

APPENDIX 2

LEGAL FRAMEWORK FOR MANGROVE MANAGEMENT

ISSUES AND CONCERNS ON MANGROVE	LAWS, POLICIES, RULES AND REGULATION
<i>Conservation and Protection of natural resources including mangrove</i>	Guyana Constitution Article 36 states that in the interest of the present and future generation, the state will protect and make rational use of its land, mineral and water resources, as well as its flora and fauna, and will take all appropriate measures to conserve and improve the environment.
	The Forests Act 2009 Part 3. 5.23. (1) mandates the EPA to declare a specific area of state forest to be a specifically protected area for a period not exceeding 25years (a) declare a specified area of State forest to be a specially protected area for a specified period not exceeding 25 years ;Purpose of Part 3,5.22 (1) is to <ol style="list-style-type: none"> 1) conserve biological diversity 2) protect specific trees and plants 3) conserve soil and water reserves 4) protect forests from fires, pest, diseases and degradation
	Forest Act 2009 Part 3. 5. 30 Minister can make order for protection of trees and plants any tree or plant, Part 3. 5. 31 Minister can declare private land to be a forest conservation area.
	Environmental Protection Act of 1996 mandated that the will provide for the management, conservation, protection and improvement of the environment,; danger of extinction; (2) any person who in any marine reserve without permission granted under subsection 3 (b) takes or destroys any flora and fauna other than fish is guilty of an offence.
	Fisheries Act 1957 Part 8 Marine Reserves and Fishing Priority Areas, Section 21. (1). (a) to afford special protection to the flora and fauna of such areas and to protect and preserve the natural breeding grounds and habitat of aquatic life with particular regard to flora and fauna in danger of extinction; (2) any person who in any marine reserve without permission granted under subsection 3 (b) takes or destroys any flora and fauna other than fish is guilty of an offence.
<i>Mangrove as Forest</i>	The Forests Act 2009, Part 1 5.2 (b) (1) defines forest with reference to mangroves
<i>Mangrove as part of state forest and as state land</i>	Forest Act 2009. Part 1. 5.3. state the Minister can declare public forested land as state forest
	Civil Act Article 4.1 define foreshore of Guyana as the part of the shore of the sea and tidal navigable rivers which is covered by the medium high tide between the spring tides and the neap tide, the soil under tidal waters called land shall be deemed to be under state land Sea Defence Act of 1998 declares that “sea defence includes – any shell bank or reef, sand bank or reef or other natural feature which serves as a protection of the sea coast against the erosive action of the river current”. In Part 3 Section 12 of the Act declares that “all sea defences which are or shall be in existence in any district shall by force of this Act become the property of the state”.
<i>Jurisdiction over mangrove forest</i>	Environmental Protection Agency states that their functions is to take steps necessary for the effective management of the natural environment so as to ensure conservation,

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	<p>protection, sustainable use of its natural resources; establish, monitor and enforce the environmental regulations; assessed environment impact of the project ;and promote and encourage a better understanding and appreciation of the natural environment and its role in social and economic development;</p> <p><i>Sea Defence Act 1998</i> defined sea defence as (c, e)“All land fifty (50) feet landwards from the centre of any sea or river dam or sea or river wall and all land on the other side of such sea or river dam or sea or river wall in the direction of the sea or river to the toe of such sea or river wall ; and declares that “sea defence includes – any shell bank or reef, sand bank or reef or other natural feature which serves as a protection of the sea coast against the erosive action performed by the Ministry or its agents at the expense of the Board</p> <p><i>Guyana Land and Survey Commission Act</i> mandated the commission to take charge of and act as guardian over all public lands, rivers and creeks of Guyana,</p> <p><i>Municipal and District Council Act Part II Sec. 7 (2)</i> states that the jurisdiction of the City Council shall extend to low water mark of spring tide of the Demerara River and to all structure thereon (2) town council shall extend to low water mark of spring tides of the Berbice River and to all structures. Part IX 302 (19) to plant, trim, preserve or remove trees, flowers and shrubs in any public places.</p>
<p><i>Island and embankment (beach) for protection and rehabilitation and regulations on cutting and burning mangroves</i></p>	<p><i>The Forests Act 2009 Part 3. 23 (b)</i> prohibiting any disturbance of the soil, vegetation, rivers, or creeks in that specially protected area; and Part 3.31. (1) The Minister may by public notice make an order – (a) declaring any forest on private land to be a forest conservation area; and (b) prohibiting, restricting, or regulating all or any of the following - (i) entry into the forest conservation area (ii) cutting, damaging, taking, or removing any forest produce in the forest conservation area; (v) clearing, cultivating, or turning of soil in the forest conservation area; (vi) grazing or pasturing of livestock in the forest conservation area; (vii) setting of fire in the forest conservation area; (2) No order may be made except on the advice of the Commission that the order is necessary for – (a) conserving the forests of Guyana and securing the proper management of forest land; (b) preventing soil erosion, coastal erosion, or erosion of the banks of rivers or creeks; (c) preventing the deposit of mud, stones, or sand in rivers or creeks or on agricultural land; (d) maintaining water supplies in springs, rivers, canals, reservoirs, aquifers, or water conservancies; (e) minimising the risk or mitigating the impact of storms, winds, floods, or landslides;</p> <p><i>The Environmental Protection Act of 1996 Part 10.68.1</i> Minister may make regulations for giving the effect to the provisions of this Act for the protection of particular species of prescribed fauna and flora (j.) protecting the coastal and marine resources and establish, monitor and enforce the environmental regulations</p> <p><i>Sea Defences Act of 1998 Sec.13 (1) and Sec. 16 (b)</i> mandated to make regulations for (a) protecting the growth of Underwood, shrubs, and trees, on or near the foreshore or between high and low water marks (b) and the protection of the land and soil between high and low marks ; and generally, conserving the foreshore; and require estate to protect the foreshore by sowing seed, planting shoots to promote the growth of or the other tree, underwood, or shrubs, between and low water marks on the foreshore courida</p>
	<p><i>Civil Act Article 4.3</i> states that no one shall remove any sand, shell, gravel, shingle or</p>

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	<p>other mineral substances or any seaweed or vegetation from the lands without the permission of the Minister responsible for sea defences and are subject to the like penalties.</p> <p><i>The Forests Act 2009, Part 3.31.</i> prohibits the cutting, damaging, or taking any forest produce, or carry out any other kind of forest operation in a State forest; occupy or use any land in a State forest;</p> <p><i>Sea Defence Act of 1998 Sec.13 (1 Sec. 14, 15 and Sec. 16 (b) (a) (b) Sec, 26</i> states that everyone who infringes any of the provision of this Act shall be liable on summary conviction of twenty-two thousand five hundred dollars (G\$ 22,500)</p> <p><i>Municipal and District Council Act sec. 302(28).</i> states the power of the council to regulate the cutting of wood on land vested in the council.</p> <p><i>Local Government Act part IV sec 51.</i> Cutting of trees will have fix fees</p> <p><i>The Forests Act 2009 Part 3.24., Part 3. 25 (2), Part 6. 68 b.(iv) section 25(2), section30(3), section 31(4), section 23(5)-</i> prohibits person in any State forest to throw down a lighted match or lighted or inflammable material; or do anything else likely to result in any forest produce being burnt or damaged. Penalty range from G\$250,000 to 1,00000</p>
Cattle grazing	<p><i>Municipal and District Council Act sec. 287,290 28).</i> stated the power of the council to regulate the grazing of animals; impounding the stray animal found in public places</p> <p><i>Local Government Act Part IV sec 50</i> states that grazing of animals on common land of the village and in country district will be impound and sec.102 (1-5) straying animals</p>
Community Involvement and Participation	<p><i>Guyana constitution Article 25</i> state that every citizen has a duty to participate in activities designed to improve the environment and protect the health of the nation.</p> <p><i>Article 74 (1)</i> states that it is the duty of the Local Democratic to ensure in accordance with the law the efficient management and development of their areas and to provide leadership by example (3) to maintain and protect property , improve working and living condition and raise the level of civic consciousness..</p> <p><i>Local Democratic Organs Act Part II Sec. 7</i> states that duties of the local democratic organs is (a) maintain and protect property (b) protect and improve the physical environment (f) raise the level of civic consciousness (awareness)</p>