

Wildlife Legislation and Institutional Framework in Belize



The Wildlife Tematic Area
for Central America.
ORMA-IUCN



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Wildlife legislation and institutional framework in Belize

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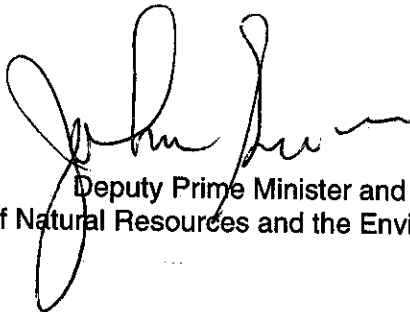
PROLOGUE

This document includes a summary of the regulations governing wildlife in Belize. Given our country's great importance in terms of both land and marine biological diversity, it is of great value to analyze the legal instruments which regulate these.

Although this document exposes some of the gaps that must be filled, it also describes initiatives undertaken by civil society and the Government which constitute valuable experiences in conservation.

The Ministry of Natural Resources and the Environment therefore has great pleasure in presenting to our Central American brothers and sisters this document outlining our legal system, based on Common Law, so that it may be better understood and appreciated.

We hope it may serve to bring our work, in the region closer to the process of consolidating the conservation of our biological diversity, and that it may contribute to efforts towards a greater regional integration that will promote and strengthen our work in this direction.



Deputy Prime Minister and
Minister of Natural Resources and the Environment Belize

2

1950-1951

1952

1953-1954

1955

1956-1957

1958

1959-1960

1961

1962-1963

1964

1965-1966

1967

1968-1969

1970

1.0. ADMINISTRATIVE AND INSTITUTIONAL FRAMEWORK

The history and geographical location of Belize has created a nation which shares both Central American and Caribbean characteristics.

In terms of its political system, Belize has been strongly influenced by its historic past as a British colony. Its legal system is based on the Anglo-Saxon system known as Common Law.

Belize did not achieve political independence from Britain until September 21, 1981, and also succeeded in fending off Guatemala's claims to its territory. Belize's present Political Constitution was approved on September 20, 1981, one day before Independence Day.

The Political Constitution establishes an Executive Branch, formed by the Governor General, the Prime Minister and the Cabinet; a Legislative Branch, formed by the two chambers of the Legislative Assembly; and an independent Judicial Branch.

Belize has inherited features of its colonial past, and the British monarch is still considered the Head of State. The Executive Branch consists of the Governor General, a Belizean citizen who is appointed by the Queen as her representative, on the advice of the Prime Minister and after consultation with the political parties.

The Prime Minister is chosen by members of the lower chamber, the House of Representatives, as the leader of the majority political party. If no party has a majority, the representatives appoint whoever is considered to be a strong enough leader to obtain the support of the majority.

The Prime Minister chooses his Cabinet from members of the National Assembly, from either of the two chambers, and submits their names to the Governor General who appoints them. Ministers may not preside over the chamber to which they belong, nor may they speak in the Senate.

There are 11 Ministries and 5 State Ministries:

- Prime Minister, Minister of Finance and Foreign Affairs:
Hon. Said Musa
- Senior Minister: Rt. Hon. George Price
- Deputy Prime Minister and Minister of Natural Resources & the Environment: Hon. John Briceno
- Minister of Public Utilities, Transport and Communications:
Hon. Maxwell Samuels
- Minister of National Security and Immigration: Hon. Jorge Espat
- Minister of Budget Planning & Management, Economic Development, Investment & Trade: Hon. Ralph Fonseca
- Minister Of Sugar Industry, Local Government and Latin American Affairs: Hon. Florencio Marin
- Minister of Human Development, Women and Youth
Hon. Dolores Balderamos García
- Minister of Industry, Commerce, Public Services and Labour
Hon. Jose Coyo
- Minister of Agriculture and Fisheries: Hon. Daniel Silva
- Minister of Works: Hon. Henry Canton
- Minister of Education and Sports: Hon. Cordel Hyde
- Attorney General and Minister of Housing: Mr. Dickie Bradley
- Minister of Tourism: Hon. Mark Espat
- Minister of Health: Hon. Servulo Baeza
- Minister of Rural Development and Culture: Hon. Marcial Mes
- The Chief of Staff in the Prime Minister's Office: Mr. Godfrey Smith
- The Cabinet Secretary: Mr. Robert Leslie

The body in charge of environmental matters is the Ministry of Tourism and the Environment, created in September 1989. The Environmental Protection Act of November 1992, created the Department of the Environment, responsible for the application of its dispositions.

The Legislative Power consists of the two chambers of the National Assembly: the House of Representatives and the Senate. Members are appointed for a five-year term of office, though the Prime Minister may convene elections at any time. The country's two

main political parties, which have existed since 1961, are so strong that they have prevented the emergence of new political parties.

The House of Representatives has 29 members who represent the country's 29 electoral districts. Any Belizean citizen may be stand for public office. Ten of these districts are located in Belize City, the country's main urban center.

The House of Representatives is led by the Speaker, who is freely elected by the Representatives. The Speaker may or may not be a member of the lower chamber. If he is not a member, then he has a voice but no vote. This chamber is the equivalent to Great Britain's House of Commons.

The House of Representatives is a public forum for political debate. Its functions are to analyze the Government's actions, point out its mistakes, make suggestions and amendments. The function of political control is very important in this system, together with the function of debating Bills, a task traditionally associated with the legislatures of our countries.

However, it should be remembered that since Cabinet members form part of the House of Representatives, legislation or Bills submitted by the Government are, in practice, approved.

Draft Bills are submitted for its consideration by:

- the Government, with prior approval of the Cabinet
- by the Senate

Standing Committees exist for the following areas:

- Public Finance
- Ways and Means (Resources)
- Economic Development
- Public Utilities
- Health, Education and Welfare
- Domestic Affairs and Labour
- Constitutional and Foreign Affairs

- Regulations
- Privileges
- The Chamber

Technical counselling is provided by the Attorney General's Office.

The Senate consists of eight members who are appointed by the Governor General in accordance with the following system:

- Five senators are appointed on the Prime Minister's recommendation
- Two are proposed by the Leader of the Opposition.
- One is nominated by the Governor General, prior consultation with the Advisory Council.

Members of the House of Representatives may not form part of the Senate. Senators elect their own Speaker, who may or may not be a member of the Senate.

The Senate ratifies legislation which has been approved by the House of Representatives. However, its main function is to analyze and debate the country's problems from the standpoint of government and administration.

Aside from the Executive Branch, a number of public corporations have been created to administer certain areas of national life, such as: the Central Bank of Belize, which controls monetary policy and banking services; the Belize Electricity Board, the Water and Sewage Authority, the Social Security Board, the Development and Reconstruction Corporation, the Development Finance Corporation, the Airport Authority, the Ports Authority and the National Sports Council. In the area of telecommunications, there is joint participation of both the public and private sectors.

The Constitution also created the Public Service Commission which consists of a President and 18 members. The President and eight of the members are appointed by the Governor General, and

the rest are ex officio, because of their position. They cannot form part of the National Assembly. The Commission's function is to advise the Governor General in the appointment of civil servants. It is a disciplinary body and even has the power to dismiss public officials.

The Judicial Branch consists of the Supreme Court of Justice, the top judicial body, whose President is appointed by the Governor General, in consultation with the Prime Minister and the Leader of the Opposition. Magistrates are appointed in the same way, but in consultation with the Public Service Commission. Each district has at least one magistrate. Minor cases are resolved in "first instance" by the district magistrate. Belize also retains the jury system, whereby citizens are summoned to participate in a particular trial.

Belize is divided into six administrative districts, which have different cultural characteristics. These districts are administered by elected Town Boards, Village Councils and by "Alcaldes" in certain predominantly Maya areas. The latter are sometimes more influential than the political representatives.

The Village Councils are elected by the people of the community. These bodies try to stimulate social and economic development for the welfare of the local inhabitants.

Belize City has a City Council as well as a Town Board in each of its districts. Representatives are elected every three years by popular ballot.

Local authorities are responsible for the maintenance of streets, parks, markets, drains and sewage systems, solid waste disposal and leisure facilities. Their resources come from property taxes and license fees as well as national funds.

Belize is a democratic nation with an open and fair system of government. However, there are some weaknesses that stem from the excessive discretionary powers of the Prime Minister, in particular, and his influence over the Cabinet and the House of Representatives. In addition, the existence of a two-party system has produced a

certain conformism within the population which prevents it from considering other forms of democratic political development, and party loyalties tend to prevail over political orientation.

The Political Constitution establishes that government policies should seek to protect the environment. Belize has a comprehensive legal framework in this respect. The Environmental Protection Act, EPA no 22, passed in 1992, provides a general framework for monitoring the management of natural resources.

This legislation establishes the duties, functions and competencies of public officials in the application of the Law and includes a series of instruments, such as management plans and environmental impact studies. Although its application has been entrusted to the Ministry of Tourism and the Environment, various other ministries, departments and public institutions are responsible for other aspects of environmental regulation.

The appendix includes a list of the different authorities responsible for wildlife. Appendix 2 includes a list of institutions which could have an impact on wildlife and its habitat. It should be also noted that the Prime Minister has the power to transfer departments from one Ministry to another, by simply declaring that a given Ministry will temporarily be responsible for certain matters.

At present, the main activities in environmental legislation are:

- Regulations for the formulation of Environmental Impact Studies (EIS).
- The establishment of guidelines on industrial waste and maximum levels of noise pollution.
- Creation of a Fund for Protected Areas.
- Creation of an Environmental Court within the judicial system.

2.0. COMPENDIUM OF LEGISLATION PERTINENT TO WILDLIFE PROTECTION.

2.1. NATIONAL LEGISLATION PROTECTING FAUNA AND FLORA.

Belize continues to harbour viable local populations of species present throughout Central America but which are under severe threats and pressure in throughout the rest of their range. With over 150 mammal species, over 540 bird species, and 111 species of reptile fauna, and extensive areas of undisturbed natural habitat Belize is operating from a position of strength to maintain these strongholds. (PFB, IDB, 1995)

Belize has a long legislative history in wildlife protection dating back to 1924 with the Deer and Antelope Preservation Ordinance. (McCalla, W. 1995). The manatee was granted protected status as early as 1936. However, it was not until 1981 that a comprehensive framework was established for the protection of Belize's wildlife under The Wildlife Protection Act, 1981 (CAP 181). The Fisheries Department under the Fisheries Act also has jurisdiction for the protection of marine and fresh water wildlife, therefore there is some overlap between the duties of the Ministry of Natural Resources and the Ministry of Agriculture and Fisheries. This has been partly resolved by an informal agreement between the two agencies regarding responsibilities for specific species protection.

2.1.1. The Wildlife Protection Act, 1981 (CAP 181).

Described as "an act to provide for the conservation, restoration and development of wildlife, for the regulation of its use and for all other matters connected therewith", stringent regulations are given concerned solely with the protection of fauna, and primarily concerned with hunting. "Wildlife" according to the act means all undomesticated mammals, birds and reptiles and all parts, eggs and nests of any of these wildlife forms. (Laws of Belize 1980). The definition of "hunting" is extremely comprehensive and means "to kill, take or molest by any method and includes attempting to kill, take or molest

by any method any species of wildlife". However, it is unclear how to further define molest under this law.

Included in the act is a schedule of animals which cannot be hunted by any person at any time (Appendix 3). The Minister may amend, vary or alter the list at any time (section 11 (h)), however, the only change since its inception has been the deletion of Belize's four species of sea turtle which are protected under the Fishing Ordinance (CAP174). Hunting bans extend to "obviously immature wildlife or any female accompanied by its young" (Section 3 (c)), although the Minister possesses the power to permit hunting of animals not listed in the Schedule if it is in furtherance of sound agricultural or sanitary practice (section 11, or the animal is a threat to human life or may cause material damage (section 5 (1 & 2)).

The act also regulates hunting licenses and hunting seasons of animals not afforded complete protection by listing on the schedule. Regulations extend to methods of hunting employed, and prohibits hunting in areas closed to hunting. Non-resident and resident licenses are to be issued under section 13 in addition to dealers licenses in compliance with regulations and the "principles for good wildlife management".

The authority for overseeing the provisions of this act is given to the Minister, in this case being the Minister of Natural Resources, who may appoint a game wardens to administer and exercise the powers given in this act. It is interesting to note that if any person admitting to any wildlife offence obtains the approval of the Minister, it may be agreed upon not to reveal certain offences. In such cases compensation payments will be required, however the maximum charge is three hundred dollars. Without this agreement penalties for all wildlife offences punishable on summary of conviction may not exceed a fine of five hundred dollars, or if the offender has committed an offence or paid compensation within the preceeding five years a heavier sentence of fines to the maximum of one thousand dollars and/or six months imprisonment can be enforced.

2.1.2. The Fisheries Act (CAP 174) (1980)

Belize possesses the second longest barrier reef in the world stretching 174 miles of the coastline and with 3 of the 15 atolls in the Caribbean. Pressures from commercial fishing, unsound waste disposal and water recreation, in addition to detrimental environmental activities occurring upstream, are increasingly threatening the marine and inland water wildlife. The Fisheries Act (CAP 174) is the principle governing legislation to regulate the fishing industry of Belize and is directly concerned with maintaining sustainable fishstocks through controlled fishing practice and protection of foodwebs and habitat. Under the act the term "fish" is comprehensive, referring to all or any of the varieties of marine or freshwater animal or plant life. The Act is relatively brief and is complemented by more comprehensive regulations gazetted as Statutory Instruments (SI).

Regulation of fishing activity is carried out by licenses and permits, and legislation regarding methods of fishing. Section 6 and 7 of the act require that any person undertaking commercial fishing activity in Belizean waters must be in possession of both a boat licence and a personal fishing license. The taking, killing or capturing of fish ; interference or disturbance of fish and the seabed for research purposes requires a licence under section 8. Similarly licenses are required for export purposes (section 9). The conditions stipulating the issue of licenses are laid out in regulations drafted by the Minister. No person is permitted to use poison or explosive with the intent of taking or killing fish, an offence punishable by a \$500 fine or six months imprisonment.

Regulations made by the Minister as permitted under section 13 of the Act extend to net sizes, fish size and weight and closed seasons (Appendix 4).

Under the Fisheries Regulations #17 of 1982 no fishing or trapping is permitted within 100 yards of the reef.

Fisheries wildlife legislation specifically concerning the protection of a particular species includes the three species of marine turtle and

the freshwater or "hicatee" turtle (SI #55 of 1993), shrimp, conch, crawfish (spiny lobster) and sponge. (Appendix 4). Crawfish, turtle and sponge legislation dates back to the 1940 Ordinance which afforded some degree of protection to these species from commercial exploitation. In addition it is prohibited for any person to buy or sell bonefish (Albuba vulpes).

Turtle legislation has experienced numerous revisions due to a lack of knowledge on their natural history and breeding patterns. Stipulations are made for the fishing, sale and possession of turtles through closed seasons (section 3). Protection for nesting turtles and nest sites is also given (section 3.3) forbidding the removal of turtles found on land, interference with turtle nests and disturbance, damage, sale, purchase or possession of turtle eggs. The closed season for freshwater turtle "hicatee" of the species *Dermatemys mawii* is less strict than those of marine turtles yet sale or purchase is strictly forbidden, and regulations for possession of no more than three and transportation of no more than five hicatee are provided.

As with the turtle, crawfish legislation has also experienced revision. The principle governing legislation is the Fisheries Regulations of 1977 as an amendment of those of 1963 and since this time size and closed season changes have been made with Amendment regulation 1991, SI 168, and amendment number 2, SI 143, 1993 which is the current regulation.

Authority for this Act is given to the Minister, being the Minister of Agriculture and Fisheries, who may appoint fishery officers to enforce the law. (Section 4(1)). Police officers and customs officers also possess certain powers of enforcement for search, seizure and arrest. No warrant is required for boarding or search if an offence is suspected, but no powers are given for routine checks.

2.1.3. Indirect Legislation

Other laws pertinent to wildlife protection include:

The Animals (Diseases and Importation) Ordinance (CAP 167) which regulates the importation of any bird, reptile or insect through

licenses issued by the Chief Agricultural Officer (CAO). This act does not explicitly address exports.

The Plant Protection Ordinance (CAP 178) empowers the Minister of Agriculture to prohibit the importation of any plants unless accompanied by a plant certificate. Penalties on summary conviction include a fine not exceeding \$500.00, imprisonment for a maximum term of 6 months, or both.

The Environmental Protection Act (No. 22 of 1992) was passed to promote the preservation and improvement of the environment, the rational use of natural resources, the control of pollution, and matters connected therein or incidental thereto. Therefore the protection of fauna and flora is a responsibility that falls under this act, although there are no specific regulations made.

The Forests (Protection of Mangroves) Regulations, 1989 addresses the clearance of mangrove habitat on all land, particularly major alterations. "Alteration" of mangroves refers to cutting and defoliating for which a permit is required but does not extend to trimming (Reg. 4) as written under section 5 of the Forest Ordinance (1927). Contravention of these regulations will result in a fine of \$1000.00, or imprisonment for a 12 month term. These are maximum penalties as increased by the amended regulation of 1992 but have been a cause of incompletion due to the low levels of enforcement and penalty which has "encouraged developers to go ahead with clearance anyway and risk prosecution." (Zisman, S. 1992) Regulations were drafted in 1993 to repeal the existing ones in order to increase fees, encourage greater public participation within the screening process and specify in greater detail the criteria for approval. The revisions have yet to be passed.

Protected areas legislation such as the National Parks Systems Act, the Fisheries Amendment Act 1983, and the North Ambergris Caye Development Corporation Act which make provisions for the declaration of reserves, with an emphasis on the protection of wildlife habitat and preservation of biodiversity. (c/r 2.2). The Forests Ordinance (CAP 176, Section 5) states that the Minister may make regulations either of general application or confined to particular

forest reserves or other areas of Crown land, or of private land, for the protection of trees and other forest produce. These regulations may prohibit any person from injuring and removing any trees, building any structures, setting fires, livestock grazing, hunting and fishing, clearing and cultivating, and quarrying or collecting

2.2. Protected Areas Legislation

Wildlife can not be protected in isolation. Wildlife habitat also requires legislation in order to control activities to conserve resources essential to the survival of wildlife. Protected areas legislation also spans several Ministeries and individual acts.

Forests reserves have been referred to as the "backbone" of protected areas in Belize. (PFB, IDB 1995) Many areas of biodiversity were infact preserved through the early forest reserves of which some were converted into higher status protected areas in 1980.

Until Belizean independence in 1981, protected areas were created by the colonial government. In 1928, the colonial administration established Half Moon Caye as a Crown Reserve.¹ In 1977, seven small mangrove cayes were established as Crown Reserves to protect seabird rookeries. The Forests Ordinance of 1927, revised in 1958 and again in 1980 [Chapter (Cap) 176, Laws of Belize] created 15 forest reserves covering almost 20% of Belize. This action was primarily to reserve forests for timber exploitation rather than wildlands conservation, however they do recognise the importance of protecting forests. The National Parks Systems Act, 1981, passed shortly after Belizean Independence, provided the legal basis for establishing national parks, natural monuments, wildlife sanctuaries, and nature reserves. A 1983 amendment to the Fisheries Act empowered the Minister responsible for fisheries to declare any area within the fishing limits of Belize and, as appropriate, any adjacent surrounding land, to be a marine reserve. The Ancient Monuments and Antiquities Ordinance, 1972, enabled the Minister responsible for archaeology to create archaeological reserves.

Currently in Belize protected areas (Figure 1) cover approximately one third of the country, including Forest Reserves. (PFB, IDB, 1995). Ownership and management is varied with responsibilities spanning from Government to communities, some with legal basis, some without, and it has been stated that the legislation and management presence governing these areas is inadequate. (PFB, IDB, 1995). However they are vital for the protection of wildlife habitat and form the basis for biodiversity preservation in the country.

2.2.1. The National Parks Systems Act, 1981 (CAP 181A)

The only law of Belize which specifically empowers government of Belize (GOB) to create or maintain a "national system" of protected areas is the National Parks Systems Act, 1981 (CAP 181A), an act passed in 1981, but which did not come into force until January of 1982 [Statutory Instrument (SI) 4 of 1992].

Categories of protected areas declared under this act are primarily based on objectives of management to protect nationally significant species and biodiversity or for multiple-use management of the natural resources in a sustainable manner. In Belize the legal definitions for classification are:

- i) National Parks to protect and preserve natural and scenic values of significance for the benefit and the enjoyment of the public;
- ii) Nature reserves to protect biological communities or species and maintain natural processes in an undisturbed state for the purpose of scientific study, monitoring, education and the maintenance of genetic resources.
- iii) Wildlife Sanctuaries to protect nationally significant species, groups of species, biotic communities or physical features requiring specific human manipulation to survive.
- iv) Natural Monuments to protect and preserve natural features of national significance in terms of their special features or

uniqueness, in order to provide education, research, interpretation and public appreciation.

The ultimate authority for the creation of a national parks system is the "Minister for the time being responsible for the National Parks System" (CAP 181A). The Minister may make regulations for the implementation and administration for this Act, but the Chief Forest Officer (CFO) is responsible for its administration (CAP 181A, Section 10.2).² In 1992, a Conservation Division (CD) was established in the FD revising the original Wildlife Conservation unit established in 1974. A Principal Forest Officer/ Conservation (PFO/C) is the administrative officer of the CD and works directly under the CFO. Many of the planning and management responsibilities for the National Parks System has been allocated to the PFO/C.

Not only does the National Parks Systems Act provide for the protection of wildlife habitat but Part II includes sections which prohibit hunting and fishing, disturbance of flora or fauna, the introduction of exotic species, and carrying of weapons and traps. However, the Minister may issue permits for scientific research, education activities, specimen collections, overnight camping, and ecotourism use. (Section 7).

The National Parks System Act, Part II, 3(2), empowers the Minister to alter or vary any protected area established under the act or to declare it to cease to be a protected area. (C.r. 2.22, 2.23, 2.24, 2.25)

It should be noted that amendments to the Act are currently in draft: the changes address increased power to the party responsible for upholding the law, namely the CFO, and increasing penalties. Recommendations stress that the power to make regulations should be extended to include the protection, care, preservation and propagation of any fauna or native plants.

A number of other laws not directly concerned with creating a national system of protected lands empower the creation of protected areas.

2.2.2. The Fisheries Act (CAP 174)

The Minister responsible for fisheries may, where he considers that the extraordinary measures are necessary, declare any area within the fishing limits of Belize, and as appropriate any adjacent surrounding land, to be a marine reserve. The Minister may also revoke the order declaring a marine reserve if he considers there is no longer need for protection (CAP 174, SI 1 of 1993, SI 10 of 1987). The Act expressly applies to all waters of Belize including the watercourses, lakes, lagoons and other inland waters (the Fisheries Act (Extension of Application) Order S.I. 34/1987).

The Fisheries Act does not provide for managerial responsibility. At present the Coastal Zone Management Unit is developing recommendations for declaration, planning and management of marine reserves and to date has listed some 21 areas as declared, nominated or stated as future intended sites for protection (PFB, IDB, 1995)

The purpose for the declaration of marine reserves that are of significance to wildlife protection are stated under the Fisheries Act to:

- a) afford special protection to the aquatic fauna and flora of such areas and to protect and preserve the natural breeding grounds and habitats of aquatic life;
- b) allow for the natural regeneration of aquatic life in areas where such life has been depleted.

A repeal of the Fisheries Act, the Fisheries Bill is pending in which clauses 18, 19 and 20 address the declaration of marine reserves, management plans and activities within them. (McCalla, W. 1995)

2.2.3. The Forest Act (CAP 176)

The Minister responsible for forestry may declare any part of Crown land a forest reserve, after rights and privileges of private

persons in respect to such land have been satisfactorily defined and recorded. He may also from time to time alter, vary, or revoke such an order (CAP 176, SI 40 of 1973). Forest legislation dates back to 1926 with the Forest Ordinance which promoted the forest industry and included the implementation of conservation techniques, linking conservation and forestry. The first Forest Reserve, Silkgrass, was established as early as 1922 although a legal system for the establishment of such protected areas was not in place until 1927.

2.2.4. The Ancient Monuments and Antiquities Act (CAP 259)

The Minister responsible for archaeology (Ancient Monuments and Antiquities) may declare any area of unalienated Crown land, or alienated Crown land the title of which has reverted to the Crown, containing or adjacent to an ancient monument to be an Archaeological Reserve. The Minister may also acquire private lands on which ancient monuments are located and declare them Archaeological Reserves (CAP 259, Section 28).

2.2.5. North Ambergris Caye Development Corporation Act (No. 25 of 1991)³

Provisions are made for the above named corporation to establish wildlife reserves on Northern Ambergris Caye in the interests of ecological preservation and environmental protection.

To date Belize has declared 10 National Parks, 2 Natural Monuments, 3 Nature Reserves, 2 Wildlife Sanctuaries, 2 Marine Reserves, 5 Private Reserves and 10 Archaeological Reserves. 3 additional marine reserves and 1 archaeological reserve have been proposed for consideration. (Appendix 5)

3.0 INTERNATIONAL LEGISLATION

Belize is not party to the majority of international treaties or conventions that are concerned with wildlife conservation and has not signed any that refer exclusively to protected areas. However, Belize is a member of the United Nations Educational Scientific and Cultural Organization (UNESCO), and the past Government was

exploring the possibility of creating Biosphere Reserves as an objective of the Man and the Biosphere (MAB) Program. Optimistically Belize may soon sign the World Heritage Convention but to date there has been no positive action. Portions of the Great Barrier Reef were designated a World Heritage Site in december 1996. Signature of the Convention on Wetlands of International Importance especially as Waterfowl Habitat (RAMSAR) has been agreed with Crooked Tree suggested as the first RAMSAR Wetland site. Efforts are also being made by the conservation NGO, the Belize Center for Environmental Studies to gain support for a tri-national effort for the Gulf of Honduras between Belize, Honduras and Guatemala. Ultimately this aims to assist BCES in the protection of the proposed marine reserve in the Port Honduras area.

Three of the eight conventions of which Belize is a signatory are directly relevant to wildlife protection (Appendix 6) of which CITES was the first to gain Belize's cooperation. It is important to note, however that this is as a continuation of Great Britain's agreement and Belize is not considered a party nation as no formal ratification has taken place since Belize became an independant nation. Belizean species are listed as endangered under CITES (Appendix 7)

Although there are more than eight hundred bilateral and multilateral agreements with provisions dealing with environmental issues (Sommer, J. Vaughan, S. Situma, F. 1993), eight of particular significance to Belize and wildlife protection have been identified. (Appendix 8)

4.0. THE ADMINISTRATION OF JUSTICE

There have been few cases in Belize where court action has been taken following breach of environmental legislation. Many cases are in fact settled out of court. It would appear that although legislation is in place for the protection of the environment in the interest of wildlife conservation there is a hesitance by the authorities to effectively enforce these statutes. The reasons for this may be attributed to a lack of trained personnel capable of enforcement, a

complacency towards efficient monitoring, lack of public education on both environmental issues and legalities, a lack of consistency, and the 'token' penalties for environmental offence, or a mix of all of the above.

In reality there can never be enough human and economic resources to enforce every offence that is committed. Therefore it is vital that any legislation passed acts as a deterrent to encourage voluntary compliance. Penalties have a dual role of acting as this deterrent and as a punishment for offenders. In terms of the majority of the legislation related to the protection of wildlife in Belize these penalties are incredibly low particularly in consideration of the cost/benefit of violating the law. For example in terms of the protection of wildlife habitat it has been stated that "developers freely and repeatedly violate laws because the fees are so small to be considered only a development fee". (McCrae, E. pers.com.)

Enforcement is constrained partly by an identified problem of a lack of understanding of the ecological basis of the law, legal environmental aspects and sentencing (Cayetano, E. pers. com. 1995). In the case of the Hicatee it has been stressed by a member of the Belize Alliance of Conservation NGOs that "Hicatee laws are generally not known" and "the ban on buying and selling seems wholly unrelated to reality" (Grant, J 1995). In addition, implicit laws exist that could be likened to a cultural acceptance of illegal activities, in that the public tend to ignore illicit activities. For example four manatee slaughters in the Deep River area of Toledo District discovered by scientists January 1995 (BCES, 1995) showed no evidence of attempts to conceal the offence and it is likely that the offenders were known within the vicinity. No legal action has been carried out to date. A lack of public awareness of environmental/wildlife legislation may be a contributing factor to this complacency in addition to limited awareness of the body responsible for corrective action. A formal nationwide network needs to be established for reporting/documenting and acting on illegal incidences.

In many areas of environmental legislation, the Minister responsible for administering the Act is given ultimate power to over

rule much of the written law by clauses such as "the Minister may at his discretion" and "except as the Minister may otherwise prescribe". This considerable weakness may contribute to a lack of fairness and consistency within the judicial system. The inconsistency resulting from both the overriding Ministerial power and out of court settlement, degrades the function of enforcement to define a level of expected norms. In addition, hidden conduct results in a lack of public confidence in the law enforcement system, thus weakening the deterrence against violation of environmental legislation.

It has been illustrated that responsibility for wildlife protection at a legal level is the responsibility of numerous government departments and agencies. A lack of interministerial co-ordination has led to unnecessary confusion and duplication of effort. (McCalla, W, 1995).

5.0. COMMUNITY PARTICIPATION IN POLICY MAKING

In Belize there are formal processes that allow public participation in policy making, most noticeably through the government structure whereby each elected member of the House of Representatives ideally provides a link between the constituents and the executive branch of Government.

In recent years legislation has been passed to facilitate and encourage public participation within development and policy planning, namely the establishment of Special Development Areas (SDAs) in 1991, and the Environmental Impact Assessment Regulations passed in September 30 1995, Statutory Instrument No. 107 of 1995.

SDAs are a land use planning tool, based on a form of zoning including usage such as reserved land, tourism development, village expansion, agriculture and commercial. Statutory land use planning is provided for under the Land Utilization Act 1981. Basically the SDA programme intends to guide development for the Land Utilization Authority (LUA) other government departments and the general public and it intended to evolve into a countrywide system. (McGill, J 1995). The original motivation for establishing SDAs was

to ensure that the activities of the Lands and Planning Department and Government policy was co-ordinated with the needs and ambitions of the communities. Public participation takes place through participation within a LUA subcommittee to oversee the planning process. It is common that the elected chairs of the village council act as mouthpieces to voice their communities "consensus" in discussions initiated by the planner. In order to inform the wider public and include their participation, notices of a plan approved at a committee level are habitually published in the Belizean periodicals. Following the drafting of the plan, in theory the committee should become the custodians of the plan.

EIA's are also effectively a planning tool that were introduced under the EPA 1992. Public participation within the EIA process is a vital step to the success of regulating development to the satisfaction of all stakeholders and to minimize negative impact on the environment. The regulations basically put the onus on the developer to be open and accountable to the public. (Cayetano, E. 1995b) Essentially the proponent must provide opportunities to meet with the interested members of the public, and publish in one or more newspapers circulated nationally, notice of the completed EIA. This may be viewed freely and allow for objections and representation to be made to the Department of Environment during a prescribed period following the notice.

Community participation in policy making in Belize is increasing, particularly since the growth of NGOs in the 1980s, often acting as a voice for the people.

Many NGO research efforts such as the Critical Habitat Survey (BCES, 1990) have served as policy planning tools contributing to the planning of protected areas in Belize with an emphasis on fauna, flora and biodiversity. BACONGO has also been a major force in pushing for a Protected Areas Conservation Trust (PACT) and entrance fees to help effectively manage protected areas in Belize. SI #52 permitting entrance fees for selected parks was written 16th May 1995.

Perhaps the greatest limitation on the degree of public involvement at a policy level in Belize is a lack of knowledge regarding the relevant laws and policy decisions, and a lack of awareness regarding the possibilities to participate. Education is a key necessity in promoting greater participation and is often considered one of the best methods of law enforcement. In fact it is a priority of the Forest Conservation Department to disseminate information on Wildlife laws prior to strengthening punishment and conviction due to a recognised lack of information on legal issues by the general populace.

In terms of environmental education, a myriad of NGOs, Government, quasi-government agencies and the media have made a major impact in disseminating information on wildlife and protected areas through outreach programs (primarily targetting schools), and the distribution of mass education awareness materials. The Belize Zoo and Tropical Education Center focusses its efforts specifically on protecting and conserving wildlife.

Notable community based initiatives at wildlife protection include the formation of the Community Baboon Sanctuary (CBS) with its goal of protecting and conserving the Black Howler Monkey and its habitat along the Belize River near Bermudian Landing, Belize District. A reserve exists purely due to voluntary agreements between land owners with no legally-binding management commitments. The CBS has proven a huge success at protection, and a baboon relocation program has been initiated in which adaption appears to have taken place. A major incentive for this project has been the economic benefit generated from ecotourism activity thus placing a value on the Black Howler which is far greater than its value as a food source.

Ecotourism is similarly serving as an incentive for protection of all wildlife in Belize. An example of the effort to obtain public support and participation in the protection of the manatee, was initiated on June 8, 1995 through a series of workshops sponsored by the Fisheries Dept., Forest Dept., Coastal Zone Management Project, and Belize Tourist Board. Targetting the tour guiding community and

enforcement personnel it aimed to both educate the tour guide and enforcement personnel in addition to incorporating their input for recommendations at a policy making level (appendix 9). A long term goal will be to present the findings to the Government of Belize in order to achieve legal status of the guidelines and evaluate potential for the declaration of manatee reserves in Belize.

The Wildlife Protection Act as it currently stands is focussed primarily on the regulation of hunting practice. Belize is characterised by a diversity of cultural groups of which subsistence hunting is not uncommon, and this has proved contentious in past policy making and enforcement decisions. With such a broad cultural base and given the varying subsistence needs and traditions within these social groups, community participation should be a prerequisite of policy making. However, the extent of community participation at a policy making level is naturally limited by both financial resources and time. A recent initiative on August 30, 1995 aimed to maximise opportunities for public involvement. The Forest Department, responsible for administrating the Wildlife Protection Act, spearheaded a workshop on Wildlife Management. The main purpose of the workshop was to allow participation within the policy making process by encouraging discussion and dialogue from Government of Belize personnel, members of the private sector and non-government organizations, as representatives of the wider public. The objectives were to make recommendations for the revision of the Wildlife Protection Act and the Wildlife Regulations. In addition a brief review was made of the Round River Report (an independant consultancy report) including a review of current Belize national wildlife policies. The Round River report aims to identify current wildlife management methods in Belize as a basis for specific policy suggestions. Methods included interviews with the public, in addition to acknowledgement of past studies and reports at a local level. Based on the recommendations and comments of the workshop, the Forestry Conservation Department intends to draft revisions for the Wildlife Protection Act and Regulations.

6.0. STRENGTHS AND WEAKNESSES REGARDING WILDLIFE LEGISLATION IN BELIZE

Strengths

- Government Structure that facilitates public input and forum
- Comprehensive legislative base
- Active involvement by NGOs in policy analysis
- Belize has acted as a leader in the adoption of environmental policies throughout the Caricom and Central American region
- Growing public participation within the policy making process

Weaknesses

- Acceptance of illegal actions implicit within culture
- Reporting mechanism of illegal offenses inefficient
- Too many out of court settlements thus a lack of precedence.
- Overlapping of ministerial authority
- Lack of interministerial co-ordination
- Ineffective penalties
- Lack of trained enforcement personnel
- Lack of public education
- Overriding power of the Minister
- Lack of public participation in policy making in the past
- Lack of understanding by the judiciary of the seriousness of environmental offences

- Lack of interregional policy formation and agreement in Central America.

APPENDIX



APPENDIX 1

Government Ministries and their Legislative Responsibilities relevant to Wildlife Protection

Ministry	Legislation
M. of Agriculture	<ul style="list-style-type: none"> • Pesticides Control Act • Fisheries Act
M. of Natural Resources	<ul style="list-style-type: none"> • Forest Act • Private Forest (Conservation) Act • National Parks Systems Act • Wildlife Protection Act • Land Utilization Act • North Ambergris Caye Development Corporation Act
M. of Energy, Science Technology & Transportation	<ul style="list-style-type: none"> • Mines and Minerals Act.
M. of Tourism and Environment	<ul style="list-style-type: none"> • Environmental Protection Act. • Ancient Monuments and Antiquities Ordinance

APPENDIX 2

List of Permitting Agencies related to Wildlife Protection

Agency	Permit	Fee (\$BZ)
Geology and Petroleum Department thereafter	Dredging	10 for application! \$500 annually.
Forest Department	Mangrove clearance	10 © 1 acre: 50>1 acre:300
	Research permit	200 per year
Fisheries Department	Fishing	2 per year
	Sponge extraction	Free
	Black coral export	Free
	Aquaculture	Free
	Research Permits	50
	Commercial Boat	2 per year
Port Authority	Marina construction Port erection	
Min. of Agriculture	Plant certificate Animal importation	Free

(Adapted from McCalla, W. 1995)

APPENDIX 3

English	Creole	Spanish	Scientific
Woolly Opossum	No common names in Belize		<i>Caturomys derbianus</i>
Giant Molossid Bat	No common names in Belize		<i>Molossus major</i>
Black Howler Monkey	Baboon	Mono zaraguato or negro	<i>Alouatta pigra</i>
Black Spider Monkey	Monkey	Mico or mono araña	<i>Ateles geoffroyi</i>
Giant Anteater	No common names in Belize		<i>Myrmecophaga tridactyla</i>
Pygmy Silky Anteater	No common names in Belize		<i>Cyclopes didactylus</i>
Prehensile-tailed Procupine	Porcupine	Puercoespín	<i>Coendou mexicanus</i>
Whales, all species	Whales	Ballenas	Cetaceae, all species
Dolphins, all species	Porpuise	Delfines	Cetaceae, all species
Central American Cacomistle	None	Mono de León or Gua de León	<i>assarius sumichrasti</i>
Kinkajou	Nightwalker	Mico o Mono de Noche	<i>Potos flavus</i>
Grison	Bush Dog	Hurón	<i>Galictis or Grison vittatus</i>
Striped Hong nosed Skunk	Polecat	Zornillo	<i>Lutra annectans</i>
Central American Otter	Water Dog	Perro de agua	<i>Conenpatus semistriatus</i>
Jaguar	Tiger	Tigre	<i>Panthera (or Felis) onca</i>
Mountain Lion, Puma, Cougar	Red Tiger	León	<i>Felis concolor</i>
Ocelot	Tiger Cat	Tigrillo	<i>Felis pardalis</i>

* Not seen since mid 1960.

English	Creole	Spanish	Scientific
Mergay	Tiger Cat	Tigrillo	<i>Felis wiedii</i>
Jaguarundi	Bush Dog o Halari	Onza	<i>Felis yagouaroundi</i>
Caribbean Monk Seal	Sea	Foca or León de Marime	<i>Monachus tropicalis</i>
Manatee	Sea Cow	Manati	<i>Trichechus manatus</i>
Baird's Tapir	Mountain Co	Danta or Vaca de Montaña	<i>Tapirus bairdii</i>
Salt-water Crocodile	Alligator	Lagarto	<i>Crocodylus acutus</i>
Morelet's Crocodile	Alligator	Lagarto	<i>Crocodylus moreleti</i>
Loggerhead Turtle			<i>Caretta caretta</i>
Green Turtle			<i>Chelonia mydas</i>
Hawksbill Turtle			<i>Eretmochelys imbricata</i>
Leatherback Turtle			<i>Dermochelys coriacea</i>
Chachalaca	Coerico	Chachalaca	<i>Ortalis vetula</i>
Crested Guan	Quam	Cojolita	<i>Penelope purpurascens</i>
Great Curassow	Curassow	Pajuil or Faisan Real	<i>Crax rubra</i>
Black-throated Bobwhite	Quail	Codorniz	<i>Colinus nigrogula</i>
Blue-winged Teal	Duck	Pato Careto	<i>Anas discors</i>
Lesser Scaup	Duck	Pato zambullidor del Norte	<i>Aythya affinis</i>

* Extinct

APPENDIX 4

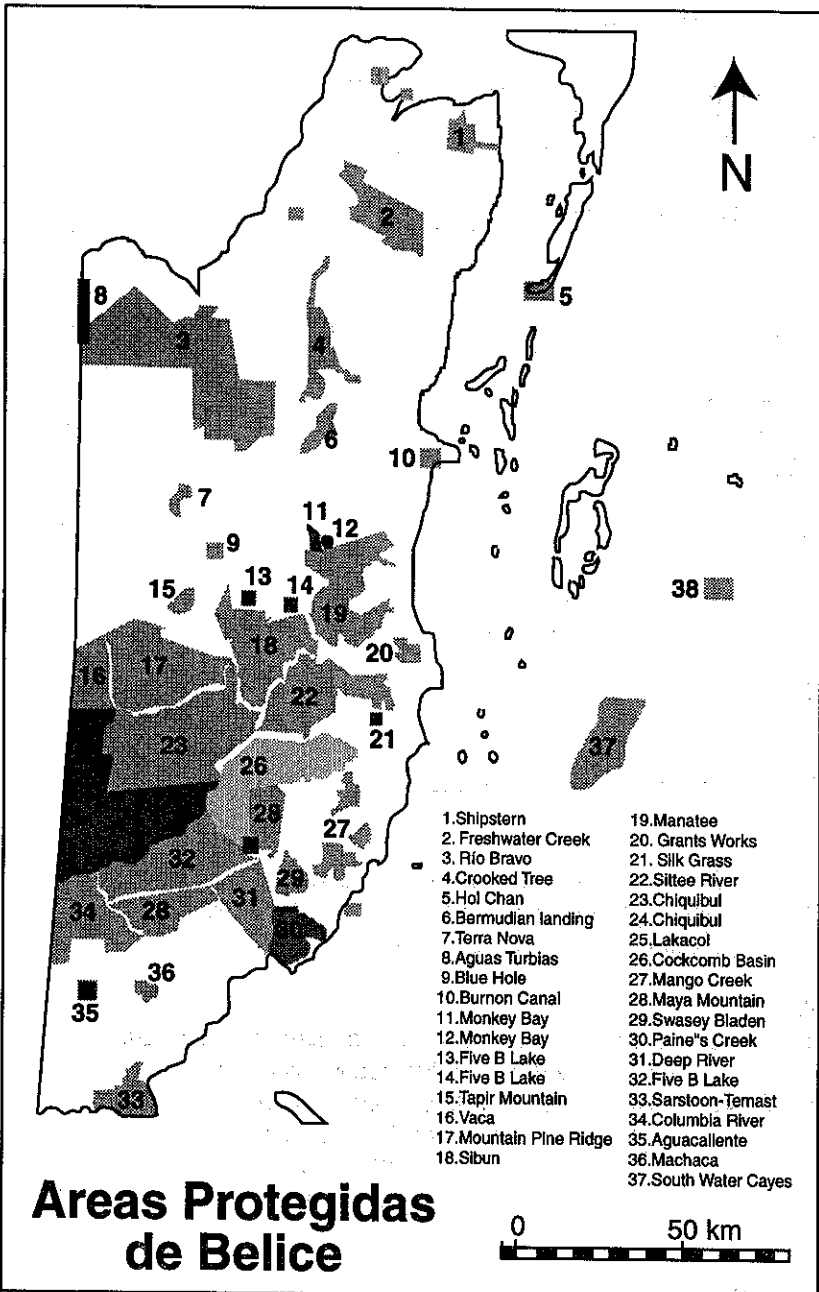
Fisheries Regulations pertaining to the Protection of Specific Marine Species

Species	Closed Season	Size/weight limit	Legislation
Crawfish	15 February- 14 July	3 1/4 inch tail 4 Ounces	SI #168 1991 SI #143 1993
Conch	July 1- September 30	7 inches length 3 Ounces	Fish Reg. 1977 #66 Section 6
Green Turtle	April 1- October 31	60cm (24in) carapace length	Fish Reg. 1977 #66 Section 10 SI #55 1993
Loggerhead	April 1 - October 31	60cm(24in) carapace length	SI #55 1993
Hicatee	May 1 - May 31	Females 43cm 38cm	SI #55 1993
Hawksbill,	All year (hunting not permitted)		
Shrimp	April 15- August 14		S.I. 139 of 1990

APPENDIX 5

PROTECTED AREAS in Belize (excluding Forest Reserves)

+Type	Area* (acres)	Area** (hectares)	Statutory Instrument
National Parks			
Aguas Turbias ¹	8 950	3 623.5	44/1994
Blue Hole	574.5	232.6	109/1986
Chiquibul	265 894	107 649.3	166/1991
Five Blues Lake	4 250	1 720.6	56/90 & 52/1994
Guanacaste	51.5	20.9	46/1990
Laughingbird	1.414	0.57	167/1991
Monkey Bay	2.250	910.9	45/1994
Paynes Creek ¹	28 000	11 336	43/1994
Rio Blanco Falls ¹	100	40.48	41/1994
Sarstoon/Temash ¹	41 000	16 599.2	42/1994
Bacalar Chico			
Natural Monuments			
Half Moon Caye	9 700	3 927.1	30/1982
Victoria Peak			
Nature Reserve			
Bladen Branch	97 000	39 271.3	66/1990
Burdon Canal	5 970	2 417	8/1992
Tapir Mountain	6 741	2 729	108/1986
Wildlife Sanctuaries			
Cockscomb Basin	102 398.2	41 456.8	32/1986
Crooked Tree	2 900	1 173.6	95/1984
Gales Point			
Aguas Caliente			
Marine Reserve			
Glovers Reef Atoll	4 zones		38/1993
Hol Chan	11.61 km		57/1987
Bacalar Chico			



APPENDIX 6

International Conventions related to Wildlife Protection of which Belize is a Signatory

Treaty/ Convention	Coverage	Date Signed
Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)	Protection of certain endangered species from over-exploitation	21 September 1981
International Convention for the Regulation of Whaling	Conservation and recovery of whale populations; regulation of whale industry	15 July 1982
Convention on Biological Diversity	Conservation of biodiversity, the sustainable use of its components, and equitable sharing of benefits from natural resource use	30 December 1993
Central American Biodiversity Convention		
Convention concerning the Protection of the World Cultural and Natural Heritage (The World Heritage Convention)*		
The Convention on Wetlands of International Importance especially as Waterfowl Habitat (RAMSAR)*	Protection of Wetland Habitat	98

APPENDIX 7

BELIZEAN SPECIES LISTED BY CITES - APPENDIX 1 AND 2
(CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES OF
FLORA AND FAUNA).

MAMMALS

Black Howler Monkey, Baboon

Alouatta pigra

The sylvan yellow fever epidemic of 1955 drastically depleted all but a few populations along lower stretches of large rivers. Populations are increasing now and following successful protection of the baboon at the Community Baboon Sanctuary a relocation program has been carried out to increase numbers in the Cockscomb basin. They are still hunted for food in some areas.

Black Spider Monkey, Monkey

Ateles geoffroyi

These populations also suffered from the yellow fever epidemic. Capture and sale for the pet trade has also proved a threat. Black spider monkeys have a low reproductive rate: females do not have young until they are over 4 years old, and only every 3 to 4 years thereafter.

Central American River Otter, Water Dog

Lutra longicaudis

Have been threatened from intensive hunting for sale of their hides. They are shy and rarely see. No data of populations to determine their present status. Graceful swimmers and a thrill to watch.

Puma, Mountain Lion, Red Tiger

Felis concolor

They have become extinct over much of their former range of Central and South America, threatened by deforestation and hunting of prey. Very shy and thus rarely seen, although some may follow humans through the curiosity common with cats. Very very rare that they will attack.

Ocelot, Tiger Cat*Felis pardulis*

Formerly hunted intensively for the fur trade. The most commonly seen cat each has an individual spot pattern of fur.

Margay, Tiger Cat*Felis wiedii*

Although their fur has been regarded as less valuable than the ocelot's, many are caught in traps set for the ocelot. The only cat that can climb headfirst down vertical trees!

Jaguarundi, Halari*Felis yagouroundi fessata*

Although not hunted for the fur trade they are rarely seen and their exact status is unknown.

Jaguar, Tiger*Panthera onca goldmani*

Rare or extinct in many parts of their former range, in Belize the jaguar is common and populations have been growing due to conservation efforts: notably the work of Rabinowitz in assisting with the declaration of the World's only Jaguar reserve, The Cockscomb Basin Wildlife Sanctuary.

Baird's Tapir, Mountain Cow*Tapirus bairdii*

Threatened by hunting for a food source and by deforestation. Eats 90% of its waking hours. Tapirs are easy to locate with dogs, but when alarmed run for the water and submerge. Usually solitary and have single young.

White-collared Peccary*Tayassu tajacu*

Still common but hunted for meat and hide: formerly a sport hunting species. They panic when approached by humans releasing a pungent odor like cheese when alarmed.

Red Brocket Deer, Antelope*Mazama americana*

Solitary and preferring a dense vegetation the red brocket deer is extensively hunted as a game species. Raises tail when alarmed.

Manatee, Sea Cow*Trichechus manatus*

Belize has effectively become a sanctuary for manatees, protected for many years. In other areas of the Caribbean and C.A. they are hunted for their meat which is said to taste of layers of fish, chicken and pork. Recently a number of illegal slaughter sites have been found in southern Belize waters. They are also threatened by boat propellers as they graze on sea grass in shallow waters.

Brainvilles Spotted Dolphin*Stenella plagiodon*

Atlantic Bottle-nosed Dolphin

Tusiops Truncatus

Both species are common outside the Belize Barrier Reef. Little research has been carried out on populations in Belize, although there is a dolphin project currently underway at Blackbird Caye.

Dolphins are the most advanced group of marine species.

BIRDS**Harpy Eagle***Harpia harpyja*

Extremely rare, it's habitat is tropical forest none the less there have been very few sightings in Belize. Females lay eggs every other year.

Peregrine Falcon*Falco peregrinus*

Migratory birds of prey, with a large black mustache they only winter in Belize. Their food source is solely other birds.

REPTILES

American Saltwater Crocodile, Alligator *Crocodylus acutus*
Morelet's Crocodile, Alligator

Crocodylus moreleti

Formerly hunted for their skins which make longlasting leather produce. The "alligators" have a high reproductive rate due to the large number of predators once the young have hatched: including themselves.

Central American River Turtle, Hicatee *Dermatemys mawii*

The only living representative of this early turtle family, the hicatee is commonly caught for food. The Government of Belize introduced an annual closed season for hunting between May 1 and May 31. It is easy daytime prey while basking in the sun.

Common Iguana, Bamboo Chicken *Iguana iguana*

Of prehistoric origins the iguana is a common food source in rural riverside areas the iguana is hunted both for its meat and eggs. They can be kept fresh and alive tied by their own toes for up to three days thus they are a popular bush food. The Belize Zoo has initiated a breeding program to bump up depleting numbers.

Green Turtle *Chelonia mydas*
Hawksbill

Eretmochelys imbricata *Loggerhead*
Caretta caretta

Turtles are unlucky! Turtle meat and eggs are considered a delicacy. Many become trapped in trawl nets and drown. Others are killed by eating plastic bags that they take for jelly fish. Pollution has also degraded their food source of sea grass. A thrill for divers, their beauty is reflected in the demand for jewelry from the turtle shell although it is illegal to take this out of the country. Perhaps the

biggest threat is the loss of their nesting sites as turtles return every year to nest on the same beaches they are born, but development is disturbing these beaches.

(Emmons, L. 1990, Hartshorn A. Et al., 1984)

APPENDIX 8

International Conventions identified as being of importance to Belize and Wildlife Protection of which Belize is not a Signatory

- 1) The Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region (The Cartagena Convention)
- 2) Protocol on Specially Protected Areas and Wildlife (SPAW Protocol)*
- 3) Convention on the Conservation of Migratory Species of Wild Animals, Bonn (The Migratory Species Convention)*
- 4) Convention on Nature Protection and Wildlife Preservation in the Western Hemisphere (The Western Hemisphere Convention)*
- 5) United Nations Educational Scientific and Cultural Organization's UNESCO's Man and the Biosphere (MAB) Programme 1971 Biosphere Reserves.*

*Recommended for accedence (McCalla, W. 1995)

APPENDIX 9

- Objectives of the Manatee Workshops, 1995:
- 1) To educate tour guides and law enforcement personnel on manatee in the region and protective legislation.
 - 2) To establish a nationwide network of persons to report injured/dead manatee and illicit acts against the manatee.
 - 3) To establish procedures for this reporting.
 - 4) To aid tour guides to establish guidelines for behaviour on manatee tours.
 - 5) To produce an information sheet on the manatee.
 - 6) To produce a list of proposed areas for conducting manatee tours.
 - 7) To produce a list of known areas where manatees are threatened by boats.

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NOTES

- 1 While Belize was a British colony, government lands were referred to as Crown Lands. Belize became independent in 1981, but it was not until 1992 that the Crown Lands Act (CAP 147, Laws of Belize 1980) was repealed and replaced by the National Lands Act, 1992. Section 40 of the new act states that all references to «Crown Land» in the Laws of Belize» shall be read and construed as»National Lands». In this document, Crown Lands and National Lands are synonymous.
- 2 At this time (1994), the Forest Department (FD) is within the Ministry of Natural Resources (MNR), so the Minister of MNR is the minister responsible for the creation of a parks system. Under the law, the ministry responsible for forestry may change, but the CFO will continue to be responsible for administration of the National Parks System.
- 3 Not assigned a Chapter Number to date.

THE UNIVERSITY OF CHICAGO PRESS
CHICAGO, ILLINOIS 60607
1998

WILDLIFE PROTECTION ACT.

UNIVERSITY OF CHICAGO

Nº 4 of 1981

in assent,

M.E. GORDON

Governor General

25 th November, 1981

AN ACT to provide for the conservation, restoration and development of wildlife, for the regulation of its use and for all other matters connected therewith.

(Gazetted 28 th November, 1981)

BE IT EN ACTED by and with the advice and consent of the House of Representatives and Senate of Belize, and by the authority of the same as follows:

PART I

WILDLIFE PROTECTION ACT 1981

and shall come into force on such day as the Minister shall appoint by Order in the Gazette.

Interpretation

2. In this Act unless the context otherwise requires:— “dealer” means any person who, in the course of any business or trade, imports, exports, processes, buys or sells any wildlife of any species or part or product thereof or therefrom; “Forest Reserve” means a Forest Reserve declared as such under section 3 of the Forests Ordinance;

Chapter 115

“Game Ranger” means the Game Warden, a forest officer appointed under the Forests Ordinance, and any person appointed under section 10 to be a game ranger for the purposes of this Act and, for the purposes of sections 18 and 19 shall be deemed to include a Justice of the Peace and any member of the Police Force;

"Game Warden" means the person appointed as such under section 10;

"to hunt" means to kill, take or molest by any method and includes attempting to kill, take or molest by any method any species of wildlife;

"Minister" means the Minister for the time being responsible for wildlife protection;

"wildlife" means all undomesticated mammals, birds and reptiles and all parts, eggs, and nests of any of these wildlife forms;

"wildlife offence" means any offence referred to in section 16.

PART II

CONTROL OF HUNTING

Restriction

3. Subject to the provisions of this Act, no person shall:
- a) hunt any of the species of wildlife set out in the schedule;
 - b) hunt any species of wildlife other than the species listed in the Schedule, except,—
 - (i) if the person is a resident of Belize, pursuant to a valid resident hunting licence issued under section 13;
 - (ii) if the person is not a resident of Belize, pursuant to valid non-resident hunting licence issued under section 13;
 - c) hunt any obviously immature wildlife or any female accompanied by its young;
 - d) hunt any wildlife species employing any fire, trap, poison, spring, gun, gin, pitfall, light or electric device or missile containing an

explosive, except as may be permitted pursuant to regulations under paragraph (i) of section 11.

Prohibited activities

4. (1) Save as the Minister may by regulations provide, no person shall, in any area closed to hunting of wildlife pursuant to the provisions of this Act or any other enactment for the time being in force,
 - a) hunt any wildlife of any species;
 - b) be found in possession of any wildlife or party here of;
 - c) carry any gun, spear, trap or other means for hunting wildlife.
- (2) No person shall without a licence hunt any wildlife in a forest reserve.

Defence of person and property

5. (1) Nothing in this Act shall make it unlawful for any person to take such measures as may be reasonable necessary to defend himself or other persons from any attack by any animal.
 - (2) Any landholder or occupier or he owner of crops or domestic animals or any person acting on behalf of such person may, without the need of any other authorization, kill or capture on his property any wildlife threatening or causing material damage to such crops or domestic animals if such action is reasonably necessary in the circumstances.
 - (3) Any wildlife killed or captured under the provisions of subsections (1) and (2), and any part or product of such wildlife, shall be the property of the Government and shall be dealt with according to the provisions of section 23.

Reports and payments.

6. Except as the Minister may otherwise prescribe, whenever any wildlife has been killed or captured in any manner the person killing or capturing or ordering the same shall, within one month, make a report thereof to the nearest game ranger, and shall forthwith pay such royalty or other fee as may be payable in respect thereof under the terms of this Act and any regulations licence or permit issued thereunder.

Dealer's license required.

7. No person shall carry on the business of a dealer in wildlife except pursuant to valid dealer's licence issued under section 13.

Moratorium on commercial dealing.

8. (1) Commencing on the day on which this Act comes into force, there shall be a seven year moratorium on the sale, exchange, hire or any other dealing for profit in any wildlife of any species or parts or products thereof. This shall not apply to sales of meat from species the hunting of which is not prohibited and which is acquired by the consumer within fifteen.

(2) Six months prior to the end of the moratorium period, the Minister shall provide the Nacional Assembly with his recommendation and substantiating data and the National Assembly shall decide whether the moratorium should be lifted, extended for an additional period of time or kept in perpetuity.

Export, import permit required.

9. No person shall import or export or attempt to import or export any wildlife off any species dead or alive or any part thereof or product therefrom except pursuant to a valid permit issued under section 15.

PART III

ADMINISTRATION

Appointment of Officers.

10. The Public Services Commission may appoint a Game Warden and such number of game rangers as the Minister shall deem necessary, to perform the functions and exercise the powers assigned to each of them by this Act and regulations made hereunder.

Regulations.

11. The Minister may, from time to time, make regulations for the implementation and administration of this Act and without prejudice to the generality of the foregoing may:
 - a) declare any area in Belize to be closed area for hunting;
 - b) prohibit the hunting and possession of any specified wildlife species either for a period to be named in the regulation or absolutely;
 - c) prohibit or limit any method employed for hunting which appears to him to be unduly destructive, dangerous or otherwise improper;
 - d) prohibit the hunting of wildlife specimens smaller or younger than a prescribed size or age;
 - e) make provisions with regard to applications and the issue of licences and permits, the conditions of issue including the payment of fees therefor and the form of such licences and permits;
 - f) require the payment of royalties in respect of wildlife that is killed or captured, and the rate of such royalties may be different for different classes of permits and different classes of licences;

- g) limit the number of any wildlife of any species that may be killed captured or possessed by any person;
- h) amend, vary or alter the list of animals contained in the Schedule;
- i) permit the molesting, capture or killing, by such means including otherwise prohibited means as may be prescribed, of any species of wildlife other than those mentioned in the Schedule, where such action is in accordance with sound agricultural or sanitary practice and does not threaten the preservation of any species or the ecological balance;
- j) provide the procedure for the issue of a licence under this Act;
- k) provide that the contravention of any regulation shall be an offence.

Regulations subject to rescission by National Assembly.

12. All regulations shall be laid before the National Assembly as soon as may be after the making thereof, and shall be subject to a negative resolution by the National Assembly.

Issue of Licenses, fees.

13. The Game Warden, or any person so authorised by him in writing may issue resident or non-resident hunting licences as the case may be. The Game Warden may, with the approval of the Minister issue dealer's licences consistent with the provisions of this Act and any regulations made thereunder and the principles of good wildlife management. The issue of all licences shall be subject to the payment of such fees as the Minister may from time to time prescribe.

Scientific permits.

14. Notwithstanding the provisions of the section 3 and 4, the Minister may issue a permit for hunting of particular specimens of any wildlife species for scientific or educational purposes. The permit may authorize such hunting and, in exceptional cases, in National Park and Nature Reserves and shall be subject to such conditions, including the payment of such fees and royalties, as the Minister may require.

Issue of import and export permits.

15. Subject to the provisions of section 8, the Game Warden or any person authorised by him in writing may, with the approval of the Minister, issue permits for the import into or export out of Belize of specimens of wildlife or parts thereof. The Minister shall by regulation prescribe the form and conditions of the import and export permits authorised by this section.

PART IV**GENERAL****Offences and penalties.**

16. (1) Any person who contravenes or aids or abets the contravention of any of any of the provisions of section 3, paragraphs (b), (c) or (d) of section 4, section 7 or section 9 commits an offence and shall on summary conviction be liable to a fine not exceeding five hundred dollars, or where the offender has within a preceding period of five years been convicted of a wildlife offence or paid compensation under section 22, to a fine not exceeding one thousand dollars or imprisonment for a period not exceeding six months or to both such fine and imprisonment.
- 2) The court may in addition to any punishment under the preceding subsection order the cancellation of any licence or permit issued under this Act or under any regulations made

thereunder, and the forfeiture of any wildlife or parts or products thereof or of any weapon, article, vessel or vehicle used in the commission of the offence.

Presumption.

17. Where any person is found in possession of any wildlife or other thing in respect of which a wildlife offence has been committed, he shall, unless he can prove that he came by the wildlife or other thing innocently and without knowledge of the offence, be presumed to have committed the offence. It shall be a sufficient defence to show that he came by the thing prior to the commencement of this Act.

Powers of search, seizure and arrest.

18. (1) Any game ranger may.
- a) when he has reasonable grounds to suspect that a person is in possession of any article in respect of which a wildlife offence has been committed, search such person or any baggage, parcel, vehicle tent or building under the control, custody or possession of such person or his agent or servant;
 - b) seize any specimen of wildlife or part or products thereof, in respect of which he has reasonable grounds to believe that a wildlife offence has been committed;
 - c) seize any weapon, ammunition, trap, poison, device, vehicle or other thing that he has reasonable ground to believe has been used in the commission of a wildlife offence;
 - d) arrest any person he has reasonable grounds to suspect of having committed any wildlife offence if the person refuses to reveal his name and residence, states a name and residence which there is reason to believe is false or gives reason to believe he will leave the country.

may have supplied such information as may have in the opinion of the Court led to the conviction of the offender.

Compounding of certain offences.

22. (1) The Minister and the Game Warden if authorised by him in writing may accept from any person admitting the commission of an offence under this Act a sum of money, which shall in no case exceed three hundred dollars, by way of compensation for the offence and on payment thereof such person, if in custody, shall be discharged and no further proceedings shall be taken against him in respect of the offence.
- 2) All moneys received under this section shall be paid into the general revenue.

Disposal of forfeited articles.

23. Any wildlife or parts or products thereof forfeited under the provisions of this Act or under any regulations made under this Act shall be disposed of by the Game Warden with the approval of the Minister, in a manner that may be deemed proper. The proceeds of any sales of forfeited under the provisions of this Act, shall be paid into the general revenue.

Saving of other powers.

24. Nothing in this Act shall be deemed to prevent any person from being prosecuted under any other law for any act or omission which constitutes an offence under that law or from being liable under such other law to any higher punishment or penalty than that provided under this Act, provided that no person shall be punished twice for the same act.

Civic remedy preserved.

25. Nothing in this Act shall derogate from or interfere with the right of the Government or of any person to sue for and recover, at

2) Any live animal seized in accordance with subsection (1) may be released, destroyed or retained in custody at the discretion of the seizing officer if the person from whose possession such animal was seized is convicted of any offence in respect of such possession.

3) Any perishable thing seized in accordance with subsection (1) may be sold or otherwise disposed of at a fair market price and the proceeds held pending the determination of any charge under this Act by the court having jurisdiction therefor.

4) Anything seized and any person arrested under this section shall as soon as possible thereafter be brought before the nearest magistrate.

Inquiries, evidence.

19. Any game ranger may hold an inquiry into wildlife offences and, in the course of such inquiry, receive and record evidence. Such evidence shall be admissible in any subsequent prosecution before a magistrate provided that it has been taken in the presence of the accused person, and sworn to and signed by the deponent. The deponent shall, however, be made available at the trial.

Wildlife offences punishable on summary conviction.

20. All wildlife offences shall be punishable on summary conviction on information which may be laid by the Game Warden or any person authorised by him in writing.

Award of portion of fine to informant.

21. The Court may award any amount not exceeding onehalf of the fine imposed for a wildlife offence as a reward to any person who