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**USAID REGIONAL PROGRAM FOR THE MANAGEMENT  
OF AQUATIC RESOURCES AND ECONOMIC ALTERNATIVES**

# BELIZE REVISION OF NATIONAL FISHERIES ACT

**31 March 2011**

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# BELIZE REVISION OF NATIONAL FISHERIES ACT

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The author's views expressed in this publication do not necessarily reflect the views of the United States Agency for International Development or the United States Government.



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## PREFACE

The Management of Aquatic Resources and Economic Alternatives (MAREA) program, financed by the United States Agency for International Development (USAID) and implemented by Chemonics International, with the Wildlife Conservation Society as a subcontractor, builds on previous projects in Central America to support and promote marine and coastal conservation through rights-based access and market-driven mechanisms in concert with local partners from both the private and public sectors. The MAREA program will achieve these goals with a focus on four key trans-boundary watershed areas and seven key focal species. The four trans-boundary regions are the Gulf of Honduras, the Moskitia Coast, Cahuita-Gandoca-Bocas del Toro, and the Gulf of Fonseca. The focal species for the MAREA program are divided into species with commercial importance: mangrove cockles, queen conch, grouper, snapper, and spiny lobsters; as well as two groups of endangered species: sharks and sea turtles.

The MAREA program will employ multiple strategies to positively affect its target species within its regional points of focus including the promotion of rights-based legislation and programs, establishment of managed protected areas and no-take reserves, promoting specific protections and management regimes for threatened species and by providing economic alternatives to local communities where resource extraction threatens marine and coastal natural resources. The revision of the National Fisheries Act in Belize is a necessary step towards implementing an ecosystem approach to rights-based fisheries in Belize.



## EXECUTIVE SUMMARY

The Belize Department of Fisheries invited WCS, a MAREA subcontractor, to assist in providing technical assistance and designing and implementing a process to revise the national Fisheries Act. The current Fisheries Act has not been revised for many years, and the latest addition was made in 1989. There is a pressing need to modernize it in order to resolve conflicts with the more rapidly evolving Fisheries Regulations, in particular in relation to enforcement issues, such as fines and penalties, and bring the Act – and the country’s overall fisheries management – more fully in line with international standards, such as the principles agreed in the UN FAO Code of Conduct for Responsible Fisheries and practices recommended for its implementation; emerging lessons in precautionary fisheries management, including the application of an ecosystem-based approach (EBFM); and evolving guidelines for the role of Marine Protected Areas (“MPAs”) in sustainable fisheries.

With the approval of the project’s Steering Committee, WCS with the support of MAREA appointed two legal consultants – Bill Edeson, the International Legal Consultant, and Elisa Montalvo, the National Legal Consultant – to carry out the major task of drafting the new Act. The first step in the process was to carry out a Preliminary Analysis that lays the foundation for the revision process. This analysis looks at the existing national and international legal framework in relation to the country’s fisheries management needs and obligations. It was finalized in December 2010.

The legal consultants then began drafting the new legislation. The comments received during these consultations have been incorporated in this present draft, which should still be viewed as a working document. In the next three to four months, the consultants will complete and refine this draft Act and have a more polished version ready for presentation to the Minister of Fisheries, and subsequently to the Solicitor General’s Office in July 2011.

# **AQUATIC LIVING RESOURCES BILL, 2011**

**BELIZE:**

## **AQUATIC LIVING RESOURCES BILL, 2011**

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**BELIZE:**

**BILL**

**For**

**AN ACT to make new and improved provisions to promote long term conservation, management, and sustainable use of the aquatic living resources of Belize; to repeal the Fisheries Act, Chapter 210 of the Laws of Belize, Revised edition 2000; to repeal the High Seas Fishing Act, Chapter 210:01 of the Substantive Laws of Belize, Revised Edition 2000-2003; and to provide for matters connected therewith or incidental thereto.**

**BE IT ENACTED 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:**

*(Gazetted ....., 2011).*

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**PART I  
Preliminary**

Short title. 1. This Act may be cited as the  
**AQUATIC LIVING RESOURCES ACT, 2011.**

Interpretation. 2. In this Act

“aquatic living resources” means living resources in the fisheries waters of Belize, including any aquatic flora or fauna and its habitats;

“authorized officer” means any fisheries officer and any other person or category of persons designated as an authorized officer by the Minister under section ( ) of the Act;

“Belize high seas fishing vessel” means a fishing vessel authorized to fly the flag of Belize and to fish on the high seas;

“commercial fishing” means

“Council” means the Fisheries Council established under section ( ) of the Act;

“fish” means the whole or any part, and the young and its eggs, of any aquatic animal, whether piscine or not, and includes any shellfish, turtle, mollusc, crustacean, coral, sponge, echinoderm, sea cucumber, and aquatic flora;

“fisheries officer” means the Fisheries Administrator and any other officer appointed under section ( ) of the Act;

“fishery” means one or more stocks of fish or fishing operations based on such stocks which can be treated as a unit for purposes of conservation and management and which are identified on the basis of geographical, scientific, technical, recreational and economic characteristics;

“fishery management plan” means the plan for the management and development of fisheries prepared under section ( ) of the Act;

“fisheries waters” means the waters of the exclusive economic zone and the territorial sea of Belize and internal waters as defined in section 2 of the Maritime Areas Act, all inland waters of Belize, and such other waters in respect of which Belize exercises jurisdiction from time to time for fisheries purposes;

“fishing” means fishing for or catching or taking or killing fish by any method and includes

- (a) searching for fish;
- (b) the attempted searching for or catching or taking of fish;
- (c) engaging in any other activity that can reasonably be expected to result in the taking of fish;
- (d) the use of an aircraft or a vehicle in relation to any activity described in this paragraph;

but does not include the taking of fish from an aquaculture facility or any other activity related to aquaculture;

“fishing vessel” means any vessel used for fishing or related activities or for sport fishing;

“Fish Stocks Agreement” means the Agreement for the Implementation of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, adopted at New York on 4 August 1995;

“foreign fishing vessel licence” means a licence issued in respect of a foreign fishing vessel under section ( ) of the Act;

“foreign fishing vessel” means any fishing vessel other than a local fishing vessel;

“high seas” means the waters beyond the territorial sea or exclusive economic zone (or other zone of extended fisheries jurisdiction) of any State, to the extent that such territorial sea or exclusive economic zone (or other zone of extended fisheries jurisdiction) is recognized by Belize;

“inland waters” means permanent water bodies on the mainland and include rivers, lakes, floodplains, reservoirs, wetlands, and inland saline systems.;

“International conservation and management measures” means measures to conserve or manage one or more species of living marine resources that are adopted and applied in accordance with the relevant rules of international law reflected in the 1982 United Nations Convention of the Law of the Sea, the FAO Compliance Agreement and the Fish Stocks Agreement either by global, regional or sub-regional organizations, or by treaties, or arrangements to which Belize is a Party or is a cooperating non contracting party

“IMMARBE” means the International Merchant Marine Registry of Belize;

“length” means

- (a) for any fishing vessel of Belize built after 18 July 1982, 96 percent of the total length on a waterline at 85 percent of the least moulded depth measured from

the top of the keel, or the length from the foreside of the stem to the axis of the rudder stock on that waterline, if that is greater, except that in ships designed with a rake of keel the waterline on which this length is measured shall be parallel to the designed waterline; and

- (b) for any fishing vessel of Belize built before 18 July 1982, registered length as entered on the vessel's documentation;

“master” means the person or persons having control of a fishing vessel at any given time;

“Minister” means the Minister with responsibility for fisheries;

“non-commercial fishing”

“related activities” in relation to fishing means:

- (a) trans-shipping fish to or from any vessel whether or not for the purpose of sale or barter; or
- (b) storing, processing or transporting fish taken from the fishery waters up to the time it is first landed; or
- (c) refuelling or supplying fishing vessels or performing other activities in support of fishing operations; or
- (d) the use of an aircraft or a vehicle in relation to any activity described in this paragraph;
- (e) attempting or preparing to do any of the above,

“regional or subregional fisheries management organization” means a regional or subregional fisheries management organization or arrangement established or designated pursuant to Part III of the Fish Stocks Agreement and which is recognized by Belize;

“sport fishing” means fishing for the purpose of leisure or recreation only, without the intention of selling the fish;

“test fishing operations” means any fishing operations undertaken over a limited period of time with the approval of the Fisheries Administrator under Section ??? for the purpose of testing the feasibility of commercial fishing operations with a view to the establishment of locally based fishery operations;

“transshipment” means the unloading of all or any of the fish on board a fishing vessel to another fishing vessel either at sea or in any port.

## **PART II**

### ***Objectives and Principles***

Objective of long term sustainable use.

3. The fundamental objective of this Act is to promote long term conservation, management, and sustainable use of the aquatic living resources of Belize for present and future benefits for the people of Belize.

Principles and measures.

4. (1) The Minister or Fisheries Administrator, when performing their functions or exercising powers under this Act, shall

(a) apply, in particular, the following principles and measures

- (i) conservation and management of fishery resources shall be conducted in a transparent, accountable and inclusive manner, taking into account applicable best international or

- regional practices;
- (ii) fishing shall be commensurate with the sustainable use of fishery resources taking into account the impacts on non-targeted and associated or dependent species and the general obligation to protect and preserve the marine environment;
- (iii) ensure that such measures and management decisions are based on the best information available and are designed to maintain or restore stocks at levels capable of producing maximum sustainable yield, as qualified by relevant environmental, social and economic factors, and taking into account fishing patterns, the interdependence of stocks;
- (iv) overfishing and excess fishing capacity shall be prevented or eliminated;
- (v) full and accurate data on fisheries, including information relating to the ecosystems and social systems in which fisheries occur, shall be collected, verified, reported and shared in a timely and appropriate manner;
- (vi) protect biodiversity;
- (vi) effective compliance with conservation and management measures shall be pursued;
- (vii) pollution and waste originating from fisheries operations, discards, by-catch, lost or abandoned gear and impacts on other species and marine ecosystems shall be minimized;
- (viii) to improve the welfare and livelihood of fishers and the fishing community; and

(b) apply the precautionary approach and an ecosystem approach in accordance with paragraph 2.

(2) (a) The precautionary approach as described in the Fish Stocks Agreement shall be applied widely to the conservation and management of fishery resources in order to protect those resources and to preserve the aquatic ecosystems in which they occur, and in particular the Minister or the Fisheries Administrator shall

- (i) be more cautious when information is uncertain, unreliable, or inadequate;
- (ii) not use the absence of adequate scientific information as a reason for postponing or failing to take conservation and management measures; and
- (iii) take account of best international practices regarding the application of the precautionary approach, including Annex II of the Fish Stock Agreement;
- (iv) taking into account livelihoods and users of aquatic living resources.

- (b) An ecosystem approach shall be applied widely to the conservation and management of fishery resources through an integrated approach under which decisions in relation to the management of fishery resources are considered in the context of the functioning of the wider ecosystems in which they occur to ensure the long-term conservation and sustainable use of those resources and in so doing, safeguard those ecosystems.

### **PART III** ***Administration***

Fisheries Council. 5. (1) There is established a Fisheries Council which shall advise and make recommendations to the Minister on

- (a) matters relating to the conservation, management, sustainable utilization and development of fisheries in the fishery waters;
- (b) the development and implementation of a comprehensive fisheries policy;
- (c) the formulation, establishment and implementation of guidelines and conservation and management measures to prevent the overexploitation of fisheries and address ecosystem impacts;
- (d) consideration and review of any fishery management plan(s);
- (e) coordination of policies with regard to fisheries with other departments, including joint venture agreements in investments in the fisheries sector;
- (f) matters requiring coordination and cooperation with other departments, entities, and sectors; and
- (g) any other matter at the request of the Minister.

(2) The Council shall comprise the following members

- (a) the Fisheries Administrator or his designate;
- (b) the Director of the Coastal Zone Management Authority and Institute or his designate;
- (c) the Solicitor-General or his designate;
- (d) the Chief Environmental Officer or his designate;
- (e) the Chief Executive Officer in the Ministry responsible for Economic Development or his designate;
- (f) the Chairperson of the Belize Tourism Board, or his designate;
- (g) three members selected by fishing cooperatives and associations, at least one of whom shall represent the Belize Fisherman Cooperative Association;
- (h) one member representing a non-governmental organizations with an interest in the conservation and sustainable utilization of aquatic living resources, the corporate headquarters of which is in Belize, recommended by the Fisheries Administrator; and
- (i) one member from the private fisheries sector appointed by the Minister;

(j) an independent scientist with expertise in fisheries science appointed by the Minister.

(3) The Minister shall publish by Notice in the *Government Gazette*, the names of members of the Council under paragraphs (g), (h), (i) and (j).

(4) A person appointed under subsection (3) shall be appointed for a term of two years and may serve no more than three consecutive terms.

(5) The Council may co-opt any person as the Council thinks fit by reason of any particular knowledge or skill, to assist the Council for a specific purpose, and the person co-opted shall not be entitled to vote on any question before the Council.

(6) The Council may regulate its own proceedings.

(7) A person appointed under subsection (3) may be removed by the Minister from holding a position on the Council

(a) where he has engaged in misconduct;

(b) where he has been absent without reasonable excuse from three consecutive meetings;

(c) where he is deemed unfit to hold office whether by reason of infirmity of body or mind.

(8) A member of the Council shall disclose an interest in any matter that comes before the Council for deliberations and shall recuse himself from deliberations of the Council in respect of that matter in which that member has a substantial interest.

(9) The Council may establish sub-committees chaired by a member of the Council to deliberate on a specific issue or with specified responsibilities and for a specified term.

(10) The sub-committee shall make recommendations to the Council for deliberation.

Fisheries Fund.  
Act No. 12 of  
2005.

6. There shall be a Fisheries Fund created in accordance with the Finance and Audit (Reform) Act.

#### **PART IV**

#### ***Fisheries Conservation, Management and Development***

Determination of  
total allowable  
level of fishing.

7. The Minister shall, in consultation with the Fisheries Council, determine the total allowable catch or total allowable level of fishing in any fishery in the fishery waters of Belize.

8. (1) The Fisheries Administrator shall prepare and keep under review a fishery management plan or plans to be prepared in respect of each fishery or category of fisheries.

(2) A fishery management plan shall

- (a) address trends in the biological, economic and social characteristics of the fishery including issues requiring special attention;
- (b) address how the fishery is to be managed using precautionary and ecosystem approaches to fisheries;
- (c) address historical measures and the proposed conservation, management and development measures to be applied to the fishery;
- (d) address the fish stocks, fisheries management units and management objectives;
- (e) describe the processes and indicators for management and measuring management performance;
- (f) make provision in relation to any other matter necessary for sustainable use of fishery resources.

(3) The Fisheries Administrator may make provision for further contents to be included in a fishery management plan required under this section.

(4) In preparing a fishery management plan under this section, the Fisheries Administrator shall consult with the Fisheries Council and may hold such other public consultations as deemed necessary.

(5) Unless otherwise determined by the Fisheries Administrator, each fishery management plan shall be valid for a period of five years and may be reviewed or extended as deemed necessary by the Fisheries Administrator.

(6) Each fishery management plan and each review of a fishery management plan shall be submitted to the Minister for approval.

(7) Where a review of a fishery management plan which recommends amendments to the plan, the Fisheries Administrator shall consult with the Fisheries Council and shall require the approval of the Minister prior to implementation.

(8) A fishery management plan prepared under this section shall enter into force by Order of the Minister published in the *Gazette*.

9. (1) The Minister may declare a fishery as a designated fishery where, having regard to scientific, social, economic, environmental and other relevant considerations, it is determined that such fishery

- (a) is important to the national interest; and

(b) requires special conservation and management measures for ensuring sustainable use of the fishery resource.

(2) The Fisheries Administrator shall prepare a fishery management plan for the management of each designated fishery declared under subsection (1).

(3) In preparing a fishery management plan for a designated fishery, the Fisheries Administrator shall consult with the Fisheries Council.

Fishing priority areas.

10. The Minister may, by Order, declare any area of the fisheries waters to be a fishing priority area, where he considers that special measures are necessary to ensure that authorized fishing within the area is not impeded or otherwise interfered with.

Species requiring special protection.

11. (1) The Minister may, on the recommendation of the Fisheries Administrator declare by Order published in the Gazette that a specific fishery, stock, or species of fish requires special measures to

- (a) prevent further depletion;
- (b) promote recovery and ecosystem services;
- (c) protect critical habitats.

(2) The Fisheries Administrator shall prepare a fishery management plan for the management of each fishery requiring special measures as declared under subsection (1).

Co-management.

12. (1) The Minister, on the advice of the Fisheries Council, may delegate management responsibility in whole or in part for any fishery or area declared under this Act, to any legally registered local body that

- (a) is willing, and has the capacity or will soon acquire the capacity to manage the area subject to co-management;
- (b) agrees to implement the management plan that exists for the fishery or area;
- (c) agrees to prepare or periodically update the management plan, based on consultations with persons with an interest in the co-management arrangement;
- (d) agrees to comply with any other requirements consistent with the purposes for which the fishery or area was declared as subject to co-management.

(2) The Minister shall cause the preparation of a legally binding agreement that details the duration, terms and conditions for the co-management of the fishery or area between the State and the body to whom delegation of management responsibility is intended.

## **PART V**

### ***Marine and Inland Water Reserves***

Marine and  
inland water  
reserves.

13. (1) The Minister may, by Order published in the *Gazette*, declare any area of the fishery waters and, as appropriate, any adjacent or surrounding land, to be a marine or inland water reserve where he considers that special management measures are necessary

- (a) to afford special protection to the flora and fauna of such areas;
- (b) to protect and preserve the natural breeding and nursery grounds and habitats of aquatic life.
- (c) to allow for the regeneration or restoration of aquatic life in areas where such life has been depleted;
- (d) to sustain livelihoods which rely on aquatic living resources;
- (e) to promote scientific study and research in respect of such areas; or
- (f) to preserve and enhance the biodiversity and natural beauty of such areas.

(2) The Minister may, by Order published in the *Gazette*, declare zones within any declared marine or inland water reserve within which certain activities may be conducted or prohibited.

(3) Any person who, in any marine or inland water reserve, without permission granted under subsection (4)

- (a) fishes or attempts to fish;
- (b) takes or destroys any flora or fauna other than fish;
- (c) dredges, extracts coral, sand or gravel, discharges or deposits waste or any other polluting matter, or in any way disturbs, alters or destroys the natural environment;
- (d) constructs or erects any buildings or other structures on or over any land or waters within such a reserve; or
- (e) does any other thing or takes action which is in violation of this law or any other law relating to marine or inland water reserves,

commits an offence and is liable on summary conviction to a fine not exceeding .....dollars.

(4) The Minister, or any person authorized by him in writing, may give written permission to do any of the things prohibited under this section where the doing of such things may be required for the proper management of the reserve or for any of the purposes referred to in subsection (1).

(5) Where an activity that could have a detrimental impact on a marine or inland water reserve is planned within that marine or inland water reserve by any Ministry or entity pursuant to any other Act or law, the Ministry or entity under whose management that activity is planned shall firstly obtain the written consent of the Minister of Fisheries, given

after consultation with the Fisheries Council and considering any recommendations made, before commencing any activity in that marine or inland water reserve.

(6) The Minister may

- (a) make regulations for the further management of marine or inland water reserves;
- (b) establish an advisory committee for each marine or inland water reserve;
- (c) determine the terms of reference advisory committees established under paragraph (b);
- (d) set fees for entrance to and activities in a marine or inland water reserve Inland water reserves reserve;
- (e) provide for research permits and fees for issuance of such permits;
- (f) provide for management plans for marine or inland water reserves which shall include
  - (i) physical, biological, socio-economic and cultural aspects of the marine or inland water reserve;
  - (ii) conservation and management objectives; and
  - (iii) management programmes
- (g) do any other thing or take any action necessary for the protection and preservation of a marine or inland water reserves reserve.

(7) The Minister may by Order de-reserve any area declared as a reserve under this section.

(8) Prior to a declaration under this section, the Minister shall consult with the Fisheries Council and may hold such other public consultations as deemed necessary.

(9) A person who undertakes any activity contrary to the provisions of this section or to any regulations made pursuant to this section commit an offence and is liable to a fine not exceeding .....

## **PART VI**

### ***Local fishing vessel and fishing licences***

Local fishing vessel license.

14. (1) No local fishing vessel shall be used for fishing or related activities in the fisheries waters without a valid licence issued under this section in respect of that vessel.

(2) Subsection (1) shall not apply to any local fishing vessel used purely for the purpose of fisheries related research or survey operations in respect of which there is a valid authorization issued under section ( ) of the Act.

(3) An application for a local fishing vessel licence or for the renewal of a local fishing vessel licence shall be made in the prescribed form to the Fisheries Administrator.

(4) Subject to subsection (5) of this section, the Fisheries Administrator may issue a local fishing vessel licence in the prescribed form.

(5) No local fishing vessel licence shall be issued or renewed in respect of any local fishing vessel unless

(a) an application has been made in accordance with subsection (3);

(b) the vessel has been listed on the record of local fishing vessels in accordance with section ( ); and

(c) any fees payable in respect of the licence have been paid.

(6) The Fisheries Administrator may refuse to issue or renew a local fishing vessel licence in respect of any local fishing vessel

(a) where it is necessary to do so in order to give effect to the provisions of any applicable fishery management plan;

(b) where the licence application is made in respect of a fishery that has not hitherto been exploited in Belize and where the Fisheries Administrator is satisfied that it would be contrary to the interests of the proper management of that fishery to issue the fishing vessel licence; or

(c) for such other grounds as may be specified in this Act or any regulations made under this Act.

(7) Where a local fishing vessel is used in contravention of subsection (1) or of any condition of the local fishing vessel licence, the master, owner and charterer of that vessel each commits an offence, and is liable on summary conviction to a fine not exceeding ..... dollars.

15. (1) Any person who wishes to engage in the following types of fishing shall be required to hold a licence issued by the Fisheries Administrator

(a) commercial fishing,

(b) non commercial fishing,

(c) sport fishing,

(d) aquarium trade,

(e) export or import of fish,

(f) processing plants.

(2) The Minister may regulate or prohibit the activities that may be conducted under a license issued under subsection (1).

Local fishers' licence.

(3) The manner of application for and renewal of licences and any other matter related to licensing shall be as prescribed in Regulations made under this Act.

Fees.

16. There shall be payable in respect of every licence issued under this Part such fees as may be prescribed.

## **PART VII**

### ***Foreign fishing within Belize fishery waters***

17. Regional cooperation in fisheries
18. Fisheries Access Agreement
19. Issuance of foreign fishing vessel licences
20. Fees and other forms of compensation

## **PART VIII**

### ***Provisions applicable to both foreign and local fishing***

No fishing  
without a  
license.

21. No person shall engage in commercial fishing or be engaged or employed in or on any boat while in use for commercial fishing unless he is the holder of a valid fishing licence issued under regulations made under this Act.

Validity of  
fishing  
licenses.

22. (1) Unless earlier cancelled in accordance with section ( ), a fishing licence shall be valid for such period not exceeding twelve months as may be specified in the licence.

(2) Where a vessel licensed as a local fishing vessel becomes a foreign fishing vessel, the licence shall automatically cease to be valid.

(3) A fishing licence shall be valid only for the fishery or fisheries specified in the licence.

(4) No licence shall be transferable except with the written permission of the Fisheries Administrator.

23. (1) Every fishing licence shall be in the prescribed form and shall be subject to

(a) such general conditions as may be prescribed;

(b) such general conditions as may be specified under subsection (2); and

(c) such special conditions as may be specified under subsection (3).

(2) The Minister may, by Regulations, specify general conditions additional to those prescribed to which all fishing licences or any category of fishing licences shall be subject including conditions relating to open and closed seasons, prohibited fishing areas, minimum mesh sizes and minimum species sizes.

(3) The Fisheries Administrator may attach to any local fishing licence such special conditions as he may think fit relating to the proper management of fisheries, the base of operations of the vessel, the landing of its catch and the gathering of information on the vessel's operations.

(4) The Fisheries Administrator may, from time to time, where he is satisfied that it is expedient for the proper management of fisheries in the fisheries waters or the proper regulation of fishing operations, vary any special conditions attached to any fishing licence.

(5) Where the Minister or the Fisheries Administrator varies any special conditions attached to any fishing licence he shall notify the licence holder of such variation as soon as practicable.

Notice.

24. Any variation of a special condition given under section 23 or cancellation or suspension under section 25 shall be in writing, which may include electronic communication.

Cancellation or suspension of fishing license.

25. (1) The Fisheries Administrator may cancel or suspend a fishing licence or a category of fishing licences on any of the grounds set out in subsection (2).

(2) A fishing licence, or a category of fishing licences, may be cancelled or suspended where the Fisheries Administrator is satisfied that

- (a) it is necessary to do so in order to allow for the proper management of any particular fishery; or
- (b) where, following the inspection of a local fishing vessel, the certificate of registration of the vessel has been cancelled under section ( ); or
- (c) the vessel in respect of which the licence has been issued has been used in contravention of this Act or of any regulations made thereunder, or of any conditions of the licence or in breach of any applicable access agreement; or
- (d) he is required or authorized to do so in accordance with the provisions of any agreement entered into under section ( ).

(3) Where the Fisheries Administrator is of the opinion that a fishing licence ought to be suspended or cancelled, he shall notify the holder of the fishing licence of the intention to suspend or cancel it, stating the grounds for suspension or cancellation and inviting the holder to make representation, within a reasonable period, whether in person or in writing on the intention to suspend or cancel.

(4) Where a fishing licence has been cancelled or suspended under subsection (1), notification in writing, including by electronic communication, of the cancellation or suspension shall be given to the person to whom the licence was issued.

26. Appeals

## **PART IX**

### ***International Obligations and High Seas Fishing***

27. Giving effect to international conservation and management measures and international agreements.

28. Licence or authorisation required for Belize fishing vessels fishing beyond the EEZ

29. Conditions which may be attached to a licence

30. Use of vessels of other flags by Belize nationals on the high seas

31. Licence or authorisation required for foreign fishing vessels fishing in Belize waters

32. Serious Violation

**PART X**  
*Port Measures*

33. Port Measures

**PART XI**  
*Marine scientific research, test or exploratory fishing operations*

Marine scientific research operations related to fisheries.

34. (1) The Minister may prescribe the criteria according to which marine scientific research may be undertaken in the waters of Belize.

(2) The Fisheries Administrator, if satisfied that the research plan (1) meets the criteria established by the Minister under subsection (1), may authorize any vessel or person to undertake marine scientific research operations related to fisheries in the fishery waters, and may, in granting any such authorization, exempt that vessel or person from the requirements of any fisheries management and conservation measures specified in the authorization.

(3) The Fisheries Administrator shall attach such conditions as may be prescribed and may attach such additional conditions as he thinks fit and are consistent with those which may be prescribed, to any authorization granted under subsection (2).

(4) Each vessel or person authorized in accordance with this section shall comply with all applicable laws of Belize and any conditions of such authorization.

(5) The Minister may suspend or revoke such authorization if there is failure to comply with the conditions of the authorization or the requirements of this Act.

(6) Any authorization or exemption granted under this section shall be in writing.

(7) Any person who undertakes or assists in any marine scientific research related to fisheries in the fishery waters

- (a) without authorization under subsection (2); or
- (b) in contravention of any condition or conditions attached to the authorization under subsection (3); or
- (c) in contravention of the requirements of subsection (4),

commits an offence and on conviction shall be liable to a fine not exceeding.....

Test fishing operations.

35. (1) The Fisheries Administrator may, where he considers it to be in the best interests of Belize, approve test fishing operations to be undertaken by foreign fishing vessels.

(2) Any approval given by the Fisheries Administrator under this section shall be in writing and shall be valid for such period not exceeding six months as may be specified in

the approval, provided that a longer period may be specified with the approval of the Minister.

(3) Any approval given under this Section shall not exempt a foreign fishing vessel from the requirement to hold a valid foreign fishing vessel licence under section ( ).

36. Fisheries related research or survey operations

37. Controls over sale of fish taken in the course of sport fishing or test or marine scientific research fishing

## PART XII

### *Prohibited fishing methods, Stowage of Gear and Transshipment*

Prohibited  
fishing  
methods.

38. (1) A person who

- (a) permits to be used, uses, or attempts to use any explosive, poison, or other noxious substance for the purpose of killing, stunning, disabling, or catching fish, or in any way rendering fish more easily caught; or
- (b) permits to be carried, carries or has in his possession or control any explosive, poison, or other noxious substance in circumstances evidencing an intention of using the explosive, poison, other noxious substance for any of the purposes referred to in paragraph (a),

commits an offence and is liable on conviction to a fine not exceeding ( ) or imprisonment for a term not exceeding five years or both.

(2) An explosive, poison, or other noxious substance found on board any fishing vessel shall be presumed, unless the contrary is proved, to be intended for the purposes referred to in subsection (1)(a).

(3) Any person who lands, sells, receives, or is found in possession of any fish taken by any means which is in contravention of subsection (1)(a), commits an offence and is liable on conviction to a fine not exceeding ( ) or imprisonment for a term not exceeding three years.

(4) In any proceedings for any offence against this section, a certificate as to the cause and manner of death or injury of any fish, signed by the Fisheries Administrator, or by any person authorized by him or her in writing, shall, until the contrary is proved, be sufficient evidence as to the matters stated in the certificate.

(5) In any proceedings for any offence against this section, the defendant shall be given not less than fourteen days notice in writing of the prosecution's intention to adduce a certificate under subsection (4).

Stowage of fishing gear.

39. (1) The fishing gear of any foreign fishing vessel which does not have permission to fish in the fishery waters shall be stowed in the prescribed manner while the vessel is within the fishery waters.

(2) Where a foreign fishing vessel is licensed to fish by means of a particular type of fishing gear in any specific area of the fishery waters, any other fishing gear on board the vessel shall be stowed in the prescribed manner while the vessel is within that area and all fishing gear on board the vessel shall be stowed in the prescribed manner while the vessel is or within any other area of the fishery waters where it is not licensed to fish.

(3) Where a foreign fishing vessel contravenes subsection (1) or (2), the master, owner and charterer of that vessel is each commits an offence, and is liable on summary conviction ( ) to a fine not exceeding .....dollars.

Transshipment.

40. The Minister may authorize in writing any transshipment involving any foreign vessel in the fishery waters where such activity does not constitute a condition of license for fishing, in accordance with any applicable access agreement and any requirements which may be prescribed.

(2) The Minister shall attach such conditions as may be prescribed and may attach additional conditions as he thinks fit which are consistent with any conditions which may be prescribed, to any authorization granted under subsection (1).

(3) Each person authorized in accordance with this section shall comply with all applicable laws of Belize and any conditions of such authorization.

(4) The Minister may suspend such authorization if there is failure to comply with the conditions of the authorization or the requirements of this Act.

(5) Any authorization granted under this section shall be in writing.

(6) Any person commits an offence who undertakes any transshipment activity in respect of a foreign vessel without an authorization issued pursuant to this section, and shall be liable on conviction to a fine of ( ).

### **PART XIII**

#### ***Record of Fishing Vessels***

41. Record of fishing vessels authorized to fish beyond fisheries waters.

Record of fishing vessels authorized to fish in fisheries waters.

42. (1) The Minister shall cause to be kept a record of fishing vessels that are authorized to fish in the fisheries waters.

(2) The Minister may, by regulation, determine the information that shall be included in the record of fishing vessels authorized to fish in the fisheries waters.

(3) The owner or operator of any fishing vessel authorized to fish in the fisheries waters shall provide to the Fisheries Administrator such information as may be required under subsection (2) of this section, and failure to do so shall be punishable by a fine not exceeding.....

#### **PART XIV** ***Monitoring, Control and Surveillance***

Appointment of authorized officers.

43. (1) The Minister may appoint any public officer as a Fisheries Officer, either by name or by office, as he thinks fit to be an authorized officer for the purposes of this Act or any Regulations made under the Act.

(2) The Minister may appoint any member of the management committee of a fishing cooperative, any Justice of the Peace or duly elected member of the village council, town council or city council for the purpose of enforcing any regulation made under this Act. An appointment made under this subsection shall be valid only for so long as the person appointed continues to be a member of the said committee or councils, as a Fisheries Officer for the purpose of enforcing any Regulations made under this Act. Any appointment made under this subsection shall be valid so long as the person appointed continues to be a member of the said management committee.

(3) Every fisheries officer, customs officer, member of the National Coast Guard Service and police officer is deemed to be an authorized officer for the purposes of this Act.

(4) Such officers other than police officers and customs officers and member of the National Coast Guard Service shall be in possession of evidence of their authority when acting in pursuance of this Act.

Appointment of authorized officers from other states.

44. The Fisheries Administrator may, on the recommendation of the Director-General of IMMARBE, by notice published in the *Gazette*, appoint nationals of other States to be authorized officers for purposes of this Act.

Powers of entry and search.

45. (1) In the course of the enforcement and administration of this Act, an authorized officer may, at any reasonable time

- (a) stop, enter, board or examine any vessel or vehicle, or enter and examine any premises or place, or examine any record, document, article, and any gear, apparatus, device, or contents of any kind therein;
- (b) stop any person and examine any record, document, article, container, gear, apparatus, device, or fish in the possession of that person;
- (c) pass across any land.

(2) If an authorized officer believes, on reasonable grounds

- (a) that an offence is being or has been committed against this Act;  
and
- (b) that

- (i) any fish taken or thing used or intended to be used in contravention of this Act; or
- (ii) any record or information required by or under this Act to be kept, completed, or provided; or
- (iii) any article, record, document, or thing which there is reasonable ground to believe will be evidence as to the commission of an offence against this Act

may be concealed or located or held in any vessel, vehicle, conveyance of any kind, premises, place, parcel, package, record, or thing, then, for the purpose of the enforcement of this Act,

that authorized officer may at any reasonable time enter or pass across any land in order to enter, examine, and search any such premises or place, or any such vessel vehicle, or conveyance of any kind (by stopping or opening where necessary), and may examine and search (by stopping or opening where necessary) any such parcel, package, record, or thing.

(3) An authorized officer may detain any person, vessel, vehicle, conveyance of any kind, parcel, package, record, document, article, gear, apparatus, device, container, fish, or thing for such period as is reasonably necessary to enable the fishery officer to carry out an examination or search under this section.

46. Power to question persons and require production of documents

47. Power of arrest

48. Power to give directions to master

49. Power to use reasonable force and take copies of documents

50. Powers of seizure

51. General powers

52. Powers with respect to measures of a regional fisheries management organization

53. Persons to assist authorized officer

54. Protection of authorized officer from liability

55. Action against authorized officer for abuse of authority
56. Requirements for seized property, etc.
57. Removal of parts from seized vessels, etc.
58. Observers
59. Duties to authorized officers and observers
60. Identification of authorized officers and observers
61. Vessel Monitoring System

**PART XV**  
*Jurisdiction and Evidence*

62. Jurisdiction of Supreme Court
63. Liability for non-payment of penalties
64. Liability for loss, damage or costs incurred
65. Certificate evidence
66. Certificate as to location of vessel
67. Validity and procedures for certificates
68. Photograph
69. Electronic evidence, including from VMS
70. General Presumptions
71. Presumption as to authority
72. Strict liability
73. Liability of Directors and Managers
74. Liability of principal for actions of agent in relation to records and returns
75. Liability of companies and persons for actions of officers and employees
76. Tampering with evidence
77. Liability of Master or other person in charge of vessel
78. Forfeiture and suspension of fishing rights, licenses etc.
79. Power of fisheries officers to undertake prosecutions

**PART XVI**  
*Sale, Release and Forfeiture of Retained Property*

80. Forfeiture of property on conviction.
81. Application of bond etc.
82. Removal of seized goods
83. Disposal of forfeited items
84. Sale of perishable items
85. Liability for loss, damage or deterioration of items in custody
86. Removal of item from custody

**PART XVII**  
***Regulations***

Regulations. 87. (1) The Minister may make such regulations as may be necessary to give effect to the provisions of this Act and for due administration thereof.

(2) Without, limiting the generality of subsection (1), regulations made pursuant to this section may provide for all or any of the following

- (a) prescribing measures for the conservation, management, development, licensing and regulation of fisheries or any particular fishery, including the prohibition or regulation of specific activities in any designated fishery, as well as the establishment of closed seasons and size limits;
- (b) licensing, authorization or registration in respect of any vessel or class or category of vessels to be used for fishing, related activities or any other purpose pursuant to this Act, including the form, issuance requirements, grounds for denial, terms and conditions and fees, charges, royalties, and other forms of compensation related to such licensing, authorization or registration;
- (c) licensing, authorization or registration in respect of any fisherman or class of fisherman, fishing gear and other equipment or devices used for fishing;
- (d) the operation of, and conditions and procedures observed by any fishing vessel while in the fishery waters;
- (e) the operation of, and conditions and procedures to be observed by any other vessel which may enter the fishery waters for any purpose under this Act;
- (f) the catching, loading, landing, handling, transshipping, transporting, possession and disposal of fish;
- (g) the import, export, distribution and marketing of fish and fish products, including live fish;
- (h) the manner in which any fishing gear is to be stowed;
- (i) the appointment, powers and duties of authorized officers and observers;
- (j) the duties and procedures to be followed by the master and crew of any vessel in respect of authorized officers and observers;
- (k) rewards to be paid to any person providing information on the operations of foreign vessels leading to a conviction of an offence against this Act;
- (l) the licensing, control and use of fish aggregating devices and the rights to the aggregated fish, and prescribing times and the minimum distances from such devices any vessel may fish around such devices;
- (m) regulating or prohibiting the use of self-contained underwater breathing apparatus;
- (n) regulating or prohibiting the use of spear guns or other similar devices, including regulating or prohibiting the use of specific fishing gear;

- (o) standards and measures for the safety of local fishermen and fishing vessels;
- (p) requiring the provision of statistical and other information related to fisheries;
- (q) the control, inspection and conditions of operation of fish processing establishments;
- (r) the installation, upkeep, and protection of devices that delimit marine reserves and areas protected under this Act;
- (s) the appointment, maintaining of and procedures for agents appointed to receive and respond to process pursuant to this Act;
- (t) the implementation of any access or related agreement or other agreement or arrangement entered into pursuant to this Act;
- (u) regulating or prohibiting, either generally or in any specified fishery
  - (i) the taking of coral and shells;
  - (ii) the setting of fish fences or nets; or
  - (iii) the taking of aquarium fish;
- (v) prescribing measures for the protection of parrot fish, sharks, groupers, lobsters and turtles;
- (w) regulating or prohibiting fishing for certain stocks or species of fish needing special protection;
- (x) regulating or prohibiting fishing of all kinds within any river, creeks, streams, lagoons and other inland waters or any part thereof, the time or times of year during which such fishing may occur or is prohibited, and approving, restricting or prohibiting the equipment or methods which may be used in connection with such fishing;
- (y) regulating or prohibiting the use of fish aggregating devices;
- (z) regulating test or exploratory fishing;
- (aa) setting out the requirements for the contents of fisheries management plans, and the procedures to be followed in their implementation;
- (bb) prescribing offences against the regulations and penalties for such offences, not exceeding a fine of ( ) and, where the offence is a continuing one, a further fine not exceeding ( ) for every day that the offence has continued;
- (cc) defining the conditions or circumstances under which Belizean fishing vessels may be chartered;
- (dd) providing for the installation and use of vessel monitoring systems on a category of vessels authorized to fish under this Act;
- (ee) subject to the provisions of the Cooperative Societies Act, providing for the role of cooperatives in the conservation, management and development of fisheries in Belize;
- (ff) prescribing any other matter, which is required or authorized to be prescribed by this Act.

88. Regulations made under this Part are subject to negative resolution.

**PART XVIII**

*General*

89. General offences and penalties

90. Observation of laws

91. Delegation of powers

Repeal and  
savings.  
CAP. 210  
210:01

92. (1) Upon the commencement of this Act, the Fisheries Act and the High Seas Fishing Act shall stand repealed.

(2) All Regulations, By-laws, Rules, Orders and other subsidiary legislation made under the repealed Acts, to the extent that they are not inconsistent with this Act, shall continue in force after the commencement of this Act, until repealed by Regulations, By-laws, Rules, Orders and other subsidiary legislation made hereunder.

Commencemen  
+

93. This Act comes into force on a day to be appointed by the Minister by Order published in the *Gazette*.

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# **ANNEX A MINUTES OF SPECIAL STEERING COMMITTEE MEETING, 16 NOVEMBER 2010**

## **Minutes of the Special Steering Committee Meeting**

Belize Fisheries Act Revision Project

Wednesday, 16<sup>th</sup> November 2010

CRFM Conference Room, Belize City

Members present were: Beverly Wade – Fisheries Administrator, Fisheries Department (Chairperson)  
Nelda Tulcey – Draftsperson, Attorney General’s Ministry  
Vincent Gillett – CEO, Coastal Zone Management Authority  
Nadine Nembhard – Belize Fishermen Co-operative Association  
Jeavon Hulse – Environment Officer, Department of Environment  
Janet Gibson – Country Director, Wildlife Conservation Society (Secretary)  
Julio Maaz – Community Fisheries Coordinator, Wildlife Conservation Society

Consultants present: Bill Edeson – International Legal Consultant  
Elisa Montalvo – National Legal Consultant

Apologies received from: Milton Haughton – Deputy Executive Director, Caribbean Regional Fisheries Mechanism  
Lindsay Garbutt – Chairman, Fisheries Advisory Board

### 1. Welcome

1.1 Ms. Wade welcomed Mr. Edeson and Ms. Montalvo to the special meeting, which was being held to discuss the results of their Preliminary Analysis Report. Copies of the draft report had been distributed to members prior to the meeting.

### 2. Presentation of Results of Preliminary Analysis

2.1 Copies of the Executive Summary, Recommendations, and the Outline of Proposed Contents of the Act were distributed to members. Ms. Wade explained that input on the Report is being requested from the Steering Committee. Consultations will also be held with a range of other stakeholders during Mr. Edeson’s second in-country visit.

2.2 Mr. Edeson felt it was a very thorough report and he hoped that it would be a useful reference. The report had also had input from the Wildlife Conservation Society. He viewed the report as part of the process leading to the preparation of the actual legislation, adding that it was self-evident that the Act needs to be revised and that the High Seas Act also has several defects that need to be addressed.

2.3 In leading the discussion, Mr. Edeson then focused on the outline of the proposed contents of the new Act , highlighting the following areas:

- Definitions – these form a critical part of the Act.
- Principles and Objectives – the consultants are currently working on the preparation of these and will ensure that they are modern and progressive. Care will need to be taken with the language chosen, and they will consult with the SolGen on the legal language preferred. A discussion followed on the ‘ouster clause’, which is not generally acceptable.
- Provision of fishery management plans – these will be required for specially designated fisheries. A prescribed process will be included for the development of such plans and a decision will need to be made on the status of the plans and whether they will be legislated as Statutory Instruments.
- Management techniques – these will include provisions for licenses, conditions, and species, gear and fishing area restrictions. The provisions will provide flexibility in management options and ensure a wide scope so that the Act can cope with unforeseen circumstances.
- Documenting – this requirement for reporting should apply generally and not just to high seas fishing.
- High Seas Fishing – this Act needs substantial revision, as borne out by the recent EU review or audit.
- Record of fishing vessels – this is definitely a requirement for high seas fishing, but likely also for domestic fishing.
- Monitoring, Control and Surveillance – the new Act provides an opportunity to strengthen these areas.

2.4 Moving on to the actual table of contents for the new Act, Mr. Edeson highlighted the following areas:

- He asked whether the new Act should include a preamble. However, the SolGen’s office generally advises that these be avoided as they feel the legislation should speak for itself.
- As mentioned earlier, the definitions will be key, for example for ‘fish’ and ‘fishing’, and ‘related activities’. Some definitions will need to be linked to those in other Acts, such as the Maritime Areas Act.
- Part IV – Administration: Some members felt that perhaps this section should be moved forward to form Part II in the new Act. On the other hand, as the sustainable use and conservation objectives should be stated early on in the Act, this order is commonly used. Part II could also be separated to include the Objectives first, followed by Administration. This suggestion will be considered.
- Part V – Licenses and Authorisations: Many of these apply to empowering the Minister to make regulations and impose conditions. The need to publish conditions in the gazette will also be considered further.

- Penalties: These are included in Part XI, however, they could be included within the relevant specific sections, particularly where special penalties will apply and it was agreed that this should be built into the Act. General penalties, usually as a ‘catch all’, could then be included in this General section.
- Part VIII – Monitoring, Control and Surveillance: The matter of certificate of evidence was queried, and Mr. Edeson explained that this refers to *prima facie* evidence, for example having an expert such as the Fisheries Administrator identify a species, or allowing for the use of electronic evidence.
- Part VI – International Obligations and High Seas Fishing: Mr. Edeson stated that the use of Port Measures is one of the most effective ways of dealing with illegal fishing on the high seas, as it ensures that catch is accounted for. Belize would be obligated to monitor and control fish landed. This would apply mainly in relation to high seas fishing, but also for domestic fishing. Sanctions will be put in place that are both economic and non-economic.
- Damage to ecosystems and species: Members agreed that Fisheries should be empowered to apply sanctions and not rely only on those of the Dept. of Environment, but to complement them. The sanctions should also address the loss to ecosystem services, productivity and marine biodiversity.
- Part II – Fisheries Conservation, Management and Development: There was then a query about the broadness of this section and where would more specific reference be included to sensitive areas, such as mangroves. It was felt that this could be incorporated within Management Plans, and under the Protected Areas and Damage section. Furthermore, a provision could build in the need to consult with the Fisheries Administrator before allowing activities in sensitive areas, such as in relation to mangrove clearance, dredging, etc.
- Part VIII – Jurisdiction and Evidence: The issue of the occasional strange interpretation of the law by some magistrates was discussed. Seminars on the fisheries law for the judiciary can be helpful in addressing this concern. Refreshers sessions will be required, as magistrates change over time.
- Part IX – Sale, Release and Forfeiture: The Fisheries Dept. has been handicapped in applying sanctions of seizing assets of owners of Belize registered vessels on the high seas that are carrying out illegal fishing. The process is being hindered by the confidentiality afforded to owners who have registered through the IBC, in which owners do not have to provide information on their assets. The Dept is now working with the FIU to address the matter.

2.4 Members thanked the consultants for their presentation of the report. Mr. Edeson will also be giving a technical seminar on Wednesday, the 17th November at 1:30 pm and members were encouraged to attend.

### 3. Updates

#### 3.1 Appointment of International and National Fisheries Consultants

- 3.1.1 Dr. Patrick McConney has agreed to take on the position of International Fisheries Consultant for the project, and he has signed a contract to that effect with the Wildlife Conservation Society.
- 3.1.2 Mr. Adriel Castaneda was chosen by the Sub Committee to be the National Fisheries Consultant, and he has also signed a contract recently with WCS.
- 3.1.3 Both Dr. McConney and Mr. Castaneda have reviewed the Preliminary Analysis Report and provided their comments. A copy of their comments will be forward to Steering Committee members shortly.

3.2 Visit of OSPESCA Steering Committee

- 3.2.1 The visit of OSPESCA officials to Belize has been postponed to the 13<sup>th</sup> – 14<sup>th</sup> December. There is still the expectation that the head of OSPESCA will endorse the revision of Belize’s Fisheries Act when he meets with the Minister of Agriculture and Fisheries.
- 3.2.2 Members were given a copy of the new schedule of meetings for Mr. Edeson’s visit.

4. Adjournment

- 4.1 The date for the next meeting was set tentatively for the 14<sup>th</sup> December at 10 a.m.
- 4.2 The meeting was then adjourned unanimously.

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Approved \*with amendments  
 \*without amendments

Date: \_\_\_\_\_

(Delete what does not apply)

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Chairperson, Steering Committee

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Secretary

## ANNEX B MINUTES OF 9TH STEERING COMMITTEE MEETING, 21 DECEMBER 2010

### Minutes of the Ninth Steering Committee Meeting

Belize Fisheries Act Revision Project

Tuesday, 21<sup>st</sup> December 2010

CRFM Conference Room, Belize City

Members present were: Milton Haughton – Deputy Executive Director, Caribbean Regional Fisheries Mechanism (Chairperson, *pro tem*)  
George Myvett – Senior Fisheries Officer, Fisheries Department  
Nelda Tulcey – Draftsperson, Attorney General’s Ministry  
Vincent Gillett – CEO, Coastal Zone Management Authority  
Nadine Nembhard – Belize Fishermen Co-operative Association  
Janet Gibson – Country Director, Wildlife Conservation Society (Secretary)

Members absent were: Lindsay Garbutt – Chairman, Fisheries Advisory Board  
Martin Alegria – Chief Environment Officer, Department of Environment

#### 1. Welcome

- 1.2 As apologies were received from Ms. Wade that she was unable to attend the meeting, Mr. Haughton kindly volunteered to chair the meeting on her behalf.
- 1.3 He welcomed members and called the meeting to order at about 10:30 a.m.

#### 2. Confirmation of the Minutes

- 2.5 There were two sets of minutes to be confirmed by the members. The minutes of the meeting held on the 13<sup>th</sup> October 2010 were confirmed on a motion made by Mr. Gillett and seconded by Ms. Nembhard.
- 2.6 The minutes of the special meeting held on the 16<sup>th</sup> November 2010 were also confirmed on a motion passed by Mr. Gillett and seconded by Ms. Tulcey.

#### 3. Matters Arising

- 3.2 Mr. Azueta had helped to arrange a meeting with the Minister of Tourism, however, it had to be cancelled as Minister Heredia had to attend another meeting abroad. **Mrs. Gibson will continue to follow up with Mr. Azueta to arrange another meeting with Mr. Heredia as soon as possible in the new year.**

- 3.3 The meeting with the Press Officer has not yet taken place. **Mrs. Gibson also agreed to follow up with Ms. Wade regarding this meeting.**
- 3.4 In relation to the EU project, Mr. Haughton mentioned that the proposal from Belize was accepted, but he did not have any other information on the status of the proposal. **This topic will be discussed further at the next meeting.**
- 3.5 The legal consultants had presented the highlights of their Preliminary Analysis Report at a series of meetings with stakeholders in November. They had also presented the Report to the Minister and CEO in the Ministry of Agriculture and Fisheries and to the Solicitor General. Mrs. Gibson distributed copies of the final agenda of meetings that were held. The Report is presently being edited, a table of contents added, and logos included. It should be completed by the end of the year and it will be uploaded and available on the project web site.
- 3.6 The team from OSPESCA had met in Belize from the 12<sup>th</sup> – 14<sup>th</sup> November. Mr. Azueta had informed WCS that the revision of the Belize Fisheries Act was included as an agenda item of the meeting, and that OSPESCA had officially endorsed this very important process. **Mr. Azueta agreed to provide a copy of the minutes of the meeting and Mrs. Gibson will follow up with him to obtain these for the record.**
- 3.7 The project's Communication Plan is being implemented more or less according to schedule. The launch of the web site will be in mid-January. It has been delayed slightly, as the video of the interview with the Minister had to be developed from the raw footage provided. Once this has received the approval of the Fisheries Administrator it will be uploaded to the site. The final Preliminary Analysis Report also needs to be uploaded. Two newspaper articles on the project were published in the *Amandala* newspaper in November. **Mrs. Gibson will send copies of these articles to members.** An article on the project was also written for the December issue of the BFCA newsletter, which will be published on the 23<sup>rd</sup> December. Ms. Wade will be writing an article on the revision of the Act for the Fisheries Department's next newsletter. WCS will start work on the development of a TV spot to be broadcast in February, to help publicize the public consultations that will be held on the first draft of the Act in late February and early March.

#### 4. Plans for 3<sup>rd</sup> In Country Visit

- 4.1 Mrs. Gibson reported that Mr. Edeson will make his third visit from the 16<sup>th</sup> February to 5<sup>th</sup> March 2011 to present, along with Ms. Montalvo, the first draft of the new Act. A major feature of the visit will be the series of public consultations to present the draft Act that will be held in Belize City, Sarteneja, Placencia and Punta Gorda.
- 4.2 She explained that during that period, Dr. McConney is able to visit during the final week, from the 28<sup>th</sup> February to the 5<sup>th</sup> March. As it would be useful for him to participate in the public consultations as well, two of the four consultations will be scheduled during that final week.

- 4.3 Mrs. Gibson distributed copies of the draft agenda for Mr. Edeson's visit, which the members then discussed and made the following suggestions:
- The public consultation in Placencia should be held in the evening.
  - As a workshop will be held on the Common Fisheries Policy for CARICOM from the 16<sup>th</sup> to the 18<sup>th</sup> February, and the Fisheries Administrator and a representative from the Attorney General's office are expected to attend, the meeting between Ms. Wade and the legal consultants may need to be postponed till the 21<sup>st</sup> February.
  - The Steering Committee meeting should not be held on a Monday; an alternative date could be Friday, the 25<sup>th</sup> February.
  - The consultants should meet with the Attorney General as well as the SolGen. The input of this Ministry will be most critical at this stage in the process.
  - Partner organizations such as the BFCA, SEA and TIDE should be approached to help with arrangements for the consultations to be held in Sarteneja, Placencia and Punta Gorda, respectively.
- 4.4 Arrangements will have to be made to book venues, arrange travel, and publicize the events. The first draft of the new Act is also expected to be available on the web site about a week or so prior to the start of the public consultations.
- 4.5 A copy of the revised tentative agenda that incorporates these suggested changes is appended to these minutes.**
- 4.6 Ms. Tulcey then asked whether a document will be prepared that will briefly describe the need for and purpose of the new legislation. Mrs. Gibson felt that the executive summary of the Preliminary Analysis Report would fulfill such a requirement. However, Mr. Myvett felt that the information within the Report needs to be re-packaged in a very brief and user-friendly form. **Members agreed with this need, and felt that this should be carried out by the Fisheries Department. The national fisheries consultant, Adriel Castaneda, could help with the preparation of this document. The document should be drafted by mid-January so that it can be reviewed by the Steering Committee at its next meeting. The summary could then also be uploaded to the project web site.**
- 4.7 Ms. Tulcey also reported that in September the SolGen's office had provided newly-developed drafting guidelines to the CEOs in all Ministries. These guidelines were in the form of a checklist and a description of the type of information that should be included, along with a specific format or template to be used. These should be prepared by Ministries when submitting draft legislation for consideration by the Attorney General's Ministry to help ensure that the resulting legislation conforms to the respective Ministry's wishes. **Members agreed that it is very important for the legal consultants to be made aware of these guidelines, and Mrs. Gibson said she would contact Ms. Montalvo and ask her to obtain a copy from Ms. Tulcey as soon as possible.** The legal consultants should be able to complete this template and then submit it to the Fisheries Administrator, along with the final Preliminary Analysis Report, for approval and forwarding to the Minister and CEO in the Ministry of Fisheries. Once it has been endorsed by the Minister,

it can then be sent to the SolGen's office for their final endorsement. It is imperative that the proper process, as required by the Attorney General's ministry, be followed to ensure that the draft Act is granted high priority. Following this procedure will also expedite the process of the Bill being passed from Cabinet to the House of Representatives. **Members recommended that Ms. Wade discuss this matter with CEO Canto as soon as possible.**

5. TCP Proposal

5.1 As the input of Ms. Wade was critical to the discussion of the draft proposal prepared by Mr. Blaise Kuemlangan and Mr. Edeson, **this item was deferred until the next meeting of the Committee.**

6. Adjournment

6.1 There being no other matters, the date for the next meeting was set tentatively for Tuesday, the 25<sup>th</sup> January at 10 a.m.

6.2 The meeting was then adjourned on a motion passed by Mr. Gillett and seconded by Ms. Nembhard.

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Approved \*with amendments  
\*without amendments

Date: \_\_\_\_\_

(Delete what does not apply)

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Chairperson, Steering Committee

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Secretary

# ANNEX C MINUTES OF 10TH STEERING COMMITTEE MEETING, 25 JANUARY 2011

## Minutes of the Tenth Steering Committee Meeting

Belize Fisheries Act Revision Project

Tuesday, 25<sup>th</sup> January 2011

CRFM Conference Room, Belize City

Members present were: Beverly Wade – Fisheries Administrator, Fisheries Department  
(Chairperson)

Milton Haughton – Deputy Executive Director, Caribbean Regional  
Fisheries Mechanism

Jeavon Hulse – Environment Officer, Department of Environment

Nelda Tulcey – Draftsperson, Attorney General’s Ministry

Janet Gibson – Country Director, Wildlife Conservation Society  
(Secretary)

Julio Maaz – Community Fisheries Officer, Wildlife Conservation  
Society

Members absent with apologies were: Lindsay Garbutt – Chairman, Fisheries Advisory Board

Vincent Gillett – CEO, Coastal Zone Management  
Authority

Nadine Nembhard – Belize Fishermen Co-operative  
Association

### 1. Welcome

1.4 Ms. Wade called the meeting to order at 10:25 a.m.

### 2. Confirmation of the Minutes

2.7 The minutes of the meeting held on the 21<sup>st</sup> December 2010 were confirmed on a motion passed by Mr. Haughton and seconded by Ms. Tulcey.

### 3. Matters Arising

3.8 Ms. Wade reported that a meeting has still not been held with Minister Heredia, as he has been very busy over the past few weeks. **However, as Mr. Garbutt is now the CEO in the Ministry of Tourism, she will ask him to arrange a meeting with the Minister.** She will also mention that the meeting could be held in San Pedro, if that would be more convenient for Minister Heredia.

3.9 Ms. Wade also reported that she has not been able to confirm a meeting with Mr. Cutkelvin of the Press Office. She had contacted him earlier and he had expressed interest, but he has been very busy as well, and has not followed up on that initial contact. **Upon the**

**suggestion of Mr. Maaz, it was agreed that Ms. Wade will try to meet instead with the Director of the Press Office. Mr. Maaz agreed to send the contact details to the Chairperson.**

3.10 Ms. Wade confirmed that the project proposal to the EU from Belize has been approved. However, the EU procurement procedures are moving very slowly. The project to revise the fisheries regulations is due to start in mid 2011, but it was noted that earlier approved projects are running behind schedule.

3.11 The OSPESCA declaration of support for the revision of the Fisheries Act in Belize has not yet been received from the Fisheries Dept. Ms. Wade said that it is on file and that Mr. Maaz can request it from the secretary or Mr. Pott. **This will be shared with members once it is obtained.**

3.12 In regard to progress in the implementation of the Communications Plan, Mrs. Gibson reported the following:

- The web site is now online at <http://collaborations.wcs.org/bzfisheriesactrevision>, and the final Preliminary Analysis Report is available on the site. WCS will be adding various useful documents over the next couple of weeks and also uploading the schedule for the public consultations, when it has been finalized.
- Ms. Wade had provided an article on the revision of the Fisheries Act in the latest issue of the Fisheries Department's newsletter, *Catch of the Quarter*. An article on the project was also published in the BFCA newsletter. **Both newsletters will also be uploaded to the new web site.**
- Work has started on the development of the TV spot, which is being prepared by Janelle Chanona. The two-minute spot will also be used as a means to generate interest in the public to attend the consultations. It will include brief interviews with the Minister of Agriculture and Fisheries, the Fisheries Administrator, the Chair of FAB, the Director of APAMO, and two fishermen, Mr. 'Jack' Young from Placencia Cooperative and Mr. Cesar Munoz of the Sarteneja Fisherman Association. Deadline for completion is the 10<sup>th</sup> February, and it will be broadcasted prior to and during the public consultations in late February and early March.
- The project is helping to support the Fisheries Dept's radio program, *Making Waves*, and so plans to include interviews on the topics related to the Fisheries Act Revision with Mr. Haughton and Dr. McConney. **Ms. Wade suggested that WCS contact Mr. Myvette to request a copy of the draft schedule of radio shows, so that they can provide their input to the planning of the shows.**

3.13 Mrs. Gibson reported that she had been in touch with Ms. Montalvo regarding the drafting guidelines and the required checklist format. Ms. Montalvo was familiar with these documents, and on the request of WCS has filled in most of the checklist for the Fisheries Act revision. However, she needs some assistance with information that will have to be provided by the Fisheries Administrator. **Ms. Wade asked that Ms. Montalvo contact her directly on the matter, and Mrs. Gibson will forward this request to Ms. Montalvo.**

The Fisheries Administrator added that she discussed the issue with the CEO in the Ministry and he explained that neither he nor the AO had received this information from the Attorney General's office. **In view of this, she asked Ms. Tulcey to please see that it be re-sent to the CEO.**

#### 4. Update on Plans for 3<sup>rd</sup> In Country Visit

4.8 Mrs. Gibson distributed copies of the latest schedule to members, pointing out some recent changes and requests:

- Mr. Edeson will be arriving on the 15<sup>th</sup> February and departing on the 4<sup>th</sup> March.
- The Fisheries Administrator will meet with the legal consultants on the afternoon of the 16<sup>th</sup> February.
- **Ms. Wade and Ms. Tulcey agreed to arrange the meetings with Minister Montero, and the Attorney General and SolGen, respectively, on Monday the 21<sup>st</sup> February in the morning.**
- To shorten the time spent traveling, the transport to Sarteneja may be by plane instead of by road.
- **The Fisheries Administrator will confirm a time for her meeting with Dr. McConney on the morning of 28<sup>th</sup> February.**
- A meeting with a delegation from Honduras (which is also revising its Fisheries Act) is included for the afternoon of the 28<sup>th</sup> February.

4.9 Steering Committee members are encouraged to attend the consultations, especially the one in Belize City on the 22<sup>nd</sup> February, and the Technical Seminar on the 1<sup>st</sup> March. At the FAB meeting scheduled for that afternoon. Ms. Wade will also invite the FAB members to attend these sessions.

4.10 As recommended by the Steering Committee, SEA and TIDE were asked to make the arrangements for the consultations in Placencia and Punta Gorda, and SACD will be approached to organize the consultation in Sarteneja. Ms. Wade confirmed that she will attend all the public consultations, and will be accompanied by one or two of her senior staff. She agreed to do the introduction at the consultations. An agenda will be drafted shortly.

4.11 **A new schedule is attached to these minutes**, which will also be sent to the consultants.

#### 5. TCP Proposal

5.2 Ms. Wade explained that the proposal, which had been prepared by Blaise Kuemlangan, is basically for a technical review of the draft legislation by FAO. It will be of benefit to Belize to have the FAO's approval of the new Act and so she was in support of the proposal. The other members agreed.

5.3 The proposal needs to be submitted to FAO by Mr. Ricardo Thompson in the Ministry. **She asked that WCS change the date to February 2011 and she will then pass it on to Mr. Thompson for submission.**

6. Review of Brief by Fisheries Dept.

6.1 **Ms. Wade reported that this summary or brief on the need for the revision of the Fisheries Act will be sent out to members electronically within the next week.**

7. Other Matters

7.1 Ms. Wade felt that senior Ministry personnel should participate in the consultations and so **she will ask the CEO if he or his designate, such as an officer from the Policy Unit, would be interested in attending some of the meetings.** It would be helpful for them to become more involved and hear firsthand what the stakeholder response is to the new legislation. **Ms. Tulcey also agreed to ask Mr. Kawu Bala from the SolGen's office whether he would be able to attend some of the consultations. In addition, Ms. Wade will invite the Press Office to be present so that they can cover the process in depth as part of their program.**

8. Adjournment

8.1 The next meeting will be a special meeting on the 25<sup>th</sup> February 2011 to meet with the legal consultants, who will be presenting the first draft of the new Act. The meeting will be held at 10 a.m. at the CRFM conference room.

8.2 The meeting was then adjourned unanimously at 11 a.m.

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Approved \*with amendments

\*without amendments

Date: \_\_\_\_\_

(Delete what does not apply)

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**CHAIRPERSON, STEERING COMMITTEE**

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**SECRETARY**

# **ANNEX D MINUTES OF SPECIAL STEERING COMMITTEE MEETING, 25 FEBRUARY 2011**

## **Minutes of the Special Steering Committee Meeting**

Belize Fisheries Act Revision Project

Friday, 25<sup>th</sup> February 2011

CRFM Conference Room, Belize City

Members present were: Beverly Wade – Fisheries Administrator, Fisheries Department  
(Chairperson)

Milton Haughton – Deputy Executive Director, Caribbean Regional  
Fisheries Mechanism

Jeavon Hulse – Environment Officer, Department of Environment

Nelda Tulcey – Draftsperson, Attorney General’s Ministry

Nadine Nembhard – Belize Fishermen Co-operative Association

Janet Gibson – Country Director, Wildlife Conservation Society  
(Secretary)

Julio Maaz – Community Fisheries Officer, Wildlife Conservation  
Society

Members absent with apologies were: Lindsay Garbutt – Chairman, Fisheries Advisory Board  
Vincent Gillett – CEO, Coastal Zone Management  
Authority

### 1. Welcome

1.5 Ms. Wade welcomed the legal consultants, Bill Edeson and Elisa Montalvo, to the meeting. The purpose of this special meeting of the steering committee was for members to discuss the first working draft of the Act with the consultants.

### 2. Presentation on first draft of Fisheries Act

2.8 Ms. Montalvo explained that the first draft is a work in progress and she touched on some of the responses received from the public consultations held in Belize City and Sarteneja earlier in the week. These included feedback on the proposed Fisheries Council, such as the need for more representation required from the fishing community. However, she added that care needs to be taken in relation to limiting the size of the Council.

2.9 Ms. Wade agreed that the representation of the fishing community should be increased, and that it should specify, for example, two representatives from the two main co-operatives, and one from BFCA. This could also be on a rotating basis.

2.10 Ms. Montalvo reported that comments had been received that the role of the Council should also include the review of fishery management plans, the suggestion that there should be provision for additional technical input, and generally the need to have more of a balance between state and non-state representation. Some objections had been voiced about

including BTB as a member. However, the Committee felt that as tourism is a very important sector related to fisheries, it should be represented on the Council.

- 2.11 APAMO had asked that the NGO representative be restricted to a co-manager of a marine reserve. Members felt, however, that the representation should be broader than this, as NGOs that work in fisheries should also be considered even if they are not reserve co-managers.
- 2.12 The issue of Ministerial discretion was also a point raised. Some stakeholders appear not to understand the difference between Ministerial discretion and Ministerial powers. Ms. Tulcey mentioned that Ministers have overall discretion and authority under our Constitution. However, as this power can be abused, the Act could build in certain criteria and safeguards to guide the Minister and ensure that s/he follows due process. The Act could also ensure that ambiguities are minimized and that provisions are clear. In any event, natural justice is built in to our justice system.
- 2.13 In considering the role of the Fisheries Council, the general feeling is that it should be more executive in nature. However, the members felt that as an advisory body the Council would still have significant influence.
- 2.14 The procedures for making decisions at the Council should be clearly stated in the Act, and these should include some basic standards, such as quorum, voting, etc.
- 2.15 The final draft of the Act should be completed by June/July. The Committee discussed the need for a cut-off point for the legal consultants to receive comments and it was agreed this should be set for the 15<sup>th</sup> April. The consultants are expecting to receive comments from specific interest groups, such as IMMARBE. **They plan to have a more fleshed out draft of the Act completed by the time Mr. Edeson leaves, or shortly thereafter. This will replace the first working draft on the web site, with a note of the deadline date of 15<sup>th</sup> April for comments to be submitted.**
- 2.16 Mr. Edeson then reported briefly on the meeting the consultants had with IMMARBE earlier in the morning, which went very well. The IMMARBE staff had some very good suggestions for points to be included and he and Ms. Montalvo would be working on those over the weekend. He stressed that the working draft of the Act is still incomplete, with sections such as on co-management and inland fisheries not included yet. Ms. Wade suggested that the consultants use the draft regulations on inland fisheries to guide that section of the Act. Members agreed that the provisions for co-management should be kept general and broad.
- 2.17 Mr. Hulse asked about reference to aquaculture, and the consultants explained that aquaculture will be addressed in a separate Act, as was decided at the outset of this process. Ms. Wade requested, however, that it be mentioned in this Act to ensure that it remains within the mandate of the Ministry of Agriculture and Fisheries, and gives the Minister the power to regulate the aquaculture industry. A discussion followed on how this could be accommodated, and Mr. Edeson suggested that a simple general provision be included.

- 2.18 Mr. Hulse then raised concern about the reference to pollution, as this is covered by the Dept. of Environment. Following discussion on the subject, he agreed that the wording was acceptable.
- 2.19 He also pointed out prevention of marine pollution is a function of the Dept. of Environment, which implements the Pollution Regulations that have recently been amended. DoE is also in the process of adding marine pollution regulations. Ms. Wade explained that reference could be made to these Marine Pollution Regulations. Mr. Haughton suggested that the reference to prevention of marine pollution would probably fit better under the Principles section. The Committee agreed with this suggestion.
- 2.20 Mr. Hulse felt that marine pollution could also be regulated as part of the fishery management plans, although he recognized that this would arise under the regulations rather than the Act. The legal consultants explained that the use of designated fisheries can control several of these types of issue.
- 2.21 In terms of licenses, provisions for export licenses need to be included, along with very carefully developed related criteria.
- 2.22 Regarding penalties, these will be difficult to set at the right level to act as a deterrent. Mr. Haughton mentioned the need to bear in mind inflation, if the penalties are to remain realistic.
- 2.23 In closing the discussion, Ms. Wade stated that the general structure of the Act is very comprehensive. The important next step is to obtain comments from the public and interested parties.

### 3. Review of Schedule of Meetings

- 3.14 Ms. Gibson distributed the latest schedule of meetings and consultations to be held during Mr. Edeson's and Dr. McConney's visit to Belize. She reported that the consultants and Ms. Wade had met with the Attorney General and the Solicitor General to brief them on progress of the project.
- 3.15 Public consultations had been held in Belize City and Sarteneja, and were well attended. Consultations were scheduled for the following week in Placencia and Punta Gorda, and the arrangements were being organized with the assistance of SEA and TIDE, respectively.
- 3.16 As National Cooperative was unable to attend the consultation in Belize City, a special meeting with BFCA was arranged for the following week as well.
- 3.17 Ms. Gibson encouraged the members to attend the Technical Seminar scheduled for the 1<sup>st</sup> March. Mr. Edeson, Dr. Patrick McConney, and Amie Brautigam, who is the Marine Policy Advisor at WCS, will be giving presentations.
- 3.18 She also encouraged members to listen to the *Making Waves* radio show, which will feature Dr. McConney and Ms. Wade on the 3<sup>rd</sup> March at 7 p.m.

#### 4. Other Matters

- 4.1 Ms. Wade reported that the TCP proposal was formally submitted by the Ministry to FAO. Mr. Edeson added that the proposal has been received by FAO, and Mr. Kuemlangan has been in touch with him on the matter, explaining that it may require some slight changes. The Ministry should receive a response from FAO very soon.
- 4.2 Ms. Wade also reported that she had met briefly with the Director of the Press Office at the Belize City consultation and had gone over the project's Communication Plan with her. She had confirmed that the Press Office will do a program on the project's consultations to include on its Belmopan Weekly television show. She had requested video footage from the consultations; the Fisheries Dept. and WCS will provide the necessary footage and photos to the Press Office.
- 4.3 Ms. Wade and Ms. Gibson met with Minister Heredia and his CEO Mr. Garbutt on the 23<sup>rd</sup> February to brief them on the project. Minister Heredia was very supportive of the project and promised his support for the bill when it is presented in Cabinet. He felt that the provisions in the working draft were very good, and approved of the process of broad consultations.
- 4.4 There was no further news to report on the ACPII project on the fisheries regulations.
- 4.5 In relation to the special template from the SolGen's office that needs to be completed, Ms. Tulcey explained that it should accompany the final draft of the Act that will be completed for submission in June or July.
- 4.6 In response to a query about the new Protected Areas legislation, Ms. Wade explained that the intention is to establish an authority that would coordinate the management bodies responsible for protected areas, similar to the arrangement in the US. The purpose of such an authority would be to harmonize management and ensure better integration.

#### 5 Adjournment

- 5.1 The next regular meeting will be held on the 8<sup>th</sup> April at 10 a.m. at the CRFM conference room.

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Approved \*with amendments

\*without amendments

Date: \_\_\_\_\_

(Delete what does not apply)

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Chairperson, Steering Committee

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Secretary