related activities.

Total revenues for the Conservation Trust were of 6.59 Belizean Dollars (approx. 3.25USD). Most revenues come from the levy of a conservation tax (in addition to a Departure Tax) on non-Belizean citizens, who are primarily tourists, which the country levies upon departure from Belize. The monies collected from this tax are to be paid to the Executive Director of the Trust to the credit of the Trust Fund established under the Act.

Co-management organizations apply for funding for their operations from the Protected Areas Conservation Trust. If a municipality were to take on co-management responsibilities, it could apply to the Trust for funding.

IV. Fisheries management no-take zones

i. General legal authority

The **Fisheries Act** and the **NPASA**, which provide for establishing marine protected areas, both give authority to the Minister of Fisheries or for the National System of Protected Areas to prohibit take of fish and other species in certain areas, thereby authorizing creation of no-take zones. In addition, **the CZMP** may make proposals to prohibit certain activities that include fishing in the coastal zone.

ii. Instruments establishing no-take zones. Legal requirements of each

Section 14 of the **Fisheries Act** authorizes the Minister to declare Marine Reserves.⁹⁰ Marine Reserves contain general prohibitions, including against fishing, harming species, harming natural beauty, and other prohibitions.⁹¹

Under section 13 of the **Fisheries Act**, the Minister may make regulations that prohibit taking of fish at such times and in such areas as may be defined in the regulations, thereby creating no-take zones that can be outside of Marine Reserves.⁹² The Minister has carried out this authority when designating spawning aggregation sites, established through Statutory Instruments.⁹³

The **NPASA** overlaps with the Fisheries Act in authorizing Marine Reserves among the other types of protected areas. Within protected areas, the Minister may issue regulations to limit activities, including creating fisheries no-take zones. Regulations for protected areas may address all major issues related to MPA management and enforcement.⁹⁴

Prior to declaring a new protected area, the Minister in charge of the Protected Areas System must conduct an integrated ecological, social and economic assessment and planning,⁹⁵ including an assessment of oil and gas potential.⁹⁶ Plans must be in accordance with the National Management Plan Framework.⁹⁷

⁹⁰ Fisheries Act § 14(3).

⁹¹ See, e.g., Glover's Reef Marine Reserve Statutory Instrument (SI 137 of 2001).

⁹² Fisheries Act § 13(1)(c).

⁹³ See, e.g., Statutory Instrument 20 of 2002.

⁹⁴ NPASA § 52.

⁹⁵ NPASA § 14.

⁹⁶ NPASA § 17.

⁹⁷ NPASA § 28.

4. Fisheries Governance

I. Authorities, institutions, management bodies at the national level

At the national level, the Fisheries Act currently provides the statutory authority for fisheries management.⁹⁸ A single Ministry houses the departments of Agriculture, Fisheries, Forestry, and the Environment and Sustainable Development and Immigration. Within the Ministry, the Department of Fisheries carries out fisheries management.⁹⁹

i. Legal authority

The Fisheries Act provides the Minister with authorities related to the regulation of fisheries. The Minister has the authority to appoint enforcement officers;¹⁰⁰ regulate the **issuance of required licenses for all commercial fishing**; conduct scientific research that involves taking, killing or capturing of any fish; any export of fish; make regulations regarding fishing;¹⁰¹ and **declare and regulate marine reserves**.¹⁰² In MPAs, the Fisheries Administrator is responsible for issuing licenses for fishing.¹⁰³ The structure of the Fisheries Department suggests that in practice, the Fisheries Administrator is responsible for issuing all types of licenses that the Fisheries Act requires. Sports/recreational fishing licenses, which the Fisheries Act does not specifically mention, are issued by the Coastal Zone Management Authority.

ii. Relevant elements of implementation

The Fisheries Department, headed by the Administrator, consists of the:

- Planning and Policy Unit;
- Conservation Compliance Unit;
- Capture Fisheries Unit;
- Ecosystem Management Unit; and
- Licensing Section.

Among other duties, the **Planning and Policy Unit is responsible for Environmental Impact Assessment for coastal development, climate change and environmental stewardship**. The Conservation Compliance Unit is primarily responsible for enforcement. The Capture Fisheries Unit covers research and education; fisheries development and management tools including managed access, statistics and data management; and the inland fisheries program, among other responsibilities. Finally,

⁹⁸ Fisheries Act, Chs. 210, 210s and 211 Rev. Edition 2003.

⁹⁹ <http://www.fisheries.gov.gz/about-us/>.

¹⁰⁰ Fisheries Act § 4.

¹⁰¹ Fisheries Act § 13.

¹⁰² Fisheries Act § 14.

¹⁰³ Fisheries Act § 14.

primary duties of the Ecosystem Management Unit are to administer MPAs, conduct environmental monitoring and research, monitor tourism impacts, and conduct public education and awareness campaigns.

II. Legal provisions enabling co-management of ocean resources by associations and/or municipalities

Legal and/or policy provisions for both marine protected areas and managed access fisheries enable the use of co-management of ocean resources. Consultation may occur in the process of developing the Coastal Zone Management Plan and on-going management of marine protected area by co-management or government managers. Figure 5 summarizes the different types of associations and entities involved in consultation about and co-management of ocean resources.

Figure 5. Committees or co-management entities involved in fisheries, MPAs and coastal zone management.

Committee/ co-management entity	Legal authority	Responsibilities	Membership	Areas of overlap with other committees
Community Managed Access Committee	Fisheries Act/ Fisheries Dept. policy	Vet managed access license applications, monitor fishery catch and implementation of managed access, participate in regulation of local fishery (“co-management”)	Elected representatives of local fishermen	CAC: monitoring and management of fisheries; Marine reserve co-management board and committees: management of fisheries within marine reserve
Coastal Advisory Committee	CZMA/ CZMAI policy; Terms of Reference for Coastal Advisory Committees ¹⁰⁴	Participate through consultation on the development of the Coastal Zone Management Plan; “oversee drafting and implementation of development guidelines for their particular region;” monitor local coastal zone	Various local stakeholders: representatives of local municipalities, local and national NGOs, local and national fisherman associations; local education institutions; interested key individuals, protected area management, and government officers	Managed access committee: monitoring of fisheries and catch; Marine reserve co-management board and committees: monitoring of development and impacts on MPAs
Marine reserve co-management	National Protected Areas System	Management of the marine reserve	Board composed of, e.g., for Turneffe Atoll, representatives from	Managed Access committee: monitoring of

¹⁰⁴ https://coastalzonebelize.org/wp-content/uploads/2010/07/planning_reference.pdf

Committee/ co- management entity	Legal authority	Responsibilities	Membership	Areas of overlap with other committees
entity – NGO or CBO	Act § 30, Fisheries Dept. policy		fishing and tourism sectors, the University of Belize, Turneffe Atoll Trust, a local private landowner, persons with conservation expertise	ecological status of reserve; CAC: planning affecting the marine reserve
Marine reserve local advisory committee	Established by Statutory Instrument/ regulation for Gladden Spit and Silk Cayes, Turneffe Atoll, Caye Caulker; by managemen t plan for South Water Caye and Corozal Bay.	Advisory role on management of the reserve; for Gladden Spit and Silk Cayes, consult on approval of commercial license to fish in reserve	For Turneffe Atoll, includes Fisheries Administrator; Chief Forest Officer; CEO of CZMA; representative of Turneffe Atoll Sustainable Association; Turneffe Atoll Trust; Chair of Association of Protected Areas Management Organization; executive director of the Protected Areas Conservation Trust; representative of Tourism, Natural Resource, Science Director of Environmental Research Institute; representative an international NGO; Chair of Belize Fishermen Federation; Chair of the Belize Fishermen Cooperative Association; and one local tourism business	Managed Access committee: monitoring of ecological status of reserve, consult on fishing licenses (Gladden Spit/Silk Cayes), CAC: planning affecting the marine reserve

i. Coastal planning

The **CZMA** is the legal instrument through which overall coastal planning takes place. The CZMA defines “coastal zone management” as including “the conservation of the Barrier Reef and other coastal resources, and the planning, management and sustainable

development of resources within the coastal zone.” It creates the Coastal Zone Management Authority, headed by a Board of Directors. The Authority has primary responsibility for developing national coastal zone management plans and administering the Act.¹⁰⁵ The Coastal Zone Management Institute, also created under the Act, conducts research on the marine environment and coastal development, and provides policy and technical advice to the Authority, among other responsibilities.¹⁰⁶ Both institutions form the Belize Coastal Zone Management Authority and Institute (CZMAI). The Coastal Zone Advisory Council, comprised of representatives of the different agencies involved in the coastal zone, provides technical advice to and may, at the request of the Authority, formulate policies and plans relating to coastal zone management.¹⁰⁷

Because the Act defines the “coastal zone” as including “the area bounded by the shoreline up to the mean highwater-mark on its landward side and by the outer limit of the territorial sea on its seaward side, including all coastal waters,” coastal zone planning authority extends up to 12 nautical miles from the baseline.¹⁰⁸ The CZMAI has established nine planning regions in the coastal zone of Belize: Northern, Ambrigris Caye, Caye Caulker, Belize City Cayes, Turneffe Islands, Lighthouse Reef, Dangriga/Tobacco Cayes, Placencia/Laughing Bird Caye, and Southern. The 2016 Coastal Zone Management Plan represents the regions as shown in the figure below. **The coastal zone management zones and the fishing zones that the Fisheries Department has established for the Managed Access program are not in alignment; they divide the coastal waters into two different sets of zones.**

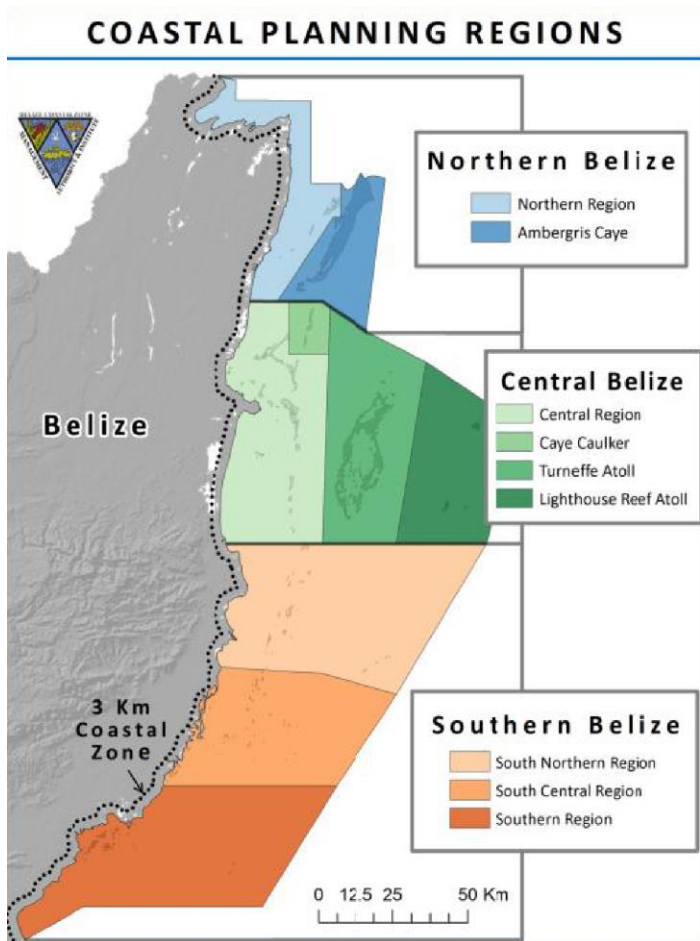
¹⁰⁵ CZMA § 5.

¹⁰⁶ CZMA § 10.

¹⁰⁷ CZMA § 7.

¹⁰⁸ UN Convention on the Law of the Sea Part II § 2, Art. 3.

Figure 6. Coastal Planning Regions of Belize



Source: 2016 Integrated Coastal Zone Management Plan

CZMA requires that during the development of a coastal zone management plan the Chief Executive Officer of the Authority **consult with affected governmental agencies, statutory bodies, nongovernmental organizations and the private sector.**¹⁰⁹ The Authority and Institute have developed a consultation framework to involve a range of stakeholders under this statutory provision.

To implement this provision, the CZMAI has worked with Coastal Advisory Committees (CACs), creating one for each of the planning regions. It reconstituted five of the CACs in the course of developing the 2016 Plan. A 2000 document defines the terms of reference for the CACs.¹¹⁰ An exception to the national planning process lies with the Ambergris

¹⁰⁹ CZMA § 23(2).

¹¹⁰ Terms of Reference for Coastal Advisory Committees, available at https://coastalzonebelize.org/wp-content/uploads/2010/07/planning_reference.pdf.

Caye region, which falls under the jurisdiction of the San Pedro Town Council and Ambergris Caye Planning Committee.

The statutory framework and completed 2016 Integrated Coastal Zone Management Plan (the 2016 Plan) lack enforceability mechanisms in two general areas. First, there is no requirement for co-management in the development of the plan; instead, the statute relies on consultation to obtain stakeholder input into plan development. Second, the CZMA does not give CZMAI adequate authority to ensure coastal zone activities and projects comply with the provisions of the plan.

Consultation

The CZMA does not create co-management institutions but only calls for consultation with affected governments, NGOs, and other stakeholders in the development of the coastal zone management plan.¹¹¹ The Authority created regional CACs as advisory groups of stakeholders that advise on the development of the plan. Although the CACs are not co-management organizations, they play a role in development of the Coastal Zone Management Plan, representing “affected communities and stakeholders.” Their membership includes local and national NGOs, the CZMAI, statutory planning agencies, local private stakeholders, producers associations, specialist committees, technical consultants, and city, town, and village councils. The 2016 Plan describes the roles of the CACs in developing a management plan, but does not detail how the CACs will work to monitor its implementation. Among the Plan’s recommendations are that CACs will not only play a role in drafting legislation, but also in implementing them.¹¹² The Plan recommends that there be “constant opportunity for participation and feedback to the CACs and Coastal Advisory Council, and that the groups meet regularly.”¹¹³ It also recommends constantly updating the Terms of Reference for the CACs.

ii. Protected areas

As required by NPASA, a Protected Areas Advisory Council advises the Minister on the declaration, regulation, and maintenance of the protected areas.¹¹⁴ Members of the Advisory Council include the Fisheries Administrator, the Chief Forest Officer, the Director of the Institute of Archaeology, the CEO of the Coastal Zone Management Authority, the Commissioner of Lands, the Chief Tourism Officer, a representative of the largest protected areas NGO umbrella organization, and a representative of private protected areas.

¹¹¹ CZMA § 23(2).

¹¹² CZMP p. 124.

¹¹³ CZMP p. 164.

¹¹⁴ NPASA §§ 10-11.

Provisions for management of protected areas include procedural provisions regarding co-management and substantive provisions regarding conservation and management of the protected area.¹¹⁵ In an effort to strengthen the effective management and enforcement of the nation’s protected areas, the government of Belize has entered into co-management agreements with various NGOs, which are responsible for the management of 12 of 14 MPAs. The remaining two are managed solely by the Fisheries Department. A community-based organization, the Sarteneja Alliance for Conservation and Development, manages the Corozal Bay Wildlife Sanctuary.

Based on the co-management agreements, NGOs can:

- “conduct hands-on management of protected areas, ensuring the sustainability of these areas that are of environmental, social, economic, and cultural importance to all Belizeans” and
- “tap into resource pools not accessible by the government agencies.”¹¹⁶

The NPASA authorizes but does not require co-management of protected areas in Belize. Provisions enable co-management and creation of co-management arrangements. A “co-managing entity” can be either a nonprofit organization or a community organization, either of which must have a primary purpose of conservation generally or of the specific protected area.

A “co-managing entity” means a conservation organization appointed to co-manage a public protected area under this Act, while a “conservation organization” means:

- (a) a company that is registered under the Companies Act as a non-profit company, or
- (b) a group of persons including a community based organization, having as its principal object the promotion or encouragement of the carrying out of any conservation purpose in relation to land, sea or freshwater generally or to any particular land, sea or freshwater or particular kind of land, sea or freshwater.

In practice, the governing boards of non-profit organizations include community representatives, while local community members make up most of the boards of community-based organizations.¹¹⁷

¹¹⁵ NPASA Part VI.

¹¹⁶ Belize Integrated Coastal Zone Management Plan, at 61.

¹¹⁷ Mitchell et al, “A Governance Spectrum: Protected Areas in Belize,” Parks Vol. 23.1, p. 52, March 2017.

The NPASA sets out procedures for establishing co-management organizations and direction for their functioning.¹¹⁸ A co-management organization (among other potential managing entities) may be given authority to manage a protected area in accordance with the management plan and any applicable enactment or by-laws.¹¹⁹ The Minister is authorized to enter into a co-management agreement “with an NGO or other organization, local community or other party for

- “(a) the co-management of the area, or
- “(b) the regulation of human activities.”¹²⁰

A co-management agreement, on which there has been public consultation, formalizes the arrangement.¹²¹ The co-management entity is responsible for ensuring compliance with any regulations that the Minister promulgates under section 51 of the Act concerning co-management and protected areas,¹²² and may appoint enforcement officers.¹²³ Ultimate MPA authority lies with the public managing entity (the Forest Department and/or the Fisheries Department), which has supervisory power.¹²⁴

A co-management agreement may cover a range of regulation, as well as the delegation of powers to the co-management entity and its operation.¹²⁵ The agreement may provide for:

- (a) the delegation of powers by the public managing entity to the other party to the agreement;
- (b) the use of biological resources in the area;
- (c) access to the area;
- (d) occupation of the protected area or portions thereof;
- (e) development of economic opportunities within and adjacent to the protected area;
- (f) development of local management capacity and knowledge exchange;
- (g) financial and other support to ensure effective administration and implementation of the co-management agreement; and
- (h) any other relevant matter.

Economic opportunities can include development of tourism in MPAs, which can provide a significant source of income. The Department of Tourism works with co-

¹¹⁸ NPASA § 29-31.

¹¹⁹ NPASA § 29.

¹²⁰ NPASA § 30(1).

¹²¹ NPASA § 30(2).

¹²² NPASA § 31(4).

¹²³ NPASA § 30(3).

¹²⁴ NPASA § 30(5).

¹²⁵ NPASA § 31.

management organizations to develop tourism management plans within the co-management plans.

Management plans must be prepared in accordance with the National Management Plan Framework.¹²⁶ The Outline for Protected Areas Management Planning, developed by the Protected Areas Conservation Trust, the Nature Conservancy and the Belize Forest Department, requires the management plan to describe the co-management body, its legal basis, the date it was established, and its institutional objective. The plan must also describe the organizational structure of the management body, including human resources, staff structure, levels of skill and organizational constraints,¹²⁷ and set out the administrative program.¹²⁸

In practice, there is no consistency among management plans as to the content of the agreement, enforcement procedures and effort, and issues of transparency, including information, public consultation, and meetings with fishers.

The NPASA requires **consultation with local communities in relation to both area designation and co-management plans**. Before the Minister declares a new protected area, makes any changes in or removes a protected area, he must conduct an integrated ecological, social and economic assessment; evaluate impacts on and contributions to the National Protected Areas System; and consult with nearby communities and affected parties according to a required procedure.¹²⁹ The Minister is to give “due consideration” to the public comments, but is not bound by them in making his final determination.¹³⁰ Public consultation must also precede approval of a co-management agreement.¹³¹ Although the statute requires public consultation before approval, it does not require ongoing public consultation with the co-management entity, and consultations do not happen regularly.

No statute requires that other agencies specifically notify MPA managers before development or activities that could affect the MPAs. The Environmental Appraisal Committee, which includes the Fisheries Administrator, must review Schedule 1 project proposals before the Department of the Environment approves them, but is not required to notify specific MPA managers. The main public information and participation requirements are to publish notices of the prepared EIAs in two widely circulated

¹²⁶ NPASA § 28(1).

¹²⁷ Outline for Protected Areas Management Planning, 2015, p. 16.

¹²⁸ Outline, p. 18.

¹²⁹ NPASA § 19(1).

¹³⁰ NPASA § 19(5).

¹³¹ NPASA § 30(2).

newspapers, and that the developer must consult or meet with local communities during the course of development of an environmental impact assessment.¹³²

iii. Fisheries/aquaculture management

The Fisheries Act, which applies to all of Belize,¹³³ provides the current legal structure for regulating fishing in Belize. It provides for the appointment of enforcement officers and their powers.¹³⁴ Licenses are required for all fishers and fishing vessels, scientific research that results in take of fish, the export of fish, and the sale of fish from a duty-free shop.¹³⁵ The Act describes offenses and their penalties,¹³⁶ and penalties for breach of regulations.¹³⁷ The Minister has the authority to make regulations¹³⁸ and create Marine Protected Areas.¹³⁹ In the course of enforcement, officers have protection from personal liability for bona fide enforcement actions,¹⁴⁰ while a certificate from the Fisheries Administrator as to the type of fish is prima facie evidence in a proceeding.¹⁴¹

The current Fisheries Act and its regulations do not contain any provisions for co-management of fisheries. However, based on general statutory and regulatory authorities, the Fisheries Department is implementing a Managed Access policy that provides for the use of **Managed Access Committees** that are to take on co-management responsibilities for fisheries in particular areas. Under the **Managed Access** policy, the Ministry has zoned all of the territorial waters of Belize as Fishing Areas 1-9. Fishers may obtain licenses to fish in up to two of Areas 1-8, while Area 9 is open to all fishers for deep-sea fishing. The program employs territorial use rights in fisheries (TURF),¹⁴² which means that fishers have secure rights to fish in certain areas. Fishing communities and cooperatives select their representatives for the Managed Access Committees. The functions of the committees are “to provide community leadership, scrutinize license applications, verify transparency in the license granting process, inform their community of program updates, assist in improving data reporting, support the Catch Shares Task Force and advise on reserve management.”¹⁴³ The Managed Access policy limits a fisher to fishing in two (coastal) zones and the deep-sea zone. In order to facilitate enforcement,

¹³² Environment Act § 18.

¹³³ Fisheries Act § 3.

¹³⁴ Fisheries Act §§ 4-5.

¹³⁵ Fisheries Act §§ 6-9.

¹³⁶ Fisheries Act §§ 10 & 11.

¹³⁷ Fisheries Act § 15.

¹³⁸ Fisheries Act § 13.

¹³⁹ Fisheries Act § 14.

¹⁴⁰ Fisheries Act § 16.

¹⁴¹ Fisheries Act § 17.

¹⁴² <http://www.reefresilience.org/case-studies/belize-fisheries-management/>.

¹⁴³ James R. Foley, “Managed Access: Moving Towards Collaborative Fisheries Sustainability in Belize,” Proceedings of the 12th International Coral Reef Symposium, Cairns, Australia, 9-13 July 2012.

boats are painted with the colors of the two zones in which the fishers are permitted to fish.¹⁴⁴

One issue with enforcement is that the fishing license registry is centralized in Belize City, resulting in difficulties for enforcers in determining which fishers are fishing illegally in the zones.

The Fisheries Department relies on several regulatory authorities under the Fisheries Act to implement the Managed Access Policy. Using the statutory authority of the Minister to place conditions on fishing licenses, the Department imposes specific requirements on fishing and fishing vessel licenses. The Fisheries Act requires that each boat used for commercial fishing be licensed under regulations under the Act,¹⁴⁵ while also requiring all persons engaged in commercial fishing to hold a license.¹⁴⁶ The Minister has broad authority to make a wide range of regulations and place conditions on licenses.¹⁴⁷ Related to Managed Access, regulations may “prohibit the taking of fish at such times and in such areas as may be defined in the regulations.”¹⁴⁸ They may prohibit, restrict, regulate or control the taking, possession, transporting or dealing in fish,¹⁴⁹ as well as regulate issuance and conditions of licenses, conditions to be observed by the holders of such licenses, and required forms and fees.¹⁵⁰

The Belize Fisheries Department has published the declaration of fishing areas in the Belize Gazette,¹⁵¹ relying on the authorities under the Fisheries Act and its regulations.¹⁵² Together with a detailed description of the fishing areas, the declaration states that “[a]ll fishermen and vessels shall operate in accordance with the assigned fishing areas and conditions in the license.” The map below, Figure 7, designates eight of the nine fishing zones. The ninth zone comprises the deep-sea portion of Belize waters.

¹⁴⁴ See Fisheries Regulations §§ 36, 41.

¹⁴⁵ Fisheries Act § 6(1).

¹⁴⁶ Fisheries Act § 7.

¹⁴⁷ Fisheries Act § 13.

¹⁴⁸ Fisheries Act § 13(1)(c).

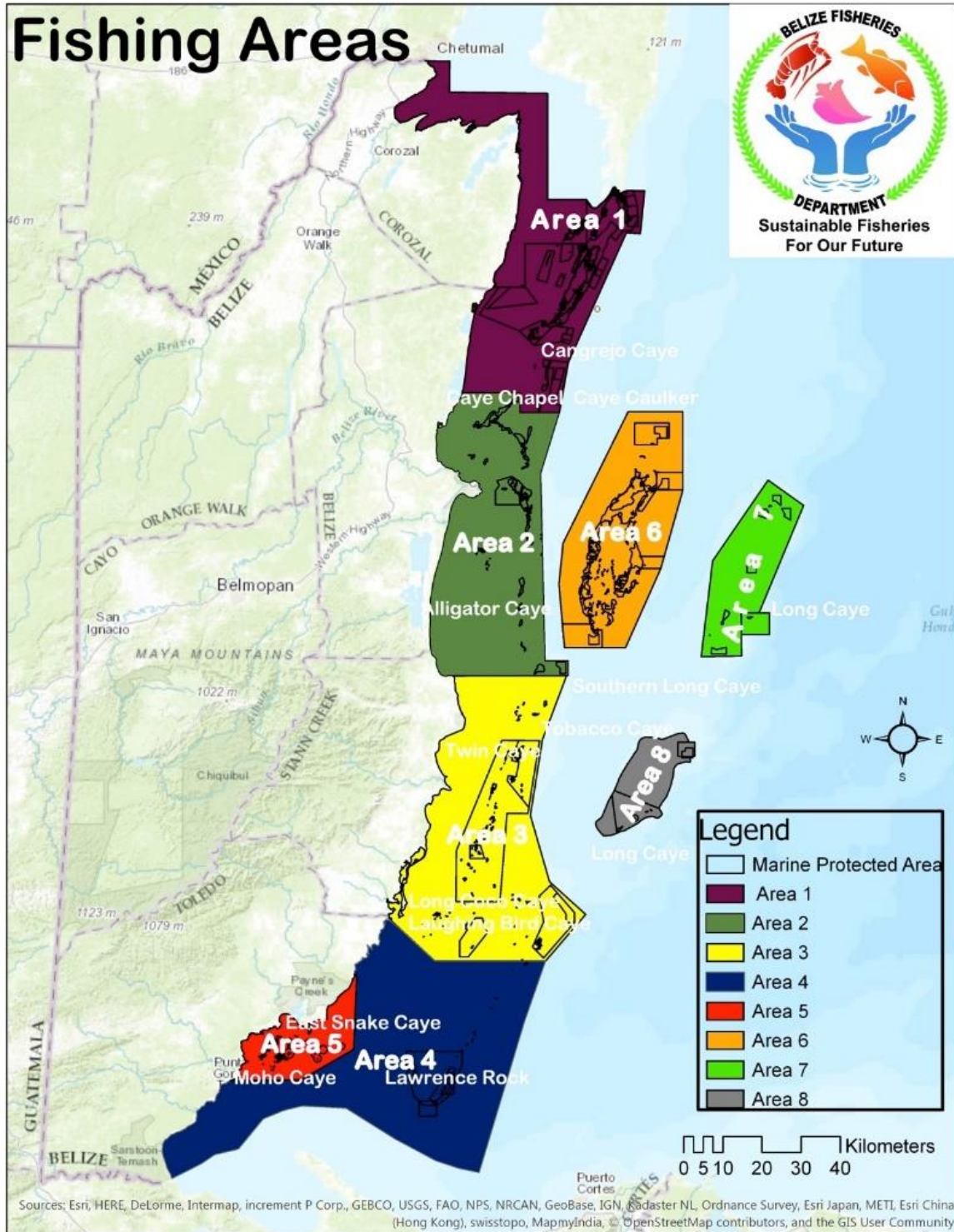
¹⁴⁹ Fisheries Act § 13(1)(f).

¹⁵⁰ Fisheries Act § 13(1)(i)(ii).

¹⁵¹ February 11, 2015.

¹⁵² Statutory Instrument 54 of 2012 (Regulation 24A (1)).

Figure 7. Fishing Zones. Managed Access System.



III. Legal provisions enabling co-management of ocean resources by indigenous communities

i. Coastal planning

The CZMA does not explicitly provide for the participation of indigenous communities in planning. However, the Coastal Advisory Councils are to include representatives of local communities.

ii. Protected areas

The NPASA, discussed above, provides for a type of Wildlife Sanctuary that allows for traditional use. While “Wildlife Sanctuary 1” means “any area reserved as a nature reserve under this Act for the protection of nationally significant species, groups of species, biotic communities or physical features of the environment requiring specific human manipulation for their perpetuation,” “Wildlife Sanctuary 2” allows for traditional community use, including harvesting on the basis of a sustainable use plan.¹⁵³

Under NPASA, a local community with the primary purpose of conservation qualifies as a comanagement entity for a protected area. Therefore, the Minister could establish a protected area in the form of a Wildlife Sanctuary 2, with an indigenous community as co-manager. In this way, the protected area designation would also protect the indigenous community’s rights to use the area for subsistence.

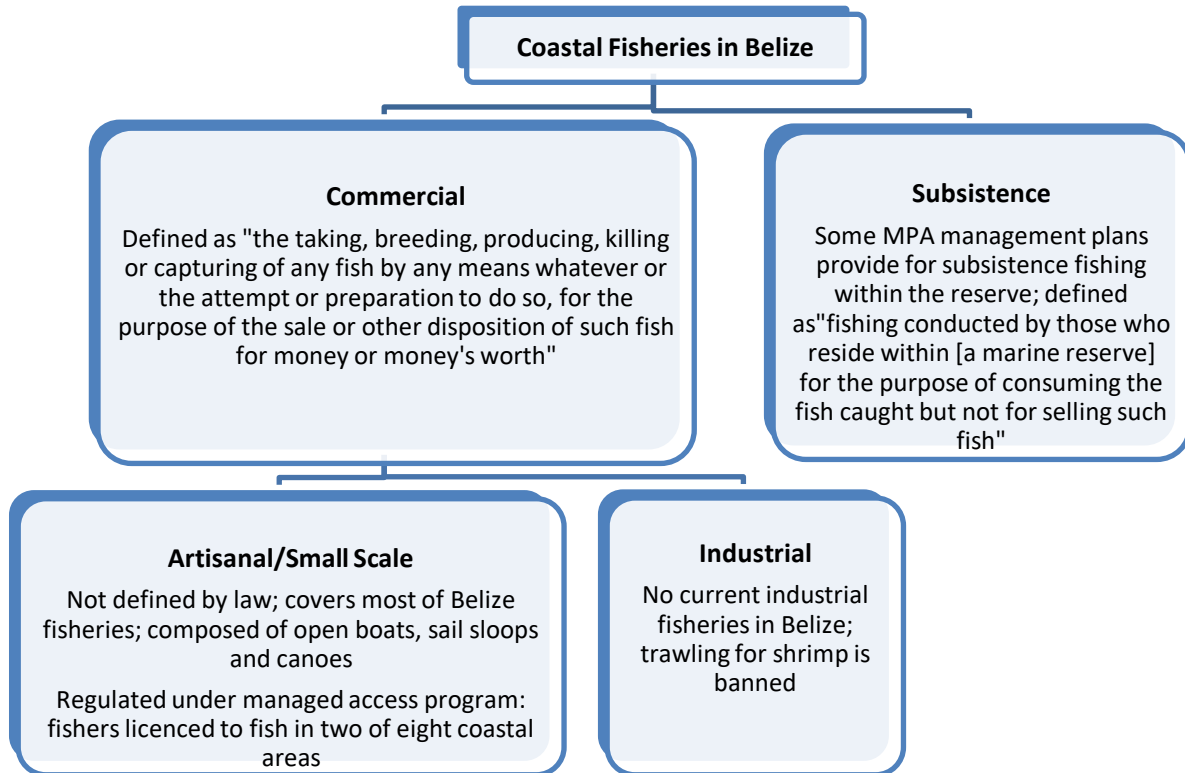
¹⁵³ NPASA § 2.

5. Fisheries Management

I. Coastal fisheries

The vast majority of fisheries in Belize are coastal fisheries.

Figure 8. Coastal Fisheries. Definitions.



i. Definition/s

The Fishery Act defines **commercial fishing** as “the taking, breeding, producing, killing or capturing of any fish by any means whatever or the attempt or preparation to do so, for the purpose of the sale or other disposition of such fish for money or money’s worth.”

The Act does not define subsistence fishing. The Fisheries (Caye Caulker Marine Reserve) Regulations 2008 define subsistence fishing as “fishing conducted by those who reside within the Reserve for the purpose of consuming but not for selling such fish.”¹⁵⁴ In addition, individual reserve regulations require subsistence fishers to hold a specific

¹⁵⁴ Fisheries (Caye Caulker Marine Reserve) Regulations 2008 § 2. See also, Fisheries (Port Honduras Marine Reserve) Order.

subsistence fishing license.¹⁵⁵ Subsistence fishers, together with other fishers, must report the weight of their catch to Reserve rangers upon request.¹⁵⁶

ii. Management Authority / Enforcement Authority

The Fisheries Department, together with the Managed Access Committees, has authority to implement the provisions of fisheries management. The Minister may appoint as fishery enforcement officers any public officer, and any member of the management committee of a fishing cooperative.¹⁵⁷ For purposes of enforcement, the Fisheries Officers (Appointment) Order 1989 designates as officers the Fisheries Administrator, the Fisheries Officer, the Assistant Fisheries Officer, the Fisheries Inspector, officers of the Maritime Wing of the Belize Defense Force, and certain managers, biologists, conservation officers and a logistics coordinator of some marine reserves.¹⁵⁸

iii. Requirements for the issuing of permits/concessions

To engage in commercial fishing, a fisher must both obtain a commercial fishing license¹⁵⁹ and a license for the vessel.¹⁶⁰ The Fisheries Act also requires permits for scientific research, export of fish, and operation of a duty-free shop.¹⁶¹

Under the Managed Access program, in order to qualify for a commercial fishing license (a “fisher folk license”), a fisherman must meet the following requirements:

- Submit their expired license,
- Present valid identification,
- Show proof of residency,
- Show proof of sale of fish in Belize,
- Fill out the Fisher folk renewal application form, and
- Comply with daily catch log requirements.¹⁶²

In addition, the vessel must have a valid Sea Worthy Certificate.¹⁶³

¹⁵⁵ Id. at § 5 (2).

¹⁵⁶ Id. at § 22.

¹⁵⁷ Fisheries Act § 4.

¹⁵⁸ Fisheries Officers (Appointment) Order 1989.

¹⁵⁹ Fisheries Act § 7.

¹⁶⁰ Fisheries Act § 6.

¹⁶¹ Fisheries Act §§ 8 & 9.

¹⁶² Fisheries Regulations § 37.

¹⁶³ Commercial Fisher Folk License – the San Pedro Sun, notice by Belize Fisheries Department.

iv. Closed seasons/compensation

The Fisheries Department has the power to declare open and closed fishing seasons and place restrictions on the use of gear.¹⁶⁴ The following are details of some of these provisions.

Lobster regulations and the Role of the Sistema de la Integración
Centroamericana (SICA) and the Comisión Centroamericana de Ambiente
y Desarrollo

Current lobster fishery regulations in Belize address minimum size limits, closed fishing seasons, prohibition of take on berried females, restriction to use of lobster traps in certain areas, and a prohibition for the use of SCUBA gear.¹⁶⁵

As a member of the System for Central American Integration (Sistema de Integración Centroamericana, SICA) Belize agreed to implement regional regulations for lobster fisheries, the Regulation for the Regional Management of the Caribbean Lobster Fishery (Reglamento para el ordenamiento regional de la pesquería de la langosta del Caribe) OSP-02-09. Belize has not fully aligned its domestic regulations with the requirements of OSP-02-09. While the SICA regulation requires a closed season from March 1st to June 30th, Belize currently closes its lobster fishery between February 15th and June 15th.¹⁶⁶

The St. George's Declaration on Conservation, Management and Sustainable use of the Caribbean Spiny Lobster, which Belize signed, sets out certain regulatory goals for the member states of the Caribbean Regional Fisheries Mechanism. One requirement is that within three years of May 2015, members will implement a yearly closed season from February 15th to August 31st, trap requirements, minimum sizes, and monitoring, control and surveillance systems.

The Western Central Atlantic Fisheries Commission prioritizes implementing monitoring, closed seasons, and fishing gear and methods.

Queen conch fishery

The Fisheries Regulations prescribe a yearly closed season for conch from July 1st to September 30th, a minimum shell length of seven inches and minimum market clean conch weight of 3 ounces.¹⁶⁷ Limits on exports in the form of export quotas are assigned to each commercial fisher.¹⁶⁸

¹⁶⁴ Fisheries Act § 13(1)(c)

¹⁶⁵ Fisheries Regulation §§ 3(1)(b), 4, 7, and 8; Chapter 210 of the Subsidiary Laws of Belize (2003).

¹⁶⁶ GEF CLME Project. Regional closed season for the Caribbean Spiny Lobster, <https://www.clmeproject.org/2017/03/02/regional-closed-season-for-the-caribbean-spiny-lobster/>

¹⁶⁷ Fisheries Regulation § 6.

¹⁶⁸ Fisheries Regulation § 24.

Nassau grouper

The government has designated 11 spawning aggregation areas in which it prohibits all fishing for grouper.

Seine nets

Generally, the regulations prohibit use of seine nets of mesh size less than three inches. The regulation makes exceptions for thrown or cast nets, those holding a special license for an approved net, and trawl or seine nets, which must have a mesh size of at least one and a half inches.¹⁶⁹

II. Industrial fisheries and aquaculture

Although Belize has banned trawling and industrial-scale wild capture of shrimp, a semi-intensive, aquaculture-based shrimp fishery is an important part of the economy, contributing 3% of GDP in 2015. Eight of the shrimp producers, 90% of the market, have obtained environmental certification (ASC certification). There are 20 companies, but the top 5 account for 95% of the industry. At its full production capacity, the industry employs about 2,000 people. In recent years, disease has greatly reduced the industry. Most of the production and processing is located near the coast in the south and central parts of the country near Big Creek.¹⁷⁰

III. Requirements for international vessels/fishers

i. Permit/area restrictions

Although Belize does not currently authorize any foreign fishing in its waters, it has established a regulatory structure for such fishing in its Fisheries Regulations.¹⁷¹ In order to obtain a fishing license, a foreign fishing vessel must meet certain conditions,¹⁷² including complying with the applicable fisheries management plan, not harming the local fishing industry, being beneficial to the Belize economy, providing financial guarantees, and operating under a valid fisheries agreement between the government of Belize and that of the foreign fishing vessel.¹⁷³ All logbooks and other information must be maintained in English,¹⁷⁴ there must be an authorized local representative,¹⁷⁵ and the amount of fish taken must not exceed the amount allowed under the applicable fisheries

¹⁶⁹ Fisheries Regulation § 15.

¹⁷⁰ Daly & Fernandez-Stark, *Belize in the Shrimp GVC*. Duke Global Value Chains Center, Duke University (2018), https://gvcc.duke.edu/wp-content/uploads/2018_07_02_Belize-in-the-Shrimp-GVC_FINAL_PUBLIC.pdf

¹⁷¹ Cap. 210, 2003.

¹⁷² Fisheries Act § 28.

¹⁷³ Fisheries Act § 29.

¹⁷⁴ Fisheries Act § 30.

¹⁷⁵ Fisheries Act § 31.

management plan.¹⁷⁶ Finally, any non-licensed foreign fishing vessel must keep its gear stowed while in the waters of Belize.¹⁷⁷

6. Other Relevant Area-Based Legal Instruments

The **Wildlife Protection Act**¹⁷⁸ provides that no person shall hunt in any closed area, unless there is an exemption.¹⁷⁹ Generally, there shall be no hunting or possession of any wildlife, no weapons for hunting, and no hunting in forest reserves. There is an 11-year moratorium on sale, exchange, hire or dealing for profit in any wildlife, which the Minister can recommend extending.¹⁸⁰ Regulations may declare a closed area, prohibit hunting and possession of any wildlife species, prohibit or limit hunting methods, prohibit hunting wildlife of specific size or age, and establish license conditions.¹⁸¹ The Act also specifically protects West Indian manatees, whales and dolphins.

Under the **Disaster Preparedness Act (DPA)**,¹⁸² the Prime Minister may designate especially vulnerable areas.¹⁸³ A National Coordinator then proposes a precautionary plan, including technical studies and a public inquiry.¹⁸⁴ The DPA statute does not provide for any regulation of fisheries take in the especially vulnerable areas.

The **Belize Port Authority Act**¹⁸⁵ gives the Port Authority various powers to carry out the Act.¹⁸⁶ It is empowered to operate a coordinated and integrated system of ports, lighthouses, and port services. It also has the duty to regulate and control navigation within the limits of the ports and their approaches.

To the extent that the Port Authority has control over navigation relative to the ports, it may have some power to control the routes and impacts of such navigation with respect to marine protected areas.

¹⁷⁶ Fisheries Act § 32.

¹⁷⁷ Fishery Regulation § 33.

¹⁷⁸ Cap 220.

¹⁷⁹ Wildlife Protection Act § 4.

¹⁸⁰ Wildlife Protection Act § 8(1).

¹⁸¹ Wildlife Protection Act § 11.

¹⁸² Cap 145

¹⁸³ Disaster Preparedness Act § 15.

¹⁸⁴ Disaster Preparedness Act §§ 16-19.

¹⁸⁵ Cap 233.

¹⁸⁶ Belize Port Authority Act § 19.

Appendix A

The following diagrams show regulatory pathways for co-management of fisheries, protected areas, and no-take zones under Belizean laws.

