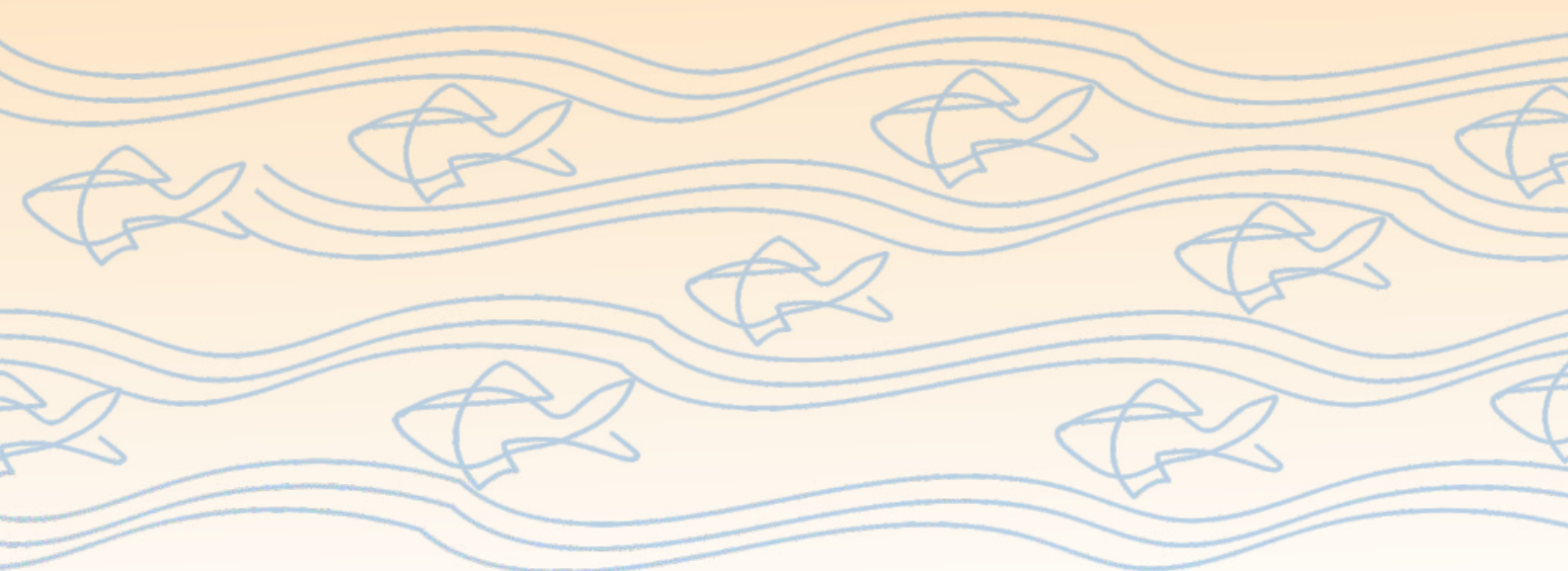




Food and Agriculture  
Organization of the  
United Nations

# **Legal report on the ecosystem approach to fisheries in India**

An analysis of the ecosystem approach to  
fisheries in selected national policy and  
legal instruments of India

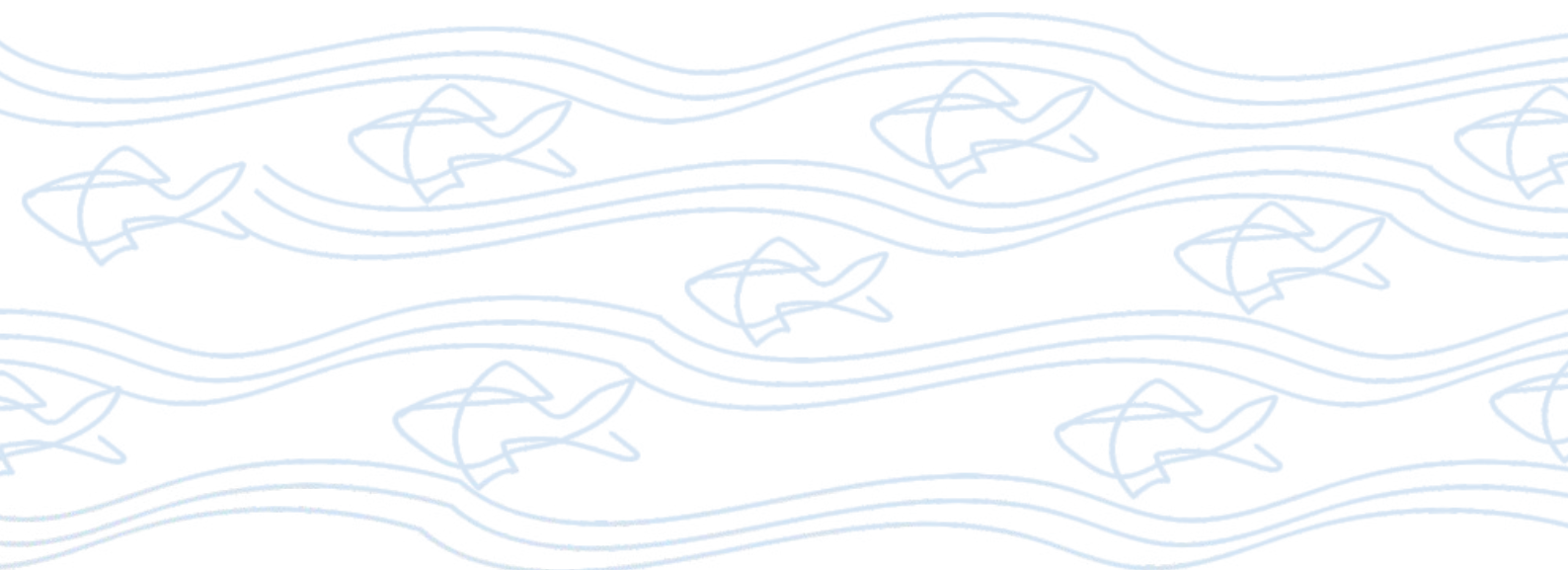


*Published by*  
**Food and Agriculture Organization of the United Nations**  
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## Preparation of the Document

Ecosystem approach to fisheries (EAF) is a process for the planning, management, development, regulation and monitoring of fishing and fishing-related activities. Adequate legislation and regulatory frameworks are key to successful implementation of the EAF. The continuous review and update of the information on legislation and regulatory instruments require the analysis of the existing legal frameworks at all levels of governance, to assess whether they remain in force, valid and aligned with international fisheries law standards, including the EAF.

The present work was prepared with a view to assess the level of alignment of legal and policy frameworks of India. Recognizing the significance of this analysis and the gap for India, BOBP-IGO undertook the study and has developed the **Legal Report on EAF to Fisheries in India** in collaboration with FAO, under the aegis of FAO-GEF-NORAD funded Bay of Bengal Large Marine Ecosystem Project (BOBLME II).

This assessment will be handy for the policy makers, legal practitioners and fisheries managers to take necessary steps for improving the EAF implementation in India.

This report was prepared based on the template report developed by FAO, in collaboration with the EAF-Nansen Programme, using the EAF legal diagnostic tool. Similar legal reports of 30 other countries beneficiaries of this Programme are available at: <https://www.fao.org/in-action/eaf-nansen/publications/programme-reports/en/>



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## Abstract

Legislating for the ecosystem approach to fisheries (EAF) is complex, due to the holistic nature of EAF involving multiple factors that underpin the social, economic, environmental, and institutional aspects of fisheries sustainability. These factors include ecosystem integration, risks, intersectoral collaboration, research, participatory processes, monitoring, control, surveillance, and enforcement, among others. To assess how the EAF is being implemented through national policy and legal frameworks, FAO developed a diagnostic tool for implementing the EAF through national policy and legal frameworks.

The present legal report on the EAF used the diagnostic tool to assess the alignment of selected national policy and legal instruments of India with the EAF. This assessment analysed the extent to which 82 EAF legal requirements, which are considered the minimum standards in legislating for the EAF, are reflected in India's policies and legislation relevant to the fisheries sector of the country and other relevant sectors (such as environment, wildlife, ecosystems, and maritime affairs).

In India, the governance of fisheries, including its management and regulation, is decentralized. In addition to the Union Government, there are nine coastal states and four Union Territories (UTs). These states and UTs exercise jurisdiction over fishing and fisheries within the territorial sea measuring 12 Nm, whereas the Union Government exercise jurisdiction over fishing and fisheries in marine waters beyond the territorial sea, up to 200 nm of the EEZ. This report focused on the analysis of national policy and legal instruments of the Union Government of India. Additionally, the analysis of the primary fisheries legislation of the coastal states and UTs was performed, based on a simplified methodology, which identified and examined only the provisions common to all those legislations.

Of the 82 EAF legal requirements, **58** EAF legal requirements were found in India's national policy and legal frameworks assessed in this EAF Legal Report, indicating a **Medium-level** of alignment with the EAF. Based on this preliminary assessment, 24 EAF legal requirements remain to be incorporated in the policy and legal frameworks of India. Based on this preliminary diagnosis, gaps were identified in the assessed instruments, and recommendations were made for improving the implementation of the EAF through the policy and legal instruments of India.

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## Abbreviations and Acronyms

ABNJ	Areas Beyond National Jurisdiction
BMC	Biodiversity Management Committee
BOBP-IGO	Bay of Bengal Programme Inter-Governmental Organisation
CRZ	Coastal Regulation Zone
CZMP	Coastal Zone Management Plan
DADA	District Aquaculture Development Authority
EAF	Ecosystem approach to fisheries
EAFM	Ecosystem Approach to Fisheries Management
EBSA	Ecologically and Biologically Significant Area
EEZ	Exclusive Economic Zone
EIA	Environmental Impact Assessment
EIS	Environmental Impact Statement
ESA	Ecologically Sensitive Area
FAO	Food and Agriculture Organization of the United Nations
FMP	Fishery Management Plan
IMO	International Maritime Organization
IUU	Illegal, Unreported and Unregulated (fishing)
LEGN	Development Law Service of the FAO Legal Office
LOA	Length overall of the Vessel
LOP	Letter of Permission
MCSE	Monitoring, Control, Surveillance and Enforcement
MCS	Monitoring, Control, and Surveillance
MFRA	Marine Fisheries Regulation Acts
MPEDA	Marine Products Export Development Authority
NBAP	National Biodiversity Action Plan
NEP	National Environmental Policy
NGO	Non-governmental Organization
Nm	Nautical Miles
PSMA	Port State Measures Agreement
ReALCraft	Registration and Licensing of Fishing Craft
RFMO	Regional Fisheries Management Organization
TAC	Total Allowable Catch
TED	Turtle Excluder Device
UT	Union Territory
VME	Vulnerable Marine Ecosystem
VMS	Vessel Monitoring System



**Dr. Abhilaksh Likhi, IAS**  
Secretary

डॉ अभिलाक्ष लिखी भा.प्र.से.  
सचिव



सत्यमेव जयते



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Government of India  
Ministry of Fisheries,  
Animal Husbandry & Dairying  
Department of Fisheries  
Krishi Bhawan, New Delhi-110001

## Foreword

I am happy to introduce this legal report on the Ecosystem Approach to Fisheries (EAF) in India, which presents a comprehensive analysis within the context of India's national policy and legal frameworks. I am given to understand that this report, jointly published by the Bay of Bengal Programme Inter-Governmental Organisation (BOBP-IGO) and the Food and Agriculture Organization (FAO), is the 30th in the series of country-specific EAF legal reports prepared by FAO in collaboration with the EAF-Nansen Programme. This EAF legal report of India marks an essential step towards enhancing the sustainability of our fisheries sector in the region.

India's commitment to sustainable fisheries management is reflected in our existing policies, legal, and institutional framework, which prioritize addressing the three pillars of sustainability: environmental, social and economic. The National Policy on Marine Fisheries of 2017 has considered the EAF as the guiding stone of fisheries development. In this regard, the country is gradually incorporating international best practices aligned with the EAF to enhance the robustness of the national fisheries management system.

The findings of this report encapsulated the achievements of India in mainstreaming the EAF through its policy and legal instruments, which enshrine over 70 percent of the total number of minimum EAF legal requirements identified in the FAO EAF Policy and Legal Diagnostic Tool. The report also points out areas where further work is needed, and these recommendations will serve as a roadmap for strengthening the national legal and policy framework to further enhance the sustainable management of our fisheries based on the EAF.

Looking ahead, India is strengthening its fisheries management in the high seas and the proposed Guidelines on fishing in the high seas, will further contribute to moving towards EAFM.

As we move forward, it is imperative that all stakeholders, including government agencies, local communities, and industry representatives, cooperate to implement the recommendations of this report. Together, we can foster a resilient and sustainable fisheries sector that not only meets our society's needs of today but also safeguards the interests of future generations.

I congratulate BOBP-IGO and the FAO for endeavouring to prepare this useful EAF legal report of India, which will serve as a handy reference for legal practitioners and policy makers.

(Dr. Abhilaksh Likhi)





# 1 Introduction: Legislating for the ecosystem approach to fisheries

The Food and Agriculture Organization of the United Nations (FAO) has promoted the implementation of the ecosystem approach to fisheries (EAF) through various activities conducted over the last decades (FAO, 2019), many of which under the EAF-Nansen Programme (FAO, n.d). Among the many ways or processes through which the EAF can be implemented is the review of national policies and legislation, which provides a country the opportunity to reassess its respective policy and legal frameworks, identify the gaps and needs for improvement, and present recommendations for enacting new policy and legal instruments for the EAF, and amending the existing ones so that they are appropriately aligned with the EAF.

FAO's initiative to promote legislating for the EAF has been undertaken through the development of studies, guidance materials, and tools (Skonhoft, 2011; FAO, n.d-b; FAO, 2016; FAO, 2021a, 2021b, 2021c, 2021d, 2021e).

## 1.1 A diagnostic tool for implementing the ecosystem approach to fisheries through national policy and legal frameworks

The latest material developed by FAO for the implementation of the EAF through national policy and legal frameworks, published in 2021, is ["A diagnostic tool for implementing an ecosystem approach to fisheries through national policy and legal frameworks"](#), hereafter referred to as "EAF Legal Diagnostic Tool" (FAO, 2021a, 2021c). This tool, which constitutes the basis for the development of the present report, provides essential information about the EAF and should be read together with this report. Such relevant information includes a non-exhaustive list of international legal instruments that support the EAF (Appendix A of the EAF Legal Diagnostic Tool) and a non-exhaustive list of examples of selected national policy and legal instruments relevant to the EAF (Appendix B of the EAF Legal Diagnostic Tool).

The Appendix C of the EAF Legal Diagnostic Tool provides the EAF Legal Checklist for Assessment and Implementation of the EAF Policy and Legal

Frameworks, hereafter referred to as "EAF Legal Checklist", based on which the level of alignment of a country's policy and legal frameworks with the EAF and the 17 EAF Components can be assessed (FAO, 2016).

## 1.2 International legally binding instruments and non-legally binding instruments relevant to an ecosystem approach to fisheries

Several internationally legally binding and non-legally binding instruments provide for the EAF. The Appendix A of the EAF Legal Diagnostic Tool highlights, in a non-exhaustive list, selected provisions of international instruments or decisions relevant to the EAF. Other legally binding instruments supporting the EAF are the applicable conservation and management measures of regional fisheries management organizations/arrangements (RFMO/As), which should also be taken into account on a country-by-country basis in the assessment of a given country's EAF commitments.

It should be noted that provisions of international non-legally binding instruments that reflect principles of international law are also legally binding and, thus, appropriate to the study of national policy and legal frameworks.

States that are parties to multilateral conventions or agreements, as well as States that adopt or endorse international non-legally binding instruments that reflect principles of international law have the duty to align their national policy and legal frameworks with the obligations that derive from such international and regional instruments.

In light of these considerations, Table 1 provides India's present status in respect to the EAF's relevant international legally binding instruments selected from Appendix A of the EAF Legal Diagnostic Tool.

India is a Party to the majority of the selected international legally binding instruments relevant to the EAF. For such instruments that India is a Party, as well as for the non-legally binding instruments that India has endorsed or adopted, it is essential to ensure that the relevant provisions of the EAF highlighted in Appendix A

of the EAF Legal Diagnostic Tool are adequately reflected in the national legal and policy frameworks.

With regard to the Compliance Agreement and the PSMA, to which India is not yet a Party, it is important to identify and analyse the reasons preventing the country's consent to be bound by such instruments and raise awareness of the importance of the international fisheries governance framework in contributing to the sustainability in fisheries. Such analysis is however beyond the scope of this report.

### 1.3 Relevant background information on India's jurisdictional framework governing fisheries

India has a coastline of about 8,118 km, with an Exclusive Economic Zone (EEZ) covering 2.02 million square km including a continental shelf area of 0.53 million square km. The fisheries sector has gradually transformed from a traditional activity to a commercial enterprise, contributing significantly to the food security, employment and income of the country.

In India, the governance of fisheries, including its management and regulation, is decentralized. In addition to the Union Government, there are nine states and four Union Territories (UTs). These states and UTs exercise jurisdiction over fishing and fisheries within the territorial sea measuring 12 Nm, whereas the Union Government exercise jurisdiction over fishing and

fisheries in marine waters beyond the territorial sea, up to 200 nm of the EEZ. The Constitution of India of 1949, as last consolidated in 2023, thereby shares the responsibilities for fisheries management between the central and state governments, with the Union Government overseeing fisheries beyond territorial waters and the state governments managing inland and territorial waters' fisheries. Fisheries are governed by various entries in the Union and State Lists of the Seventh Schedule of the Constitution of India. The Union List (List I) Entry 57 pertains to "Fishing and fisheries beyond territorial waters," giving the Union Government the power to legislate on matters related to fishing in the EEZ and the high seas, while the State List (List II) Entry 21 relates to "Fisheries," which covers fisheries within the State's territorial sea, internal waters, rivers, and inland fisheries. This allows state governments to legislate and manage fisheries activities within their respective territorial sea, internal waters and inland water bodies.

Accordingly, the Union Government develops and adopts the fisheries policy and legal instruments at the national level. The 9 coastal States and 4 UT Governments have adopted their respective Marine Fishing Regulation Act (MFRA) for regulation and management of fisheries within their respective territorial waters.

**Table 1: Status of India in selected international legally binding instruments relevant to EAF**

Instrument	Status
1971 Ramsar Convention on Wetlands of International Importance (Ramsar Convention)	Party
1973 Convention on International Trade in Endangered Species of Wild Fauna and Flora	Party
1979 Convention on the Conservation of Migratory Species of Wild Animals	Party
1982 United Nations Convention on the Law of the Sea	Party
1992 Convention on Biological Diversity	Party
1993 Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas (Compliance Agreement)	Not Party
1995 United Nations Agreement for the Implementation of the Provisions of the LOSC relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (UNFSA)	Party
2009 Agreement on Port State Measures to Prevent, Deter, and Eliminate Illegal, Unreported and Unregulated Fishing (PSMA)	Not Party





## 2 Legal report on the ecosystem approach to fisheries: assessing a country's policy and legal framework

The EAF Legal Diagnostic Tool was the primary tool used to prepare this report (hereafter referred to as the “EAF Legal Report”). Selected national policies and legislation were assessed and applied against the EAF Legal Checklist.

This section is divided into two subsections. Subsection 2.1 describes the methodology and scope, including selecting the national policy and legal instruments relevant to the EAF and assessing the EAF legal requirements in such instruments by filling in the EAF Legal Checklist using the symbols under Table 3 below. Subsection 2.2 provide an overview of the main findings, highlighting some specific parts of the policy instruments and legal provisions identified as good practice in legislating for or addressing the EAF.

### 2.1 Methodology and scope

Understanding the complexities, details, and broad range of matters that the EAF comprises is a challenge due to, inter alia, its holistic nature and each country's context and priorities.

Therefore, a simplified assessment methodology was developed for applying the EAF Legal Checklist to selected national policy and legal instruments, leading to the compilation of this report.

The findings of this desk-based preliminary assessment were subject to an in-depth review by experts at an in-country workshop, as detailed in subsection 2.1.3. The draft report produced following

this workshop was further revised by the Development Law Service of the FAO Legal Office (LEGN), in collaboration with the EAF-Nansen Programme.

#### *2.1.1 Selection and collection of national policy and legal instruments of India*

As explained in subsection 1.3, there are several policy and legal instruments governing fisheries in India at both national and states levels. This report contains the findings of assessing relevant national policy and legal instruments adopted by the Union Government. Additionally, the analysis of the primary fisheries legislation of the coastal states and UTs was performed, based on a simplified methodology, which identified and examined only the provisions common to all those legislations.

The main source for the selection and collection of national policies and legal instruments was FAOLEX (FAO, n.d-b) which, besides the Constitutions of countries, provides a vast electronic repository of national policy and legal instruments on fisheries and other sectors relevant to the EAF, including on environment, sea, water, and wild species and ecosystems.

The list of policy and legal instruments assessed in this report was reviewed by experts with experience in fisheries law, management and governance (Appendix A).



*Group photo of the participants of the Review Workshop*



*Participants discussing at the Review Workshop*

### **2.1.2 Desk-based stepwise assessment of selected national policies and legal instruments**

The selected national policy and legal instruments relevant to the EAF under Appendix A of this report were assessed against the EAF Legal Checklist following the steps described in Table 2.

### **2.1.3 Filling in the Ecosystem Approach to Fisheries Legal Checklist of India**

The EAF Legal Checklist provides the EAF legal requirements structured by the 17 EAF Components, based on a step-wise methodology (FAO, 2021, Subsection 2.2), and in accordance with the typical subjects of a fisheries primary legislation, without prejudice to the particular structure of the fisheries primary legislation of India (FAO, 2021, Subsection 3.2). In filling it in, priority was given to assessing the EAF legal requirements in the fisheries policies and primary/secondary legislation. The symbols presented in Table 3 were used in the process.

The last two columns of the EAF Legal Checklist indicate: (i) the parts of the policy instruments and legal provisions where the EAF legal requirement was found; and (ii) additional relevant comments and explanatory notes that clarify, where appropriate, nuances in assessing the policy and legal instruments and the rationale for the assessment of partial or insufficient coverage of the EAF legal requirements.

### **2.1.4 Validating the report through experts' consultation and revision by FAO**

The preliminary desk-based assessment of the policy and legal framework of India using the EAF Legal Diagnostic Tool was carried out by the Research team of BOBP-IGO, with practical expertise in fisheries management and governance, and fisheries law. The draft report was prepared using the template report developed by FAO to present the findings of assessing the alignment of a country's policy and legal frameworks with the EAF, using the EAF Legal Diagnostic Tool. This draft report was reviewed and validated by a team of experts with experience in the



**Table 2. Summary of the stepwise assessment**

Steps	National policy and legal instruments analysis	Scope
1 <sup>st</sup>	<b>Fisheries policy:</b> a plan, policy, strategy, action plan, or policy chart concerning fisheries, aquaculture, wildlife, sea and/or oceans, sustainable development, management, and/or conservation.	Fisheries policy: a plan, policy, strategy, action plan, or policy chart concerning fisheries, aquaculture, wildlife, sea and/or oceans, sustainable development, management, and/or conservation.
2 <sup>nd</sup>	<b>Fisheries primary legislation:</b> a fisheries act, code, law, or any other instrument implementing the fisheries policy as well as the general law on fisheries, forestry, and wildlife providing the legal framework for fishing and fishing-related activities. It is the primary legal instrument for fisheries, which contains the typical outline and broadly covers the subjects described in subsection 3.1 of the EAF Legal Diagnostic Tool. It should be noted that this typical outline is without prejudice to the particular structure of the fisheries' primary legislation of the assessed country.	Searching for the EAF legal requirements in each provision of the fisheries primary legislation.
3 <sup>rd</sup>	<b>Fisheries secondary legislation implementing or elaborating the fisheries primary legislation:</b> fisheries decree, regulation, order, ordinance which sets out in more detail the requirements of the fisheries primary legislation – concerning, e.g., fishing vessel registration, fishing vessel requirements, vessel monitoring system (VMS), fisheries research, fisheries fund, small-scale fisheries.	Searching for the EAF legal requirements is not found in the relevant parts of the fisheries policy nor the provisions of the fisheries primary legislation.
4 <sup>th</sup>	<b>Other sector's primary legislation:</b> an act, code, or law on the relevant sectors of <i>inter alia</i> environment, sea, water, and wildlife species and ecosystems.	Searching for the EAF legal requirements not found in the relevant parts of the fisheries policy nor the provisions of the fisheries primary and secondary legislation.
5 <sup>th</sup>	<b>Other sector's secondary legislation:</b> a decree, regulation, order, or ordinance regulating the primary legislation of other sectors assessed under step 4.	Searching for the EAF legal requirements is not found in the relevant parts of the fisheries policy nor the provisions of any previously assessed legal instruments.



Indian legal system and fisheries management based on the EAF, in a Review Workshop held at BOBP-IGO, from 30 to 31 May 2024.

The revised draft report was later submitted to FAO for further revision and finalization. In collaboration with the EAF-Nansen Programme, FAO LEGN revised the report, and discussed additional editorial and substantive changes to the report with BOBP-IGO. The final version was agreed upon and validated in August 2024.

The results of this assessment are presented in Appendix B of this report, which provide the EAF Legal Checklist applied to selected national policies and legislation of India.

### 2.1.5 Additional observations

While filling in Appendix B, some parts of the policy framework and some provisions of the legal framework which in some cases are anchored in the India Constitution of 1949, as last consolidated in 2023, were considered particularly relevant in incorporating the EAF legal requirements. These parts and legal provisions – which, without prejudice to others that may also be relevant, were considered good examples of addressing the EAF (in the case of a policy instrument) or legislating for an EAF (in the case of a legal instrument), have been highlighted in the main findings

under subsection 2.2 below as good practice in legislating for an EAF.

## 2.2 Overview and main findings

This subsection provides an overview of the main findings of this assessment of the EAF in the selected national policy and legal instruments of India presented under Appendix B.

### 2.2.1 Fisheries policy

The assessed fisheries policies correspond to A1 to A4 in Appendix A. They cover **35** of the 82 EAF legal requirements.

The *National Policy on Marine Fisheries of 2017* is the main fisheries policy of India. Its overarching goal is centred on ensuring the health and ecological integrity of marine living resources in India's EEZ through long-term sustainable management. It explicitly endorses the EAF implementation through consideration for the wellbeing of all living and non-living constituents of the marine ecosystem, and through participatory fisheries co-management. The policy rests on seven pillars that align with the EAF: sustainable development, socio-economic upliftment of fishers, subsidiarity principle, partnership, inter-generational equity, gender justice, and precautionary approach. Focus is placed on fishing

**Table 3. Meaning of the symbols used in the Ecosystem Approach to Fisheries Legal Checklist**

Symbol	Perceived level of alignment with the EAF legal requirement	
✓	Full or sufficient	Part(s) in the assessed fisheries policy or provision(s) in the assessed legislation incorporates the EAF legal requirement.
□	Partial or insufficient	Part(s) in the assessed policy or provision(s) in the assessed legislation partially incorporates the EAF legal requirement.
X	None or inexistent	No part of the assessed policy nor provision in the assessed legislation was found that incorporates the EAF legal requirement.
•	Not considered	No assessment was carried out since the EAF legal requirement was fully or sufficiently found in the primary fisheries policy/legislation, or other sectors' primary legislation.
N/A	Not Applicable	The EAF legal requirement is exclusively relevant to fisheries (that is the case of all the EAF legal requirements under Fisheries Management, Monitoring, Control, Surveillance and Enforcement (MCSE) and almost all of those under enforcement processes and sanctions scheme) and therefore not applicable to other sector's legislation.
*	Optional	The EAF legal requirement is considered non-mandatory and, therefore is not expected to be found in the assessed policy or legal instrument.

*Note: A more in-depth analysis will be required to understand how partially met EAF legal requirements (cells marked as □) could be fully incorporated into legal and policy instruments or reflect potential contradictions between one legal and/or policy instrument and another. Such analysis goes beyond the scope of this desk-based preliminary assessment.*



effort management through, inter alia: fleet-size optimization; species and area-specific management plans, including conservation of Ecologically and Biologically Significant Areas (EBSAs), and Vulnerable Marine Ecosystems (VME); spatial and temporal measures, periodically reviewed and based on best scientific information available, and; the creation of fish refugia through consultative processes. The policy also mandates the Government to consult with concerned scientific institutions and fishers in adopting input and output controls, and creating fisheries management areas and rebuilding or recovery plans for stocks that are in depleted status.

This fisheries policy calls for strengthening the monitoring, control, and surveillance (MCS) regime in place, through greater engagement of the fisheries, coastal marine police and coast guard authorities, the establishment of mandatory use of log books, vessel monitoring system (VMS), among other tools. It also affirms the Government commitment to deter, prevent and eliminate Illegal, Unreported and Unregulated (IUU) fishing through the establishment of a sound mechanism both at the port and at sea to ensure that the Indian fishing fleet does not engage in any IUU fishing within its own EEZ, high seas and EEZs of other nations. In strengthening the science-policy interface, the policy mandates the Government to implement a National Marine Fisheries Data Acquisition Plan, involving all relevant stakeholders. Also relevant to the EAF are the references in this policy to the Government's emphasis on maintenance of ecological integrity of the marine environment, strengthening

regulatory mechanisms to control marine pollution, and development of studies on climate change impacts on fisheries. The policy recognizes the FAO Code of Conduct for Responsible Fisheries as the most significant non-binding global fisheries instruments and affirms the Government's commitment to make all efforts to implement the FAO Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication. Regional cooperation for managing shared resources and ecosystems is promoted as well.

The *National Environmental Policy (NEP) of 2006* aims at mainstreaming environmental concerns in all development activities. It suggests regulatory reform, programs, and projects for environmental conservation, and review and enactment of legislation by Central, State and Local Governments. Three principles, the policy rests on, directly relate to the EAF: the precautionary approach, decentralisation and integration. This policy also seeks to ensure access to information and greater transparency in decision-making processes. The policy recommends the consideration of the creation of a National Environment Restoration Fund from net proceeds of economic instruments, user fees for access to specified natural resources and voluntary contributions to restore environmental resources. Under coastal resources management, the policy recommends adopting a comprehensive approach to integrated coastal management by considering linkages between coastal areas, wetlands, and river systems in relevant policies, regulations, and programs.



The National Biodiversity Action Plan (NBAP) of 2008, as updated by its 2014 *Addendum*, is India's response to its commitments under the CBD. The plan outlines how biodiversity concerns can be integrated into economic and social development, to strengthen implementation of policy, legislative and administrative measures for biodiversity conservation and management, build national capacities and international cooperation can be further promoted. It also addresses how governance can be built in the management of pollution, toxic and hazardous wastes. The Addendum incorporates National Biodiversity Targets with specific indicators and timelines, emphasizing sustainable management of agriculture, forestry, and fisheries. It aims to combat habitat degradation, manage invasive species, conserve important ecological areas, and maintain genetic diversity. The plan promotes participatory governance, integrating biodiversity values into national planning, and raising awareness about biodiversity conservation. Implementation involves the Ministry of Environment, Forest and Climate Change, multiple government ministries, and local institutions, using a multi-tiered approach.

The *National Wildlife Action Plan of 2017–2031* has a chapter dedicated to the conservation of coastal and marine ecosystems, which provides various action points relevant to the EAF, including: establishing a Coastal and Marine Ecosystem Cell in all coastal states and UTs; undertaking Coastal and Marine Habitats Restoration Programme; initiating programmes for long-term studies and monitoring of threatened coastal and marine species, and; establishing a special centre for strengthening the knowledge management system of coastal and marine biodiversity and their conservation. Another important chapter for the EAF relates to strengthening research and monitoring, whose actions points include the establishment of the National Wildlife Research Coordination Committee, responsible for reviewing research outputs, information gaps and prioritizing areas for future research.

### 2.2.2 Fisheries primary legislation

The assessed fisheries primary legislations correspond to B1 to B5 in Appendix A. They cover 21 of the 82 EAF legal requirements.

The *Marine Products Export Development Authority Act of 1972* establishes the Marine Products Export Development Authority (MPEDA). It sets out the mandate of the Authority as the entity in charge of the administration and giving effect to the provisions of the Act. The Authority shall consist of a Chairman appointed by the Union Government; the Director of Marine Products Export Development; three members of

Parliament of whom two shall be elected by the House of the People and Council of States; representatives from Ministries of the Union Government dealing with agriculture, finance, foreign trade, industry and, shipping and transport; Governments of States or UTs having a sea coast; and other relevant stakeholders (owners of fishing vessels, dealers, persons employed in marine products industry, research institutions).

The MPEDA is responsible for promoting marine exports by any measures it deems appropriate. These measures could refer to developing and regulating off-shore and deep-sea fishing and undertaking measures for the conservation and management of off-shore and deep-sea fisheries, as well as registering fishing vessels and processing plants or storage premises for marine products. The Authority may also carry out inspections of marine products in any fishing vessel. The Act also details offences and penalties and outlines judicial procedures. The *Territorial Waters, Continental Shelf, Exclusive Economic Zone and other Maritime Zones Act of 1976* specifies the extent of India's sovereign powers over the mentioned maritime zones and others. Of relevance to EAF are the provisions asserting the Union Government's exclusive jurisdiction to preserve and protect the marine environment and to prevent and control marine pollution in the continental shelf and the EEZ, as well as the Union Government's sovereign rights for exploration, exploitation, conservation, and management of natural resources in these zones. The *Maritime Zones of India (Regulation of Fishing by Foreign Vessels) Act of 1981* regulates fishing by foreign vessels in certain maritime zones of India. It establishes the process for granting, cancelling or suspending licenses to foreign vessels which intend to engage in fishing and permits to use such vessels by Indian citizens. The Act also identifies the authorised officers, provides for their powers, outlines offences and penalties, and judicial procedures.

The *Coastal Aquaculture Authority Act of 2005* establishes the Coastal Aquaculture Authority for regulating aquaculture activities in the coastal areas. It allows the Union Government to take measures to protect the environment by issuing guidelines to ensure coastal aquaculture does not have a detrimental impact on coastal regions and the livelihood of people living in such areas. The Authority comprises, among others, experts in coastal aquaculture, coastal ecology, environment protection or pollution control, representation from the Central Ministries of Agriculture, Commerce, and Fisheries, members from coastal States and UTs. The Act outlines the powers of the Authority to require an environmental impact assessment (EIA) report to inspect coastal aquaculture

units to ascertain their environmental impact caused by coastal aquaculture; order demolition or removal of units causing pollution; regulation or prohibition of the number, species, and method of any coastal aquaculture in such area, as may be prescribed, through planning and execution of such programmes, including aqua zonation and aqua mapping for environmentally sustainable coastal aquaculture.

The fisheries primary legislation examined above were enacted by the Government Union at the national level. As explained in subsection 1.3, the governance of fisheries in India is decentralized, also including legislation at the states level. Coastal states and UTs enact their respective MFRA (see Table 4), and corresponding rules, specifying comprehensive measures for fisheries management and MCS to ensure the sustainable utilisation of marine resources both within India's territorial waters and beyond. For the purpose of this assessment, common sections of the MFRAs of coastal states and UTs were identified and considered as representative of a single 'Fisheries Primary Legislation' (B5).

### 2.2.3 Fisheries secondary legislation

The assessed fisheries secondary legislations correspond to C1 to C10 in Appendix A. They cover 19 of the 82 EAF legal requirements.

The *Allocation of Business Rules of 1961* provide for the sharing of government responsibilities among various ministries and departments, including those responsible for fisheries matters. The rules aim at streamlining decision-making processes, avoiding

duplication of departments' responsibilities, and clarifying the jurisdiction of each governmental body. This allocation facilitates coordinated and effective governance across the Union Government. The Department of Fisheries is one of the two departments under the Ministry of Animal Husbandry, Dairying and Fisheries, which is the nodal agency responsible for fisheries management in India. This Ministry is responsible for dealing with matters concerning both inland and marine as well as liaising and promoting cooperation with international organisations in matters related with fisheries development. The 1972 Marine Products Export Development Authority Rules regulates the 1972 MPEDA Act examined in subsection 2.2.2, establishing the framework for the functioning of the MPEDA, which is responsible for promoting marine product exports in India. The rules outline the Authority's composition, powers, duties, and procedures, focusing on the development, marketing, and regulation of marine products to enhance export performance. The rules aim to support sustainable fishing practices, improve product quality, and boost the competitiveness of Indian marine products in global markets. The composition of the Authority includes representation from all the coastal states and UTs of India; owners of fishing vessels, processing plants and storage premises for marine products; dealers employed in the marine products industry; research institutions; and members deemed important by the Union Government. The *Maritime Zones of India (Regulation of Fishing by Foreign Vessels) Rules of 1982* regulate fishing by foreign vessels under the *Maritime Zones of India Act of 1981* examined in

**Table 4: List of coastal state/UT Marine Fishing Regulation Acts**

S. No.	Coastal State/UT MFRAs
1.	Gujarat Fisheries Act, 2003
2.	Maharashtra Marine Fishing Regulation Act, 1981
3.	Goa, Daman and Diu Marine Fishing Act, 1981*
4.	Karnataka Marine Fishing Regulation Act, 1986
5.	Kerala Marine Fishing Regulation Act, 1980
6.	Tamil Nadu Marine Fishing Regulation Act, 1983
7.	Andhra Pradesh Marine Fishing (Regulation) Act, 1994
8.	Orissa Marine Fishing Regulation Act, 1982
9.	West Bengal Marine Fishing Regulation Act, 1993
10.	Lakshadweep Marine Fishing Regulation, 2000 (UT)
11.	Puducherry Marine Fishing Regulation Act, 2008 (UT)
12.	Andaman and Nicobar Islands Marine Fishing Regulation, 2003

\* After Goa became a separate State, Daman and Diu have become a separate Union Territory in 1987.

subsection 2.2.2. It provides more details on the licensing scheme, validity and terms and conditions applicable to foreign fishing vessels, procedure for application, form for application, and respective fees. The Rules also detail offences and penalties.

The *RBI/2011-12/267 A.P. (DIR Series) Circular No. 48 Mid – Sea Transshipment of catch by Deep Sea Fishing Vessel of 2011* addresses Authorised Dealer Category-I banks of the new guidelines for mid-sea transshipment declarations. The (then) Ministry of Agriculture issued Letters of Permission (LOPs) to wholly owned Indian enterprises to operate resource-specific fishing vessels, which face regulatory reporting challenges due to mid-sea transshipment of catches. The new guidelines streamline these procedures. The circular includes an updated list of International Marine Cargo Surveyors and confirms that all relevant Foreign Exchange Management Act provisions apply to mid-sea transshipments.

The *Notification on the Prohibition of export of fins of all species of Sharks of 2015* prohibits the export of shark fins of all shark species, whereas the 2015 Notification on the Amendment in Import Policy Conditions for Shark Fins prohibits the import of shark fins of all species of sharks. The notifications have been adopted under the 2013 policy regarding the prohibition of removal of shark fins in the sea due to overexploitation and unsustainable fishing of sharks. In this respect, it is important to note that an increased number of shark species have been recently included in the Appendix II of the *Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) of 1973*, to which India is a Party. This means that any export, import, re-export, and introduction from the sea of CITES-listed species performed by India must be aligned with the CITES requirements (Kuemlangan and Nakamura, 2023). These two 2015 Notifications prohibit the export and import of shark fins of all shark species, thus imposing measures stricter than the Convention. It is therefore important that the national authorities of India dealing with international trade in sharks' species, CITES issues, and fisheries, coordinate to ensure the Notifications are fully implemented.

The *Order F.No. 21002/12/2011-FY (Ind) (Deep-sea fishing Indian EEZ – LOP Order) of 2017* states that any Indian-flagged fishing vessel licensed and registered with the competent authority and with a fully Indian crew onboard is free to operate in India's EEZ and conduct fishing operations in a sustainable manner. Another order F.No.21001/3/2014-Fy(Ind) issued in November 2017 added further regulations by prohibiting fishing by bull or pair trawling in the EEZ beyond territorial waters as well as the use of LED lights

or fish light attractors or any other light equipment on mechanised and motorised vessels for trawling, purse-seining and gill netting in the EEZ. Maritime states and UTs are advised to take measures to restrict the use of LED lights for fishing and the Coast Guard is also tasked with taking action to prevent their use.

The *Order No. 3003 5/ I 5 I 1997 -Fy (T- I )/Ind of 2024* (Yearly seasonal fishing ban) imposes a uniform fishing ban on both the east and west coasts of India on all fishing vessels in India's EEZ beyond territorial waters for the purpose of conservation and sea safety. Traditional non-motorised fishing units are exempt from this ban. This yearly seasonal fishing ban is imposed following consultation with coastal states and UTs.

The *Coastal Aquaculture Authority Rules 2024* regulate coastal aquaculture activities under the respective 2005 Act, examined in subsection 2.2.2. These rules provide more details on the Authority and its committees. Among the functions of the Authority is the carrying out and sponsoring of investigations and studies relating to environmental protection and demonstration of eco-friendly technologies in coastal aquaculture. The rules also detail the functions that can a person authorized by the Authority can do on an aquaculture unit, as well as the requirements for registration and renewal of registration of aquaculture units or activities, including the form for application, and relevant fees.

## 2.2.4 Other sector's primary legislation

The assessed other sector's primary legislation correspond to D1 to D8 in Appendix A.

The *Environment (Protection) Act of 1986* (hereafter the "Environmental Law") elaborates on the government's responsibility of protecting and improving the environment to safeguard the forests and wildlife in India, pursuant to Article 48A of the Constitution of India. The Environmental Law clearly outlines the powers, roles and functions of designated authorities. For instance, it requires the Central Government to coordinate actions by the state Governments, officers and other authorities on a range of matters, including planning and execution of a nation-wide programme for the prevention, control and abatement of environmental pollution. Provisions relevant to the EAF include the collection and dissemination of information on matters relating to environmental pollution.

The *Indian Forest Act of 1927* is a comprehensive legislation aimed at balancing forest management and conservation with the livelihoods of local communities in India. It provides the legal framework for the preservation and sustainable use of forest resources. Key provisions include the classification of forests;





regulation of activities; measures for the protection of wildlife; forest offences and recognising the rights of communities. Sections of relevance to the EAF include those on the process for declaring a reserved forest, and the requirement for such declaration to be notified to the wider public. The Forest Settlement-officer shall publish such a notification in the local vernacular in every town and village and allow for sufficient time for claimants of any rights to come forward. The Act also prohibits fishing in reserved and protected forests. The 1958 Merchant Shipping Act, as last amended in 2003, provides for the registration of fishing boats and vessels with the Registrar and other relevant fishing boat procedures, including the port of registry and the obligation to mark the vessels permanently and conspicuously in the prescribed manner. Part XVA applies to fishing vessels which are defined in the Act.

The *Prevention of Cruelty to Animals Act of 1960* prohibits infliction of unnecessary pain or suffering on animals. The Act defines 'animal' as any living creature other than human. It outlines the powers, functions, procedures, and constitutions of the Animal Welfare Board of India. The Act also provides for the powers of officers, outlines offences and penalties and judicial procedures.

The *Wild Life (Protection) Act of 1972*, as last amended in 2022, provides for the conservation, protection, and management of wildlife and connected activities to ensure India's ecological and environmental security. It establishes authorities to be appointed under the Act and constitution of the National Board for Wild Life as well as a State Board for Wild Life whose representatives will be from relevant Central or State

Ministries, members of Parliament, Zoological Survey of India, Botanical Survey of India, National Institute of Oceanography, Department of Fisheries of State, etc. It is the prerogative of the National Board to frame policies and advise both Central and State governments on ways and means of promoting wildlife and forest conservation and management; make recommendations for the setup of and management of national parks, sanctuaries, and other protected areas and on matters relating to the restriction of activities in such areas; conduct impact assessments of various projects and activities on wildlife or its habitat; review progress made from time to time and publishing a status report every two years on wildlife in the country.

The latest amendment of the Act provides regulates wildlife trade as per provisions laid out in CITES, to which India is a Party. A Managing Authority and a Scientific Authority shall be constituted to regulate the import and export of specimens of endangered and live invasive species. Another relevant EAF provision is how in formulating management plans for wildlife sanctuaries, the Advisory Committee shall consult with the Gram Sabha concerned and the people living in and around the sanctuary and take adequate measures to protect the occupational interests of the local fishers. The Act also integrates and aligns management plans with other relevant environmental policies ("Forest Rights Act, 2006").

The *Coast Guard Act of 1978* provides for the constitution of the Indian Coast Guard to protect India's maritime zones and national interests. The Act provides for the protection of fishers including assistance to them at sea while in distress; measures necessary to

preserve and protect the marine environment and prevent marine pollution; ensure the safety of life and property at sea; and collection of scientific data, etc. The Coast Guard shall perform these functions in liaison with Union agencies, institutions and authorities to avoid duplication of efforts. The Act also outlines offences, penalties and judicial procedures which include the convening of a Coast Guard Court by the Central Government or the Director-General with the power to try any person subject to the Act for any offence punishable.

The *Biological Diversity Act of 2002* provides for the conservation of biological diversity, sustainable use of its components, and equitable sharing of the benefits arising from the use of biological resources, knowledge, and matters connected to it. It establishes the National Biodiversity Authority whose functions and powers include advising the Union Government on issues relating to biodiversity conservation and sustainable utilisation; advising State Governments in selecting areas of biodiversity importance to designate them as heritage sites and determining equitable sharing of biological resources in the approvals it grants for commercial utilisation or bio-survey and bio-utilisation of biological resources by Indians. Public notice shall be given of every approval granted. A State Biodiversity Board is also established with the power to regulate and restrict activities violating the objectives of the Act. The fund constituted for the National Biodiversity Authority and State Biodiversity Authority shall provide for the conservation and promotion of biological resources and development of areas from where the biological resources have been accessed; socio-economic development of such areas in consultation with concerned local bodies; compensating or rehabilitating a section of people affected by notification of a site as a biodiversity heritage site etc.

Other provisions relevant to the EAF include the development of national strategies or plans towards the conservation of biodiversity and promotion of sustainable utilisation of resources; incentives for research, training, and public education to increase awareness regarding biodiversity; integrating conservation, promotion, and sustainable use of biological diversity into other relevant sectoral/cross-sectoral plans, programs, and policies; undertaking EIAs of projects to ascertain the impact on biological diversity and provide for public participation for the same; regulate and manage the risks associated with the release of living modified organisms resulting from biotechnology likely to impact existing biological conservation and human health and incorporate indigenous knowledge systems on biological conservation. Local bodies shall constitute Biodiversity

Management Committees within their area for promoting conservation, sustainable use, documentation of biological diversity, and preservation of habitats. Both the National and State Biodiversity Authority shall consult the Biodiversity Management Committee to make decisions on matters within the territorial jurisdiction of the Committee.

The *Right to Information Act of 2005* empowers citizens to seek information, thereby promoting transparency, and enhancing the accountability of public authorities. The Act covers all levels of government, including state, central, and local bodies, as well as non-governmental organisations (NGOs) receiving substantial government funding. The Act establishes the Central Information Commission and the State Information Commission.

## 2.2.5 Other sectors secondary legislation

The assessed other sector's secondary legislations correspond to E1 to E8 in Appendix A.

The *Environment (Protection) Rules of 1986*, as last amended in 2023, regulate the Environmental Law, establishing the standards for emissions or discharge of environmental pollutants and outlining that the Union Government can prohibit or restrict the location of industries and the carrying out of associated operations based on considerations like the area's biological diversity, proximity to protected areas, maximum allowable limits of concentration of pollutants.

The *Merchant Shipping (Indian Fishing Boats Inspection) Rules of 1988* detail the objectives and requirements for the inspection of fishing vessels, and the conditions for issuance of a Certificate that confirms the inspection has been duly undertaken. The Rules also define the fees and forms.

The *Merchant Shipping (Registration of Indian Fishing Boats) Rules of 1988* detail the requirements for applying for a certificate of registry of an Indian fishing boat, and the information contained in such certificate. It also provides rules on the identification and marking of the fishing boat, as well as the procedures for modifying, transferring and closing the registry.

The *Biological Diversity Rules of 2004* elaborate on the National Biodiversity Authority, detailing the rules on its composition, meetings, and functions, which include coordinating activities of the State Biodiversity boards, collecting, compiling and publishing technical and statistical data, manuals, codes or guides relating to the conservation of biodiversity, sustainable use of its components, and fair and equitable sharing of benefits arising out of the use of biological resource and knowledge.

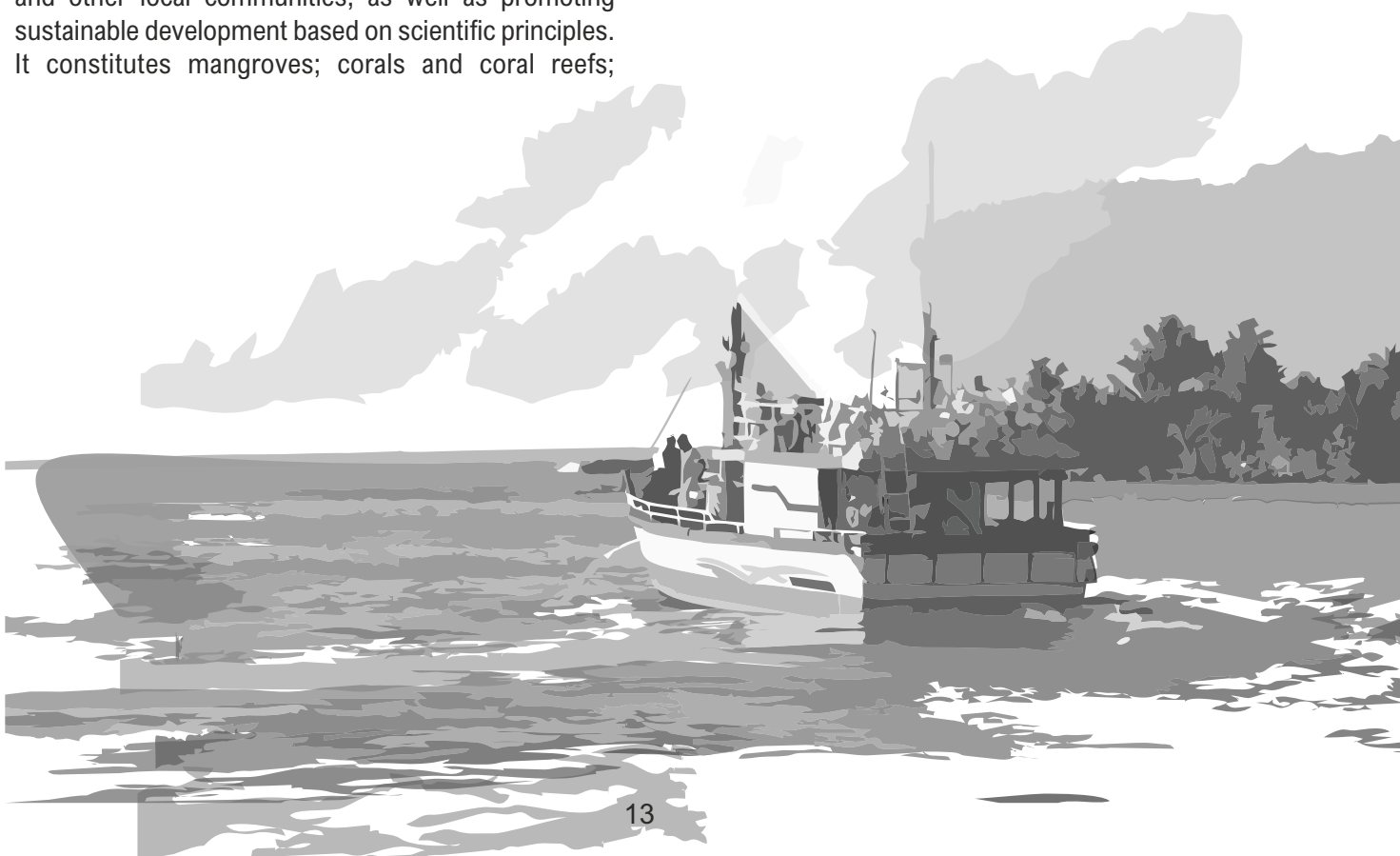
The *Environment Impact Assessment Notification of 2006* subjects the projects and activities listed in its Schedule, and their respective expansion plans to prior environmental clearance from the Union Government. The notification outlines the procedures and processes required for obtaining such environmental clearance.

The *Wetlands (Conservation and Management) Rules of 2017* provide a regulatory framework for the conservation and management of wetlands in India. The rules empower the States' and UTs' Wetland Authorities and the National Wetland Committee. It provides guidance to States and UTs for identifying wetlands for notification; developing a list of activities to be regulated and permitted within notified wetlands; defining strategies for conservation and careful use of wetlands within their jurisdiction for sustainably managing these ecosystems (such as capture fisheries at subsistence level or harvest of aquatic plants); review integrated management plans for each of the notified wetlands; preparing a Brief Document that provides information on the demarcation of wetland boundary and zone of influence, ecological character description, etc.; and outlines the composition and constitution of the National Wetlands Committee.

The *Coastal Regulation Zone Notification of 2019* declares specific areas detailed therein as the Coastal Regulation Zone (CRZ), to where restrictions on setting up and expansion of industries, operations or processes are applied. The CRZ aims at conserving and protecting the coastal environment and marine areas, besides livelihood security to the fisher communities and other local communities, as well as promoting sustainable development based on scientific principles. It constitutes mangroves; corals and coral reefs;

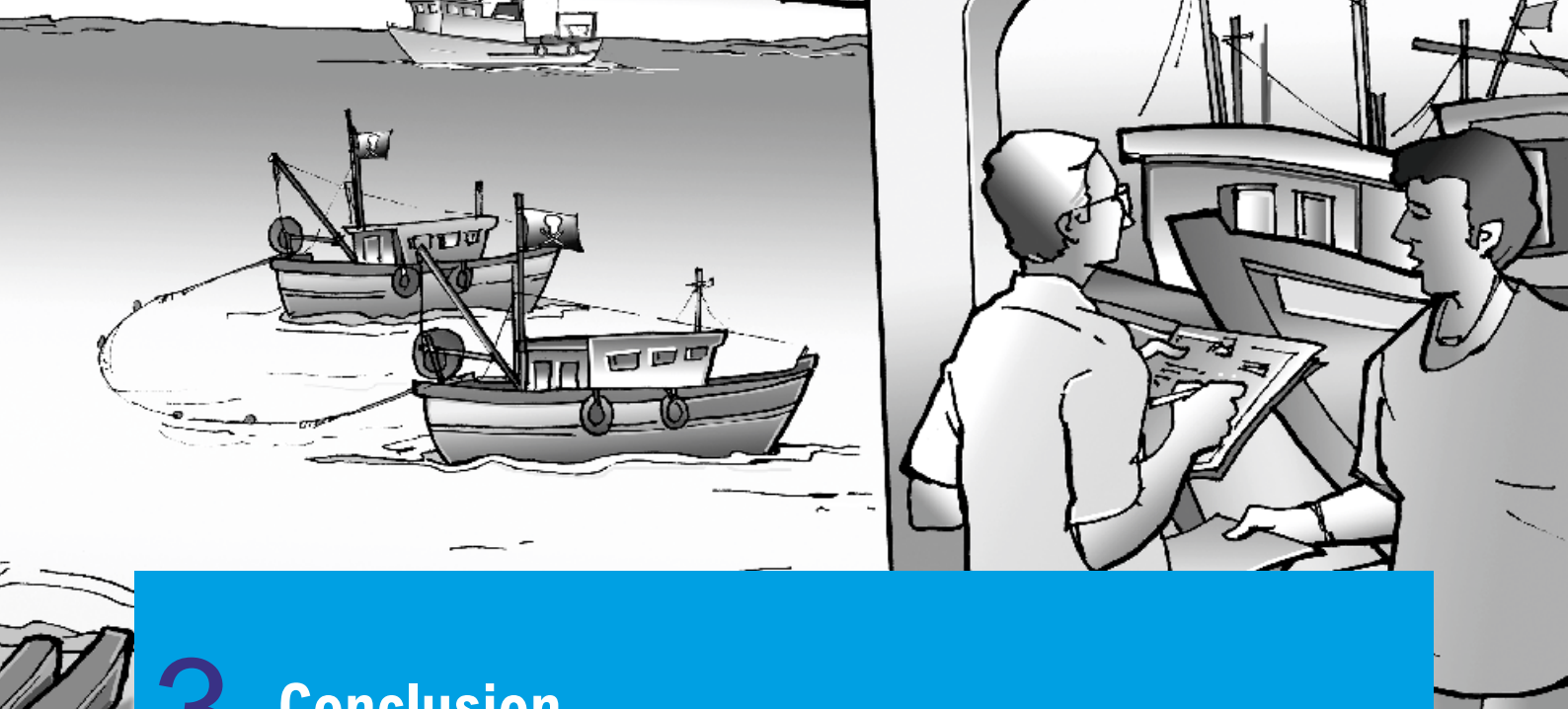
national parks, sanctuaries, wildlife habitats under the *Wildlife (Protection) Act, 1972* and other legislations; salt marshes; turtle nesting grounds; seagrass beds; horse show crab's habitats to be Ecological Sensitive Areas (ESAs). The CRZ outlines environment management plans to be formulated by States and UTs for the ESAs in their respective territories. It demarcates the coastal areas and provides regulations on permissible activities in such areas. States will base their Coastal Zone Management Plans on the CRZ notification. State Governments or UT Coastal Zone Management Authority will be responsible for enforcing and monitoring the notification; and constituting district level Committees with representation from local traditional coastal communities, including fishers, to assist in the task. The latest CRZ notification has been issued through a due consultative process and a public hearing involving the various stakeholders.

The *Order Island Coastal Zone Regulation of 2019*, as last amended in 2022, declares specific areas detailed therein as the Islands Coastal Regulation Zone, with a view to conserving and protecting the unique environment of coastal stretches and marine areas, besides livelihood security to the fisher communities and other local communities in the coastal areas, and promoting sustainable development based on scientific principles taking into account the dangers of natural hazards, sea level rise due to global warming.









## 3 Conclusion

Legislating for the EAF is complex and challenging. Based on the desk-based preliminary assessment of the alignment of India's policy and legal framework with the EAF, the consultations during the Review Workshop, and the further revision of this report carried out by FAO, in collaboration with the EAF-Nansen Programme, it was possible to identify the main gaps without prejudice to others that may be identified in a comprehensive analysis of the national policy and legal frameworks at the country level.

### 3.1. Level of alignment of the assessed policy and legal instruments with the EAF

In determining the level of alignment of the assessed policy and legal instruments with the EAF in the EAF Legal Report, the following criteria were used:

Of the 82 EAF legal requirements, **58** EAF legal requirements were found in India's national policy and legal frameworks assessed in this EAF Legal Report, indicating **Medium** level of alignment with the EAF. It should be noted that the 82 EAF legal requirements are considered the minimum standards in legislating for the EAF which may be further elaborated and improved in advancing the implementation of the EAF.

Based on the present preliminary assessment, **24** EAF legal requirements remain to be incorporated in the policy and legal frameworks of India.

In the national policy and legal frameworks, incorporation of all the EAF relevant provisions from international legally binding instruments to which India is a Party, as identified under subsection 1.2 above, should be a priority in improving the EAF implementation at the national and regional levels. The

**Table 5: Criteria for determining the level of alignment of assessed instruments with the EAF**

Number of EAF legal requirements incorporated in the assessed policy and legal instruments	Percentage of the 82 EAF legal requirements incorporated	Overall level of alignment with the EAF
0-30	0-36%	Low
31-50	37-61%	Low-medium
51-61	62-75%	Medium
62-72	76-87%	Medium-high
73-82	88-100%	High

relevant EAF provisions from the international non-binding instruments that reflect principles of international law should also be incorporated into the national policy and legal frameworks.

In addition to the national policies and legislations by the Union Government, the nine coastal states and four UTs have their own fisheries policies and legislations, some of which are customised to the respective States and not common to all the States and UTs. In this assessment, which is primarily done at national-level, the state-level unique provisions pertaining to specific EAF requirements were not considered. Thus, it is pertinent to note that some states may be incorporating the EAF legal requirements in a more

comprehensive manner than the overall national status, which is however beyond the scope of this legal review.

Further analysis of Appendix B gives the following information:

- Among the legal instruments, 13 EAF requirements incorporated in Fisheries Policies are not supported by legal instruments (Table 6; Appendix C).
- The National Policy on Marine Fisheries (A4) is the major contributing fishery policy towards meeting the EAF legal requirements (35 out of 58) (Table 7; Appendix C).

**Table 6: Number of EAF requirements addressed in the legal instruments (based on single positive markings in Appendix B)**

Legal Instrument	Number of EAF requirements addressed	
	Solo positive marking among all instruments	Positive marking jointly with other instruments
Fishery Policy	13	37
Fishery Legislation	15	26
(Policy)	(12)	(20)
(Secondary)	(3)	(16)
Other Sector Legislation	6	30
	(Primary)	(3) (26)
	(Secondary)	(3) (18)

**Table 7: Details of legal instruments addressing each EAF component (based on the single positive markings in Appendix B); The numbers refer to the number of legal instruments in each component**

Fishery Policy (n = 37)	Primary fishery legislation (n = 12)	Secondary fishery legislation (n = 3)	Primary other sector legislation (n = 3)	Secondary other sector legislation (n = 3)
(A4) Policy on Marine Fisheries: 35 (A3) Wildlife Action Plan: 2	(B5) State MFRAs: 10 (B4) Coastal Aquaculture Authority Act: 1 (B2) 1976 The Territorial Waters, Continental Shelf, Exclusive Economic Zone and other Maritime Zones Act: 1	(C3) Maritime Zones of India (Regulation of Fishing by Foreign Fishing Vessels) Rules: 3	(D7) Biological Diversity Act: 2 (D2) Merchant Shipping Act: 1	(E5) Notification on Environment Impact Assessment: 3



The major contributing primary fishery legislation to the EAF legal requirement is State MFRAs (B5) (Table 7; Appendix C).

### 3.2. Key takeaways from the analysis:

- (i) Considering that 82 EAF legal requirements are the minimum standards in legislating for the EAF, and among these, 24 EAF legal requirements remain to be incorporated in the policy and legal frameworks of India, it is imperative to draft new laws or amend the existing ones to fully incorporate the EAF legal requirements.
- (ii) The National Policy on Marine Fisheries 2017 addresses many EAF requirements, demonstrating an enhanced instrument in comparison to an earlier policy instrument, the Comprehensive Marine Fishing Policy 2004.
- (iii) Fisheries policies give support to address many EAF legal requirements, but gaps in fisheries legislation to incorporate the policies' guidance are evident. The major gap is the lack of legislation in the EEZ in waters beyond 12 Nm. Clearly, new or revised legislation should be enacted to support the policies, particularly for the waters between 12 and 200 nm in the EEZ.
- (iv) The main gaps in the policy and legislation are the absence of output control measures in fisheries management, Management Plans for specific Fisheries, MCES and Enforcement Process. These critical requirements need to be addressed by developing Management Plans for specific fisheries, improving MCSE by requiring VMS for vessels, introducing an observer programme, introducing catch reporting systems, providing for co-management and promoting cooperation and coordination between institutions.
- (v) The Marine Fishing Regulation Acts implemented by the State/UT governments provide support in incorporating the EAF legal requirements, particularly in Fisheries Management, Fishing Gear and Method Control and Spatial and Temporal Control. However, the MFRAs need to be improved and amended by incorporating EAF Principles & Objectives, developing institutional arrangements and cooperation, improving stakeholder engagement, and enhancing conservation measures and MCES.
- (vi) Conservation measures are given importance in fisheries policies and other sectors legislations. However, complementary fisheries legislation in terms of ensuring protected areas, restoration of habitats, eliminating ghost fishing is necessary.
- (vii) Other sector legislations related to conservation measures, institutional arrangements and stakeholder participation contribute to meeting some EAF legal requirements.
- (viii) India has a large pool of fisheries research institutes, addressing a wide range of issues related to fisheries. While there is a need for strengthening targeted research catering to the requirements of fisheries management and EAF,



the review highlights the lack of specific provisions mandating the alignment of research with management and EAF requirements, engagement of stakeholders in research and application of research findings for adoption.

### 3.3. Final considerations and way forward

This EAF Legal Report should be considered a desk-based preliminary assessment. It is also to be noted that a few of EAF the legal requirements used in this report, like the Total Allowable Control (TAC) may not have equal application at a national scale in a country like India, which largely comprises multi-species and multi-gear fishery. This, however, does not undermine the overall outcome of this legal review, given that such requirements are very few among the comprehensive set of the 82 EAF legal requirements.

This legal report provides the initial basis upon which India can advance the work towards improving its national policy and legal frameworks in alignment with the EAF, contributing to the ultimate goal of sustainability in fisheries. It will assist legal practitioners, policymakers, and fisheries managers in taking the necessary steps to improve the implementation of EAF in the country. Nevertheless, improving and implementing the framework requires

proper cooperation and coordination among the relevant institutions and of the fisheries sector with other relevant sectors.

The incorporation in the national policy and legal frameworks of all the EAF relevant provisions from international legally binding instruments to which India is a Party, as identified under subsection 1.2 above, should be a priority in improving the EAF implementation at the national and regional levels.

The review of national policies and legislation is one of the many ways or processes through which an assessment of the implementation of the EAF can be conducted. It provides the country with the opportunity to reassess its respective policy and legal frameworks, identify the gaps and/or needs for improvement, and present recommendations for enacting new policies and/or legal instruments for the EAF and/or amending the existing ones to bring them fully in line with the EAF.







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## Appendix A. List of national policy and legal instruments assessed in this report

Identification	Instruments of INDIA
<b>A</b>	<b>Fisheries Policy</b>
A1	2006 National Environmental Policy
A2	2008 National Biodiversity Action Plan, as updated by its 2014 Addendum
A3	India's National Wildlife Action Plan (2017 – 2031)
A4	2017 National Policy on Marine Fisheries
<b>B</b>	<b>Fisheries Primary Legislation</b>
B1	1972 Marine Products Export Development Authority Act
B2	1976 The Territorial Waters, Continental Shelf, Exclusive Economic Zone and other Maritime Zones Act
B3	1981 Maritime Zones of India (Regulation of Fishing by Foreign Vessels) Act
B4	2005 Coastal Aquaculture Authority Act
B5	Coastal State / UT MFRAs (Synthesised with common portions)
<b>C</b>	<b>Fisheries Secondary Legislation</b>
C1	1961 Allocation of Business Rules
C2	1972 Marine Products Export Development Authority Rules
C3	1982 Maritime Zones of India (Regulation of Fishing by Foreign Fishing Vessels) Rules
C4	2011 RBI/2011-12/267 A.P. (DIR Series) Circular No. 48 Mid – Sea Trans-shipment of catch by Deep Sea Fishing Vessel
C5	2015 Notification No. 110 (RE-2013)/2009-2014 Prohibition on export of Shark fins of all species of Shark
C6	2015 Notification No. 111 (RE-2013)/2009-2014 Amendment of import policy conditions of Shark Fins
C7	2017 Order F.No. 21002/12/2011-FY (Ind) (Deep-sea fishing Indian EEZ – LOP Order)
C8	2017 Order F. No. 21001/3/2014-Fy (Ind) (Prohibition on bull or pair trawling and installation or operation of fish light attractors in Indian EEZ)
C9	2024 Order No._3003 5/ I 5 I 1997 -Fy (T- I )/Ind (Yearly seasonal fishing ban)
C10	2024 Coastal Aquaculture Authority Rules
<b>D</b>	<b>Other Sector's Primary Legislation</b>
D1	1927 Indian Forest Act
D2	1958 Merchant Shipping Act
D3	1960 Prevention of Cruelty to Animals Act
D4	1972 Wild Life (Protection) Act
D5	1978 Coast Guard Act
D6	1986 Environment (Protection) Act
D7	2002 Biological Diversity Act
D8	2005 Right to Information Act
<b>E</b>	<b>Other Sector's Secondary Legislation</b>
E1	1986 Environment (Protection) Rules, as last amended in 2023
E2	1988 Merchant Shipping (Indian Fishing Boats Inspection) Rules
E3	1988 Merchant Shipping (Registration of Indian Fishing Boats) Rules
E4	2004 Biological Diversity Rules
E5	2006 Notification on Environment Impact Assessment
E6	2017 Wetlands (Conservation and Management) Rules
E7	2019 Coastal Regulation Zone Notification
E8	2019 Order Island Coastal Zone Regulation, as last amended in 2022

Perceived level of alignment with the EAF legal requirement  
 ✓ full | partial | X none | • not assessed | N/A not applicable | \* optional

## Appendix B. Ecosystem Approach to Fisheries Legal Checklist applied against selected national policy and legal instruments

EAF Components	EAF Legal Requirement	Fish. Policy	Fish. Legislation		Other Sector Legislation		Policy and Legal Basis	Comments and Explanatory Notes
			1ary	2ary	1ary	2ary		
Scope and Definitions								
General Guidelines	1 – Clearly outline the geographic and substantive scope of the application.						(A1) Section 1 (A2) Chapter 1 (A4) Section 1.0 (B1)Chapter I - Sections 1 & 3 (B2)Section 2 (B3)Chapter I - Sections 1 & 2 (B4)Chapter I - Sections 1 & 2 (B5)Coastal State/UT MFRAs (C2)Chapter I - Sections 1 & 2 (C3)Sections 1 & 2 (D2) Part I – Preamble, Section 2 (D3)Chapter 1 - Section 1 (D4)Chapter I - Sections 1 & 2 (D6)Chapter I - Sections 1 & 2 (D7)Chapter I - Sections 1 & 2 (D8)Chapter I - Sections 1 & 2 (E6) GSR 1203(E)	
Principles and Objectives								
C.1 EAF concepts	2 – Clearly define and apply the precautionary approach.	✓	X	X	X	X	(A1) Section 4(iv) (A2) Chapter 4 (A4) Sections 1.0, 7.0 & 11.0	
C.3 Precautionary approach	3 – Broaden stakeholder participation with integration of lower-level authorities and bodies.	✓	✓	✓	✓	✓	(A1) Section 1 (A3) Pg 58 (Point 2) (A4) Sections 9.0 & 14.0 (B1)Chapter II - Section 4 (C2)Chapter II - Section 3(2) (D4)Chapter II - Section 5A & 6 (D7)Chapter III - Section 8, Chapter VI - Section 22 and Chapter X - Section 41	

Perceived level of alignment with the EAF legal requirement  
✓ full | partial | X none | • not assessed | N/A not applicable | \* optional

EAF Components	EAF Legal Requirement	Fish. Policy	Fish. Legislation		Other Sector Legislation		Policy and Legal Basis	Comments and Explanatory Notes
			1ary	2ary	1ary	2ary		
							(E6) Section 5(1 & 2)	
C.4 Stakeholder participation	4 – Ensure the right of access to fair and transparent information.	✓	X	X	✓	X	(A1) Section 5.5 (A4) Section 10.0 (D8) Entire Act	
C.6 Integration of lower level authorities	5 – Promote institutional coordination, cooperation and integration.	✓	X	X	✓	✓	(A1) Section 5 (A2) Section 3.10 (A3) Pg 59 (Point 2.5) (A4) Section 59.0 (D4) Chapter IVB - Section 38-O(h) (E6) Section 5(4)(h - n)	
C.7 Conflict management	6 – Maintain ecological relationships among harvested, dependent and associated species.	✓	X	X	X	X	(A4) Section 39.0	
C.11, C.13, C.14 and C.17	7 – Promote sustainable development and avoid overexploitation of marine living resources.	✓	X	X	✓	✓	(A1) Section 4(iii) (A4) Section 40.0 (D7) Preamble (E6) Section 5(4)(g)	
	8 – Preserve marine habitat, conserve and restore marine living resources and biodiversity.	✓	X	X	X	✓	(A1) Sections 5.1.3(ii) & 5.2.7 (A2) Section 3.6 (A4) Section 40.0 (E7) Entire Document	
	9 – Promote ecosystem well-being, including the human biotic and abiotic components.	✓	X	X	X	X	(A1) Section 1 (A2) Chapter 4 (4.1) (A3) Chapter 8	
	10 – Promote adaptive management measures, including their regular monitoring and review.	✓	X	X	X	X	(A4) Section 41.0	
	11 – Harmonize management measures, including those for shared resources.	✓	X	X	X	X	(A1) Section 5.1.1(a) (A2) Section 5.8 (Point 14) (A4) Section 57.0 (C9) Entire Document	(C9) Management measure for shared resources is not mentioned in the document.



Perceived level of alignment with the EAF legal requirement  
✓ full | partial | X none | • not assessed | N/A not applicable | \* optional

EAF Components	EAF Legal Requirement	Fish. Policy	Fish. Legislation		Other Sector Legislation		Policy and Legal Basis	Comments and Explanatory Notes
			1ary	2ary	1ary	2ary		
	12 – Reduce and manage conflict between users and stakeholders over fisheries resources and ecosystems.	✓	X	X	✓	X	(A4) Sections 9.0, 14.0 and 17.0 (D7) Chapter V - Section 21	
	13 – Consider socio-economic contexts (e.g. employment, livelihoods, equity, poverty, gender) when designing and implementing management measures.	✓	Ø	X	✓	X	(A1) Section 3(iv) (A2) Sections 5.5(Point 5) and IX (Point 151) (A4) Section 13.0 (B4) Chapter II - Section 3 (D4) Chapter IVB - Section 38-O(f)	(B4) does not specifically mention capture fisheries but only aquaculture.
	14 – Promote management measures, designate the authority and outline the timeline and process for their monitoring and review.	✓	X	Ø	✓	✓	(A1) Section 5.10 & 5.11 (A3) Pg 58 (Point 1) (A4) Sections 8.0 & 9.0 (C2) Chapter II - Section 11(1) (D4) Chapter II - Sections 5C & 8 (E6) Section 5(5-8)	(C2) Provides for the appointment of Executive, Technical and Export Promotion Committees, but does not outline the timeline and process for its monitoring and review.
	15 – Provide for the establishment of MCSE measures.	✓	X	✓	N/A	N/A	(A4) Sections 19.0 to 25.0 (C3) Sections 5 to 8 & 13 - 14	
	16 – Promote ecosystem-based research plans/priorities, designate the authority and outline the timeline and process for their monitoring and review.	✓	X	X	X	X	(A4) Sections 8.0 & 12.0 14.0, 59.0, 62.0	
Institutional Arrangements	17 – Promote the right of access to education and awareness raising on EAF	Ø	X	X	N/A	N/A	(A1) Section 5.5	(A1) Refers to promoting environmental education, not necessarily EAF.

Perceived level of alignment with the EAF legal requirement  
✓ full | partial | X none | • not assessed | N/A not applicable | \* optional

EAF Components	EAF Legal Requirement	Fish. Policy	Fish. Legislation		Other Sector Legislation		Policy and Legal Basis	Comments and Explanatory Notes
			1ary	2ary	1ary	2ary		
C.2 Management boundaries and measures	18 – Ensure new management boundaries, measures and plans are: (a) ecologically meaningful considering resource ranges, habitats and other ecological factors	✓	X	X	✓	•	(A4) Section 39.0 (D4) Chapter IV - Sections 36A(1) & 36C(1)	
	C.4 Stakeholder participation	✓	X	X	X	X	(A3) Chapter 8- Priority projects	
C.5 Coordination, cooperation and integration	19 – Promote states cooperation on the harmonisation of management measures and plans (bilaterally, regionally and internationally).	✓	X	X	X	X	(A1) Section 5.9(a) (A2) Sections 4.8(Point 2), 4.11 & 5.11(Action Points) (A4) Sections 52.0 to 60.0	
C.7 Conflict management	20 – Establish transparent and accessible mechanisms, bodies (including lower level authorities) or processes to: (a) support well-established management boundaries and governance structures on the basis of ecosystem considerations	✓	X	X	✓	X	(A4) Section 14.0 (D7) Chapter X - Section 41(2)	
C.8 Integrated management of aquatic ecosystems	(b) outline conservation and management measures, including FMPs, at local and national levels.	✓	X	X	X	X	(A4) Sections 6.0 to 18.0	
	(c) facilitate coordination, cooperation and integration of management decisions, regulatory action, environmental policies, plans and programs.	✓	X	X	✓	•	(A1) Sections 4(xi) and VIII (Point 133) (D7) Chapter IX - Section 36(2) & (3)	
	(d) monitor, assess and align the various environmental policies and plans.	X	X	X	✓	•	(D4) Chapter IVB - Section 38-O(f)	
	(e) manage conflict over fisheries, relevant resource and ecosystem, including parameters for decision-making and resolving the conflict.	✓	X	X	X	X	(A4) Sections 9.0, 14.0 and 17.0	
	(f) ensure integrated management of aquatic ecosystems (e.g. integrated coastal zone) based on ecosystem delimitations.	✓	X	X	X	✓	(A3) Pg 59 (Point 2.3) (E7) Sections 2.1.1(b) and 10.1(i)	

Perceived level of alignment with the EAF legal requirement  
 ✓ full | partial | X none | • not assessed | N/A not applicable | \* optional

EAF Components	EAF Legal Requirement	Fish. Policy	Fish. Legislation		Other Sector Legislation		Policy and Legal Basis	Comments and Explanatory Notes
			1ary	2ary	1ary	2ary		
	(g) ensure periodic reviews of managed aquatic ecosystems that assess the state of aquatic resources, levels of pollution, habitat degradation and other factors.	✓	X	X	X	X	(A4) Section 8.0	
	(h) ensure periodic reviews of integrated management plans to assess objectives and indicators and to determine any potential needs for adjustment or revision.	✓	X	X	X	X	(A1) Section 5.11	
	(i) ensure periodic reviews of conflict management processes.	X	X	X	X	X		
	21 – Clearly outline powers, roles and responsibilities of all bodies, designated authorities, their relationships and processes, avoiding overlapping and conflicting mandates.	X	✓	✓	✓	✓	(B4) Chapter III (C1) Entire Document (C10) Chapter IV (D2) Part II & Part III (D4) Chapter II (D5) Chapter II - Section 14(2 & 3) (D6) Chapter II - Section 3 (E6) Section 5(1) & (4)	
	22 – Outline mandates for the government institutions to: (a) coordinate efforts, cooperate and integrate approaches, from the local to the national levels.	✓	X	X	✓	✓	(A2) Section 3.10 (A4) Sections 59.0 - 61.0 (D7) Chapter X - Section 41(2) (E6) Section 5(4)	
	(b) coordinate, cooperate and integrate the regional and international processes and arrangements.	✓	X	X	✓	•	(A4) Sections 52.0 - 58.0 (D4) Chapter IVC - Section 38-Z(iii & iv)	
	(c) allocate financial, human and material resources to ensure the integration of lower-level authorities	Ø	X	Ø	✓	X	(A1) Section 5.1.3 (vi) (C2) Chapter IV- Section 17 (D4) Chapter IVA-Section 38E (D7) Chapter XI - Sections 42 - 44	(A1) and (C2) provide for the establishment of a fund but its scope does not include the integration of lower-level authorities.
Stakeholder participation, coordination, cooperation and integration								



Perceived level of alignment with the EAF legal requirement  
✓ full | partial | X none | • not assessed | N/A not applicable | \* optional

EAF Components	EAF Legal Requirement	Fish. Policy	Fish. Legislation		Other Sector Legislation		Policy and Legal Basis	Comments and Explanatory Notes
			1ary	2ary	1ary	2ary		
C.4 Stakeholder participation	23 – Ensure bodies established are broadly representative (from industry, the artisanal sector, academia, civil society and local communities) and processes allow for stakeholder and institutional participation and coordination, engaging and integrating lower-level authorities or bodies when resources are affected at local level.	✓	✓	✓	✓	✓	(A3) Pg 58 (Point 2) (A4) Section 9.0 (B4) Chapter III - Section 4 (C2) Chapter II - Section 3(2) (C10) Chapter III - Section 4 and Chapter V - Section 10(4) (D4) Chapter IV - Section 36D(2) (D7) Chapter III - Sections 8 & 13, Chapter VI - Section 22 and Chapter X - Section 41 (E6) Sections 5(1 & 2) and 6(1)	
C.5 Coordination, cooperation and integration	24 – Establish and properly publicize public meetings or hearings.	X	X	X	X	✓	(E5) Section 1 (E7) G.S.R. 37 (E), 6 (IV), Annexure IV (No. 5)	
C.6 Integration of lower level authorities, bodies and stakeholders	25 – Allow for sufficient and reasonable time for comments on proposed management decisions or actions (e.g. in meetings and in writing).	X	X	X	X	✓	(E5) Section 1 (E7) GSR 37(E)	
C.8 Integrated management of aquatic ecosystems	26 – Promote international cooperation for effective integrated management of aquatic ecosystems.	✓	X	✓	✓	•	(A2) Sections 5.11 and XI (A4) Sections 52.0 - 55.0 (C1) Section C - Part I (2) (D4) Chapter IVC - Section 38-Z(iii)	(A2) Does not specifically refer to aquatic ecosystems (C1) Liaison and cooperate with international organisations for fisheries development
Fisheries management								
Catch/output controls								

Perceived level of alignment with the EAF legal requirement  
✓ full | partial | X none | • not assessed | N/A not applicable | \* optional

EAF Components	EAF Legal Requirement	Fish. Policy	Fish. Legislation		Other Sector Legislation		Policy and Legal Basis	Comments and Explanatory Notes
			1ary	2ary	1ary	2ary		
C.9 Controls on fishing operations	27 – Establish limits on the amount of fish that may be removed from a fishery in a given period of time (e.g. TAC), restrict the number of fish that may be landed in a day (e.g. bag limit) or place limits on the amount of acceptable bycatch and/or discards from a fishery – all based on scientific data and maximum sustainable yield and the precautionary principle.	X	X	X	N/A	N/A		
	28 – Ensure authority to institute TACs and to allocate individual quotas is representative, including representatives from lower levels of government.	X	X	X	N/A	N/A		
C.10 Fishery management plans	29 – Ensure procedure for TACs outlines the category of vessels to which the TAC applies; period of time for which the TAC is declared; process for sub-dividing the TAC into individual quotas; timeline, authority and participatory process for periodic monitoring and review.	X	X	X	N/A	N/A		
	30 – Coordinate the TACs for shared stocks or highly migratory species with international or regional management measures.	X	X	X	N/A	N/A		
C.17 Monitoring and review	31 – Monitor the catch in real-time and close a fishery when the TAC is reached.	X	X	X	N/A	N/A		
	32 – Attach catch controls to licenses and access agreements, including authority responsible for allocating, issuing and regulating quotas, and the procedure to be followed.	X	X	Ø	N/A	N/A	(C3) Sections 3, 5(h)	(C3) Scope of the application is limited to only foreign fishing vessels.
	33 – Outline the ability to institute additional catch controls (e.g. bag limits for recreational fishing), including the authority responsible for allocating, issuing and regulating quotas, and the procedure to be followed.	X	X	X	N/A	N/A		
	<b>Effort/input controls</b>							
C.9 Controls on fishing operations	34 – Define a broad fishing license scheme to regulate access to fisheries and fishing vessels with timeline, authority and process for renewing the license, monitoring and compliance, and permit suspension and revocation of the license for non-compliance.	✓	✓	✓	N/A	N/A	(A4) Section 19.0 (B3) Chapter II - Section 4 (C3) Sections 3, 4 & 5	(B3) Sec 4 - 'Grant of Licenses'

Perceived level of alignment with the EAF legal requirement  
✓ full | partial | X none | • not assessed | N/A not applicable | \* optional

EAF Components	EAF Legal Requirement	Fish. Policy	Fish. Legislation		Other Sector Legislation		Policy and Legal Basis	Comments and Explanatory Notes
			1ary	2ary	1ary	2ary		
C.10 Fishery management plans	35 – Designate authority responsible for allocating, issuing and regulating licenses, specified license duration, requirement of a fee and conditions that may be attached to licenses.	Ø	✓	✓	N/A	N/A	(A4) Section 19.0 (B3) Chapter II - Section 4 (B5) Coastal State/UT MFRAs (C3) Section 3	(A4) Specified licence duration, fee requirement and conditions attached to licence are not included.
	C.17 Monitoring and review	✓	X	X	N/A	N/A	(A4) Sections 8.0 & 12.0	
	37 – Outline specific details of fishing license scheme (e.g. number of licenses to be allocated, permit conditions for each fishery).	X	✓	X	N/A	N/A	(B3) Chapter II - Section 4 (5) (B5) Coastal State/UT MFRAs	
	38 – Empower the designated authority to establish additional regulations for licensing.	✓	✓	X	N/A	N/A	(A4) Sections 19.0 to 21.0 (B3) Chapter II - Section 4(5)(d) & Section 5(5)(d) (B5) Coastal State/UT MFRAs	
	39 – Empower authority to regulate effort controls and respective parameters.	✓	X	✓	N/A	N/A	(A4) Sections 19.0 to 21.0 (C8) Para 3	
<b>Fishing gear and method controls</b>								
C.9 Controls on fishing operations	40 – Establish requirements on fishing gear and methods that are permitted for use within a given fishery or area, including related technical specifications (e.g. general prohibitions on types of gear, methods, specifications on gear design, minimum mesh sizes).	✓	✓	✓	N/A	N/A	(A4) Section 12.0 (B5) Coastal State/UT MFRAs (C8) Entire Document	
C.10 Fishery management plans	41 – Outline prohibitions on highly destructive gear and fishing methods (e.g. fishing by toxic substance, explosives, electricity, fishing with the use of light).	X	✓	✓	N/A	N/A	(B5) Coastal State/UT MFRAs (C3) Section 13 (C8) Entire Document	
C.17 Monitoring and review	42 – Outline requirements aimed at reducing negative impacts of fishing methods and gear (e.g. prohibition of trawling in areas with sensitive seabed habitat, require use of biodegradable nets, restrict the use of FADs or require use of bycatch reduction devices).	✓	✓	✓	N/A	N/A	(A4) Section 31.0 (B5) Coastal State/UT MFRAs (C8) Entire Document	
<b>Spatial and Temporal Controls</b>								

Perceived level of alignment with the EAF legal requirement  
✓ full | partial | X none | • not assessed | N/A not applicable | \* optional

EAF Components	EAF Legal Requirement	Fish. Policy	Fish. Legislation		Other Sector Legislation		Policy and Legal Basis	Comments and Explanatory Notes
			1ary	2ary	1ary	2ary		
C.9 Controls on fishing operations	43 – Regulate area and time in which fishing operations may or may not take place (e.g. closed areas/seasons), closed or restricted -use areas, which prohibit or limit fishing operations (e.g. protection of artisanal fishing).	✓	✓	✓	Ø	X	(A4) Section 12.0 (B5) Coastal State/UT MFRAS (C9) Entire Document (D4) Chapter IV - Section 26A	(D4) Regulation of area is mentioned but not regulation of time.
C.10 Fishery management plans	44 – Empower authority to define spatial and temporal controls and the procedure.	X	✓	✓	✓	X	(B4) Chapter IV - Section 11(da) (B5) Coastal State/UT MFRAS (C9) Entire Document (D1) Chapter IV - Section 32(j)	
C.17 Monitoring and review	45 – Ensure stakeholder and institutional consultation, both at national and lower levels, in the process of defining spatial and temporal controls.	✓	X	X	X	X	(A4) Section 11.0	
	46 – Establish technical details and specifics on spatial controls.	X	✓	✓	X	X	(B5) Coastal State/UT MFRAS (C8) Entire Document	
<b>Fishery management plans</b>								
C.9 Controls on fishing operations	47 – Designate authority with power and responsibility to develop, approve, adopt and publicize a FMP, clearly outlining the roles and responsibilities.	X	X	X	N/A	N/A		
C.10 Fishery management plans	48 – Ensure FMPs and measures comply with established integrated management plans for aquatic ecosystems involving e.g. protected areas or critical habitat.	X	X	X	N/A	N/A		
C.17 Monitoring and review	49 – Establish process for approval, adoption and publication of FMP with its periodic review.	X	X	X	N/A	N/A		
	50 – Detail process of drafting FMP, including multi -level and multi-sector collaboration and consultation with stakeholders, and a participatory transparent process for monitoring and reviewing the FMP at a minimum within five years of their development.	X	X	X	N/A	N/A		
	51 – List the minimum requirements in the FMPs:	X	X	X	N/A	N/A		
	(a) management objectives that take into account EAF;	X	X	X	N/A	N/A		



Perceived level of alignment with the EAF legal requirement  
 ✓ full | partial | X none | • not assessed | N/A not applicable | \* optional

EAF Components	EAF Legal Requirement	Fish. Policy	Fish. Legislation		Other Sector Legislation		Policy and Legal Basis	Comments and Explanatory Notes		
			1ary	2ary	1ary	2ary				
	(b) biological description of fishery and ecosystem in which it takes place;	X	X	X	N/A	N/A				
	(c) social, economic and institutional aspects of the fishery;	X	X	X	N/A	N/A				
	(d) species composition and levels of bycatch, both retained and discarded;	X	X	X	N/A	N/A				
	(e) ecological relationships between harvested, dependent and associated species;	X	X	X	N/A	N/A				
	(f) impact of other anthropogenic activities on the ecosystem; and	X	X	X	N/A	N/A				
	(g) a review of the relationship with other coastal or marine resource management plans	X	X	X	N/A	N/A				
Conservation Measures										
C.14 Habitat and biodiversity conservation and restoration	52	– Incorporate the consideration of habitat and biodiversity in the processes for establishing management measures (e.g. outline habitats and species related to the fishery and take measures to limit the negative impacts of fishing on them) or gear regulations.	✓	X	Ø	X	✓	(A4) Sections 39.0 & 40.0 (C3) Section 5(h),(ii & v) and Section 8 (i &j) (E6) Section 5(4)(g)	(C3) Scope of application is limited to foreign vessels.	
	53	– Ensure special protection for marine mammals, sea turtles and other particularly vulnerable marine life (e.g. set prohibitions or limitations), in coordination with other national designations or protections and regional and international conservation and management measures.	✓	X	✓	✓	✓	(A3) Pg 60 (Point 5.2) (A4) Sections 8.0 and 40.0 (C5) Entire Document (C6) Entire Document (D4) Schedules (E7) Annexure-I (Sections 1.2, 1.4, 1.5, 1.6 & 1.7)		
	54	– Ensure coordination between the various authorities involved in marine environment protection.	✓	X	X	X	X	X	(A3) Pg 59 (Point 2.5) (A4) Section 19.0	
	55	– Establish mechanisms and designation of authority responsible for establishing:  (a) designation and protection of threatened and endangered species, ensuring cooperation among the authorities throughout the listing process, definition and qualifying factors of each designation, process for listing, including steps for consultation and the special protections associated with the designations.	X	X	X	✓	X		(D7) Chapter IX - Section 38	

Perceived level of alignment with the EAF legal requirement  
✓ full | partial | X none | • not assessed | N/A not applicable | \* optional

EAF Components	EAF Legal Requirement	Fish. Policy	Fish. Legislation		Other Sector Legislation		Policy and Legal Basis	Comments and Explanatory Notes
			1ary	2ary	1ary	2ary		
	(b) protected areas, ensuring the outline of the type of protected areas, description of their levels of protection (e.g. marine reserve, parks, sanctuaries or MPAs), the process for nominating, establishing and managing a protected area, including stakeholder participation particularly of local communities, consultation and coordination with various authorities, both at national and local levels.	✓	X	X	✓	✓	(A3) Pg 59 (Points 2.1 to 2.6) (A4) Section 8.0 (D4) Chapter IV (D7) Chapter IX - Section 37(1) & (2) (E5) Sections 2.0 and 3.0 (E7) Annexure-I (Section 1.3)	
	(c) the restoration of damaged habitat and ecosystems, ensuring the process through which it is decided when, where and how a damaged habitat/ecosystem shall be restored, and the establishment of funds that may be used to engage in restoration activities.	✓	X	X	✓	X	(A3) Pg 59 (Point 4.1) (D7) Chapter IX - Section 36(2)	
	56 – Ensure educational and awareness-raising activities for promoting habitat and biodiversity conservation and restoration with the establishment of special funds to support such activities.	✓	X	X	✓	X	(A1) Section 5.5(d) (A2) Sections 5.9 and IX (A3) Pg 58 (Points 9 & 11) (D7) Chapter IX - Section 36(1)	
C.15 Regulation of activities potentially harmful to aquatic ecosystems	57 – Adopt measures to: (a) regulate and reduce pollution of the aquatic ecosystems which should apply to all activities that might have an impact (including fishing, mining, shipping, etc.) and cover all types of pollution including bycatch, discharge of waste, vessel emissions, coastal runoff.	✓	Ø	X	✓	✓	(A1) Section 5.5 (A2) Sections 4.6 and VI (A3) Pg 60 (Points 10.1 & 10.2) (A4) Sections 37.0 & 38.0 (B2) Section 15 -2(e) (D2) Chapter IXA - Sections 356J & 356K (D5) Part III - Section 14 (D6) Chapter II - Section 3 (E6) Section 4(2)	(B2) Generally provides for the preservation and protection of the marine environment and prevention and control of marine pollution. The kinds of activities or types of pollution are not mentioned.
	(b) promote energy efficiency and reduce emissions that are applicable to fishing vessels, merchant shipping vessels and extractive industries, including through fuel efficiency standards, vessel size limitations and equipment restrictions for fishing vessels.	Ø	X	X	X	X	(A1) Section 5.3.2	(A1) Generally provides for use of appropriate energy efficiency and renewable energy options but does

Perceived level of alignment with the EAF legal requirement  
 ✓ full | partial | X none | • not assessed | N/A not applicable | \* optional

EAF Components	EAF Legal Requirement	Fish. Policy	Fish. Legislation		Other Sector Legislation		Policy and Legal Basis	Comments and Explanatory Notes
			1ary	2ary	1ary	2ary		
C.16 EIS or EIA	(c) prevent and eliminate ghost fishing with the prohibition of the abandonment of fishing gear, notification of authorities when fishing gear is lost, regulation of materials used in the manufacture of gear.	X	X	Ø	X	X	(C3)Section 13(2)	(C3)Section 13 (2) only directs for the prevention of ghost fishing but does not include the requirement of notifying the authorities about fishing gear loss.
	58 – Require authorisation prior to the planned introduction of any species, including species meant for aquaculture or fish stocking, taking into account the precautionary approach, and establish measures to prevent the escape of exotic species into the wild.	X	X	X	✓	X	(D7)Chapter IX - Section 36(4)(ii)	
	59 – Regulate marine extractive activities (e.g. marine mining for minerals or petroleum, harvesting of marine plants) and other potentially harmful activities, including the construction of installations for use by industry, laying of underwater cables, military exercises, shipping.	X	✓	X	X	✓	(B2)Section 15 (d) (E1)Section 5 (E7) Sections 4(viii) and 5	
	60 – Require EIS or EIAs for activities that have the potential to affect ecosystems that support fisheries (e.g. fishing, aquaculture, mining, petroleum extraction, coastal development).	X	Ø	X	✓	✓	(B4)Chapter IV - Section 11(b) (D7)Chapter IX - Section 36(4)(i) (E5) Entire Document	(B4)Applicable to coastal aquaculture only and not to capture fisheries.
	61 – Detail components of EIS or EIA, which should at least discuss the purpose/need for the activity, the ecosystem that may be affected, potential impacts of the proposed activity and potential alternatives or mitigation and rehabilitation measures.	X	X	X	X	✓	(E5) Schedule	
	62 – Establish process for submission, review and decision-making on the EIS or EIA, with designation of authority responsible for receiving, reviewing and deciding upon the EIS or EIA (e.g. the minister responsible for environment), opportunity for public participation (e.g.	X	X	X	X	✓	(E5) Entire Document	

Perceived level of alignment with the EAF legal requirement  
✓ full | partial | X none | • not assessed | N/A not applicable | \* optional

EAF Components	EAF Legal Requirement	Fish. Policy	Fish. Legislation		Other Sector Legislation	Policy and Legal Basis	Comments and Explanatory Notes	
			1ary					2ary
			1ary	2ary				
Fishery monitoring and research								
C.13 EAF research	63 – Establish research programme for furthering the knowledge and understanding of EAF.	X	X	X	X			
	64 – Designate authority for conducting and involving stakeholders in the research programme.	X	X	X	X			
	65 – Ensure the research programme’s objectives are based on EAF principles, which may include research on inter-species interactions, the impact of fishing on target and non-target stocks, the identification of spawning and nursery areas, areas of critical habitat, rates of bycatch and discards per fishery, the incidence and effect of pollution on fisheries, the status of ecosystem biodiversity, the social and economic dimensions (such as employment, food security), income distribution and other considerations.	X	X	X	X			
	66 – Consider the findings of the EAF research in the adoption of conservation and management measures.	✓	X	X	X	(A4) Section 26.0		
Monitoring, control, surveillance and enforcement								
C.11 MCSE	67 – Outline an observer scheme with details on the categories of vessels/fisheries that it applies to and the role that observers play (which may be tailored to the category of vessel or the type of fishery and may be limited to the collection of catch/effort data and the collection of scientific samples, or may include the authority to register and/or report violation of management measures).	X	X	X	X			
	68 – Ensure observers have full access to all parts of the vessel and its equipment and to any place in the country where fish that have been caught in national waters are uploaded, processed, stored or transshipped.	X	X	✓	X	X	(C3)Section 5(p) and (s)(i & ii)	
	69 – Design the scheme in line with regional or international requirements, taking into account relevant regional observer programs.	X	X	X	X	X		



Perceived level of alignment with the EAF legal requirement  
 ✓ full | partial | X none | • not assessed | N/A not applicable | \* optional

EAF Components	EAF Legal Requirement	Fish. Policy	Fish. Legislation		Other Sector Legislation		Policy and Legal Basis	Comments and Explanatory Notes
			1ary	2ary	1ary	2ary		
70	– Ensure VMS is required for vessels licensed to fish in national waters and ABNJ, detailing specific categories of fishing vessels and/or fisheries to which it applies.	X	X	X	X	X		
71	– Ensure reporting of catch and effort data, clearly identifying the vessels that are expected to report (at least all commercially fishing vessels that fish within national waters and all nationally-flagged vessels authorised to fish within waters under national jurisdiction and in ABNJ), to whom they are required to report (the designated authority), the frequency and timing of their reports, and the method or format in which they are required to report (e.g. weight of fish caught, including percentage of bycatch, species, dates of fishing, fishing zones, gear/ methods employed, type of vessel, time of departure from national waters and catch status at that time).	X	X	✓	✓	X	(C3) Section 5(b), (f), (h)(vi), (i), (j), (l), (n) & (w) (D2) Part XVA - Section 435W	
72	– Ensure the establishment and maintenance of a record of fishing vessels licensed to fish in waters under national jurisdiction and nationally flagged vessels authorised to fish in ABNJ with the designation of the authority responsible for its maintenance and information to be recorded for each category of vessel.	X	X	X	X	X		
73	– Ensure the records of industrial fishing vessels include the name of the vessel, the flag state and any previous flag states, the radio call sign, the International Maritime Organisation (IMO) number, the automatic identification system (AIS) and the VMS, if relevant the vessel length and tonnage, if relevant the fishing methods and gear used, the name and nationality of operator and beneficial owners of the vessel, and any transgressions of fisheries legislation associated with the vessel.	X	X	✓	X	X	(C3) Section 3(1)	
74	– Broadly detail the registration process and ensure registration of all fishing vessels with the relevant fisheries or maritime authority, including information on the name of vessel, the flag state and any previous flag states, the radio call sign, if relevant the IMO number, the AIS and VMS, if relevant the vessel length and tonnage, the name and nationality of the beneficial owners of the vessel, and any transgressions of fisheries legislation associated with the vessel.	✓	✓	X	✓	✓	(A4)Art 19.0 to 25.0 (B5)Coastal State/UT MFRAs (D2) Part XVA - Sections 435C & 435D (E3) Entire document	

Perceived level of alignment with the EAF legal requirement  
✓ full | partial | X none | • not assessed | N/A not applicable | \* optional

EAF Components	EAF Legal Requirement	Fish. Policy	Fish. Legislation		Other Sector Legislation		Policy and Legal Basis	Comments and Explanatory Notes
			1ary	2ary	1ary	2ary		
	75 – Detail the specifications for marking vessels and fishing gear in accordance with internationally approved standards.	X	X	X	✓	Ø	(D2) Part XVA - Section 435H (E3) Entire document	(E3) provides for marking of the fishing vessel but not of the fishing gear.
	76 – Ensure cooperation and coordination between fisheries and maritime authorities throughout the registration process.	X	✓	X	✓	X	(B1) Chapter III- Sections 11,12,13 (B5) Coastal State/UT MFRAs (D2) Sections 435 C, 435 D	
<b>Enforcement processes and sanctions schemes</b>								
C.11 MCSE	77 – Ensure authorised officers have enforcement powers, allowing them to board and search vessels (at sea and in port) and other premises related with fishing, to examine logbooks, records, gear and catch, to investigate and collect evidence, to seize fish, gear and vessels, and to interrogate, detain and arrest persons associated with reasonably suspected violations.	X	✓	X	✓	X	(B3) Chapter III - Section 9 (B5) Coastal State/UT MFRAs (D4) Chapter VI - Section 50(1)(b)	
	78 – Ensure the controls placed on landing and transshipping of fish, both at sea and in port, and by national and foreign vessels, is in accordance with regional and international instruments.	X	Ø	Ø	X	X	(B1) Chapter II - Section 9 (e & f) (C4) Entire document	(B1) The functions of the MPEDA do not include controls over landings and transshipments. (C4) It only applies on transshipments of catch by deep sea fishing vessels
	79 – Provide additional VMS specifications and specific details on the registration process.	X	X	X	X	X		
C.12 Offences, penalties and administrative and judicial processes	80 – Detail the fisheries-related offences (civil or criminal) and corresponding penalties, weighted depending on the level of severity of the offence but outlined in a way that maintains their strength over time (e.g. utilize formulas such as a percentage of the total market value of the sale of the illegal catch, or penalty units).	X	✓	✓	Ø	X	(B1) Section 26 (B2) Sections 11 and 12 (B3) Chapter IV - Sections 10 to 12 (B4) Chapter IV - Section 14 (B5) Coastal State/UT MFRAs	(D2) mentioned offences are not primarily related with fishing activity but other related

Perceived level of alignment with the EAF legal requirement  
 ✓ full | partial | X none | • not assessed | N/A not applicable | \* optional

EAF Components	EAF Legal Requirement	Fish. Policy	Fish. Legislation		Other Sector Legislation		Policy and Legal Basis	Comments and Explanatory Notes
			1ary	2ary	1ary	2ary		
							(C3)Section 16 (D2)Part XVI - Section 436(2)(137A to 137K)	contraventions such as registration or document fraud of boats under the Act.
81	– Establish transparent and equitable administrative processes for determining and confirming offences, applying relevant penalties, with provision for compounding of offences/out-of-court settlement.	X	✓	X	✓	X	(B1)Section 28 (B2)Section 14 (B3)Section 19 (B4)Chapter IV - Section 13A (B5)Coastal State/UT MFRAs (D3)Chapter V - Section 26 (D4)Chapter VI & VIA (D5)Chapter VI (D7)Chapter XII - Sections 55-56	
82	– Establish judicial processes used for determining and confirming offences and applying relevant penalties to the offending parties, allowing for a right of appeal.	X	✓	X	✓	X	(B1)Section 27 (B2)Section 14 (B3)Sections 16, 18 and 20 to 21 (B4)Chapter IV - Section 14A (B5)Coastal State/UT MFRAs (D2)Part XVI - Sections 437 to 439 (D3)Chapter VI - Sections 29 - 31 (D4)Chapters VI & VIA (D5)Chapter VII (D7)Chapter XII - Section 52	

## Appendix C. Analysis of the EAF legal requirements addressed in different national policy and legal instruments

EAF legal requirement	Fisheries policy				Fisheries primary legislation					Fisheries secondary legislation										Other sectors primary legislation								Other sectors secondary legislation								Total
	A1	A2	A3	A4	B1	B2	B3	B4	B5	C1	C2	C3	C4	C5	C6	C7	C8	C9	C10	D1	D2	D3	D4	D5	D6	D7	D8	E1	E2	E3	E4	E5	E6	E7	E8	
Scope and definitions																																				
1. Clearly outline geographic and substantive scope	✓	✓		✓	✓	✓	✓	✓	✓		✓	✓	✓									✓	✓	✓		✓	✓							✓		17
Principles and objectives																																				
2. Define and apply the precautionary approach	✓	✓		✓																															3	
3. Broaden stakeholder participation with integration of lower level authorities and bodies	✓		✓		✓						✓												✓			✓						✓			8	
4. Right of access to fair and transparent information	✓			✓																							✓								3	
5. Promote institutional coordination, cooperation and integration	✓	✓	✓																				✓								✓				6	
6. Maintain ecological relationships - harvested, dependent & associated species				✓																															1	
7. Sustainable development and avoid overexploitation of marine living resources	✓			✓																						✓						✓			4	
8. Preservation, conservation & restoration of marine habitat and living resources	✓	✓		✓																													✓		4	
9. Ecosystem well-being, including the human biotic and abiotic components	✓	✓	✓																																3	
10. Adaptive management measures - regular monitoring and review				✓																															1	
11. Harmonize management measures, including those for shared resources	✓	✓		✓																															3	
12. Conflict management between users & stakeholders over fisheries resources and ecosystems				✓																						✓									2	
13. Socio-economic contexts when implementing management measures	✓	✓		✓																				✓											4	
14. Management measures, authority and timeline and process for monitoring and review	✓		✓																					✓						✓				5		
15. Establishment of MCSE measures				✓									✓																						2	
16. Ecosystem-based research plans/priorities, authority, timeline and process for their monitoring and review				✓																															1	
17. Access to education and awareness raising on EAF																																			0	
Institutional arrangements																																				
18. Ensure new management boundaries, measures and plans are:				✓																			✓												2	



EAF legal requirement	Fisheries policy				Fisheries primary legislation					Fisheries secondary legislation										Other sectors primary legislation										Other sectors secondary legislation								Total
	A1	A2	A3	A4	B1	B2	B3	B4	B5	C1	C2	C3	C4	C5	C6	C7	C8	C9	C10	D1	D2	D3	D4	D5	D6	D7	D8	E1	E2	E3	E4	E5	E6	E7	E8			
(a) ecologically meaningful considering resource ranges, habitats and other ecological factors																																						
(b) overlapped closely and are harmonized with well-established management boundaries and governance structures			✓																																			
19. Promote states cooperation on the harmonization of management measures and plans (bilaterally, regionally and internationally)	✓	✓		✓																																1		
20. Establish transparent and accessible mechanisms, bodies (including lower level authorities) or processes to:																																				3		
(a) support well-established management boundaries and governance structures on the basis of ecosystem considerations				✓																						✓									2			
(b) outline conservation and management measures, including FMPs, at local and national levels				✓																																1		
(c) facilitate coordination, cooperation and integration of management decisions, regulatory action, environmental policies, plans and programs	✓																								✓										2			
(d) monitor, assess and align the various environmental policies and plans																							✓												1			
(e) manage conflict over fisheries, relevant resource and ecosystem, including parameters for decision-making and resolving the conflict				✓																															1			
(f) ensure integrated management of aquatic ecosystems (e.g. integrated coastal zone) based on ecosystem delimitations			✓																														✓		2			
(g) ensure periodic reviews of managed aquatic ecosystems that assess the state of aquatic resources, levels of pollution, habitat degradation and other factors				✓																															1			
(h) ensure periodic reviews of integrated management plans to assess objectives and indicators and to determine any potential needs for adjustment or revision	✓																																		1			
(i) ensure periodic reviews of conflict management processes																																			0			
21. Clearly outline powers, roles and responsibilities of all bodies, designated authorities, their relationships and								✓		✓									✓		✓		✓	✓	✓						✓			8				

EAF legal requirement	Fisheries policy				Fisheries primary legislation					Fisheries secondary legislation										Other sectors primary legislation										Other sectors secondary legislation								Total
	A1	A2	A3	A4	B1	B2	B3	B4	B5	C1	C2	C3	C4	C5	C6	C7	C8	C9	C10	D1	D2	D3	D4	D5	D6	D7	D8	E1	E2	E3	E4	E5	E6	E7	E8			
processes, avoiding overlapping and conflicting mandates																																						
22. Outline mandates for the government institutions to: (a) coordinate efforts, cooperate and integrate approaches, from the local to the national levels		✓		✓																							✓							✓			4	
(b) coordinate, cooperate and integrate the regional and international processes and arrangements				✓																				✓												2		
(c) allocate financial, human and material resources to ensure the integration of lower level authorities																							✓				✓											
Stakeholder participation, coordination, cooperation and integration																																						
23. Ensure bodies established are broadly representative (from industry, the artisanal sector, academia, civil society and local communities) and processes allow for stakeholder and institutional participation and coordination, engaging and integrating lower level authorities or bodies when resources are affected at local level			✓	✓				✓			✓								✓					✓			✓						✓			8		
24. Establish and properly publicize public meetings or hearings																																	✓			2		
25. Allow for sufficient and reasonable time for comments on proposed management decisions or actions (e.g. in meetings and in writing)																															✓		✓			2		
26. Promote international cooperation for effective integrated management of aquatic ecosystems		✓		✓						✓														✓												4		
Fisheries management																																						
Catch / output controls																																						
27. Establish limits on the amount of fish that may be removed from a fishery in a given period of time (e.g. TAC), restrict the number of fish that may be landed in a day (e.g. bag limit) or place limits on the amount of acceptable bycatch and/or discards from a fishery – all based on scientific data and maximum sustainable yield and the precautionary principle																																				0		
28. Ensure authority to institute TACs and to allocate individual quotas is representative, including representatives from lower levels of government																																				0		

EAF legal requirement	Fisheries policy				Fisheries primary legislation					Fisheries secondary legislation										Other sectors primary legislation								Other sectors secondary legislation								Total		
	A1	A2	A3	A4	B1	B2	B3	B4	B5	C1	C2	C3	C4	C5	C6	C7	C8	C9	C10	D1	D2	D3	D4	D5	D6	D7	D8	E1	E2	E3	E4	E5	E6	E7	E8			
29. Ensure procedure for TACs outlines the category of vessels to which the TAC applies; period of time for which the TAC is declared; process for sub-dividing the TAC into individual quotas; timeline, authority and participatory process for periodic monitorin																																					0	
30. Coordinate the TACs for shared stocks or highly migratory species with international or regional management measures																																				0		
31. Monitor the catch in real-time and close a fishery when the TAC is reached																																				0		
32. Attach catch controls to licenses and access agreements, including authority responsible for allocating, issuing and regulating quotas, and the procedure to be followed																																				0		
33. Outline the ability to institute additional catch controls (e.g. bag limits for recreational fishing), including the authority responsible for allocating, issuing and regulating quotas, and the procedure to be followed																																				0		
Effort / input controls																																						
34. Define a broad fishing license scheme to regulate access to fisheries and fishing vessels with timeline, authority and process for renewing the license, monitoring and compliance, and permit suspension and for non-compliance				✓			✓		✓			✓																								4		
35. Designate authority responsible for allocating, issuing and regulating licenses, specified license duration, requirements for the license and conditions that may be attached to licenses							✓		✓			✓																							3			
36. Outline process for establishing provisions for effort controls (e.g. limitation on vessel capacity, on expansion of fishing fleet, on allowable days spent at sea)				✓																																1		
37. Outline specific details of fishing license scheme (e.g. number of licenses to be allocated, permit conditions for each fishery)							✓		✓																										2			
38. Empower the designated authority to establish additional regulations for licensing				✓			✓		✓																										3			

EAF legal requirement	Fisheries policy				Fisheries primary legislation					Fisheries secondary legislation										Other sectors primary legislation										Other sectors secondary legislation								Total		
	A1	A2	A3	A4	B1	B2	B3	B4	B5	C1	C2	C3	C4	C5	C6	C7	C8	C9	C10	D1	D2	D3	D4	D5	D6	D7	D8	E1	E2	E3	E4	E5	E6	E7	E8					
39. Empower authority to regulate effort controls and respective parameters				✓													✓																					2		
Fishing gear and method controls																																								
40. Establish requirements on fishing gear and methods that are permitted for use within a given fishery or area, including related technical specifications (e.g. general prohibitions on types of gear, methods, specifications on gear design, minimum mesh sizes)				✓				✓									✓																				3			
41. Outline prohibitions on highly destructive gear and fishing methods (e.g. fishing by toxic substance, explosives, electricity, fishing with the use of light)								✓				✓					✓																				3			
42. Outline requirements aimed at reducing negative impacts of fishing methods and gear (e.g. prohibition of trawling in areas with sensitive seabed habitat, require use of biodegradable nets, restrict the use of FADs or require use of bycatch reduction devices)				✓				✓										✓																			3			
Spatial and temporal controls																																								
43. Regulate area and time in which fishing operations may or may not take place (e.g. closed areas/seasons), closed or restricted-use areas, which prohibit or limit fishing operations (e.g. protection of artisanal fishing)				✓				✓										✓																			3			
44. Empower authority to define spatial and temporal controls and the procedure								✓	✓									✓		✓																	4			
45. Ensure stakeholder and institutional consultation, both at national and lower levels, in the process of defining spatial and temporal controls				✓																																	1			
46. Establish technical details and specifics on spatial controls									✓								✓																				2			
Fishery management plans0																																								
47. Designate authority with power and responsibility to develop, approve, adopt and publicize a FMP, clearly outlining the roles and responsibilities																																					0			
48. Ensure FMPs and measures comply with established integrated management plans for aquatic ecosystems involving e.g. protected areas or critical habitat																																					0			
49. Establish process for approval, adoption and publication of FMP with its periodic review																																					0			





EAF legal requirement	Fisheries policy				Fisheries primary legislation					Fisheries secondary legislation										Other sectors primary legislation								Other sectors secondary legislation								Total
	A1	A2	A3	A4	B1	B2	B3	B4	B5	C1	C2	C3	C4	C5	C6	C7	C8	C9	C10	D1	D2	D3	D4	D5	D6	D7	D8	E1	E2	E3	E4	E5	E6	E7	E8	
process, definition and qualifying factors of each designation, process for listing, including steps for consultation and the special protections associated with the designations																																				
(b) protected areas, ensuring the outline of the type of protected areas, description of their levels of protection (e.g. marine reserve, parks, sanctuaries or MPAs), the process for nominating, establishing and managing a protected area, including stakeholder participation particularly of local communities, consultation and coordination with various authorities, both at national and local levels			✓	✓																				✓		✓					✓				6	
(c) the restoration of damaged habitat and ecosystems, ensuring the process through which it is decided when, where and how a damaged habitat/ecosystem shall be restored, and the establishment of funds that may be used to engage in restoration activities			✓																							✓									2	
56. Ensure educational and awareness-raising activities for promoting habitat and biodiversity conservation and restoration with the establishment of special funds to support such activities	✓	✓	✓																							✓									4	
57. Adopt measures to: (a) regulate and reduce pollution of the aquatic ecosystems which should apply to all activities that might have an impact (including fishing, mining, shipping, etc.) and cover all types of pollution including bycatch, discharge of waste, vessel emissions, coastal runoff. (b) promote energy efficiency and reduce emissions that are applicable to fishing vessels, merchant shipping vessels and extractive industries, including through fuel efficiency standards, vessel size limitations and equipment restrictions for fishing vessels (c) prevent and eliminate ghost fishing with the prohibition of the abandonment of fishing gear, notification of authorities when fishing gear is lost, regulation of materials used in the manufacture of gear	✓	✓	✓	✓																✓			✓	✓	✓					✓				8		
																																			0	
																																			0	

EAF legal requirement	Fisheries policy				Fisheries primary legislation					Fisheries secondary legislation										Other sectors primary legislation										Other sectors secondary legislation								Total			
	A1	A2	A3	A4	B1	B2	B3	B4	B5	C1	C2	C3	C4	C5	C6	C7	C8	C9	C10	D1	D2	D3	D4	D5	D6	D7	D8	E1	E2	E3	E4	E5	E6	E7	E8						
58. Require authorization prior to the planned introduction of any species, including species meant for aquaculture or fish stocking, taking into account the precautionary approach, and establish measures to prevent the escape of exotic species into the wild																										✓													1		
59. Regulate marine extractive activities (e.g. marine mining for minerals or petroleum, harvesting of marine plants) and other potentially harmful activities, including the construction of installations for use by industry, laying of underwater cables, military exercises, shipping						✓																						✓							✓			3			
60. Require EIS or EIAs for activities that have the potential to affect ecosystems that support fisheries (e.g. fishing, aquaculture, mining, petroleum extraction, coastal development)																										✓						✓						2			
61. Detail components of EIS or EIA, which should at least discuss the purpose/need for the activity, the ecosystem that may be affected, potential impacts of the proposed activity and potential alternatives or mitigation and rehabilitation measures																																✓							1		
62. Establish process for submission, review and decision making on the EIS or EIA, with designation of authority responsible for receiving, reviewing and deciding upon the EIS or EIA (e.g. the minister responsible for environment), opportunity for public participation (e.g. comment periods and hearings), consultation with other relevant government institutions or localities, and determination of adequate mitigation measures																																	✓							1	
Fishery monitoring and research																																									
63. Establish research programme for furthering the knowledge and understanding of EAF																																								0	
64. Designate authority for conducting and involving stakeholders in the research programme																																								0	
65. Ensure the research programme's objectives are based on EAF principles, which may include research on inter-species interactions, the impact of fishing on target and non-target stocks,																																								0	

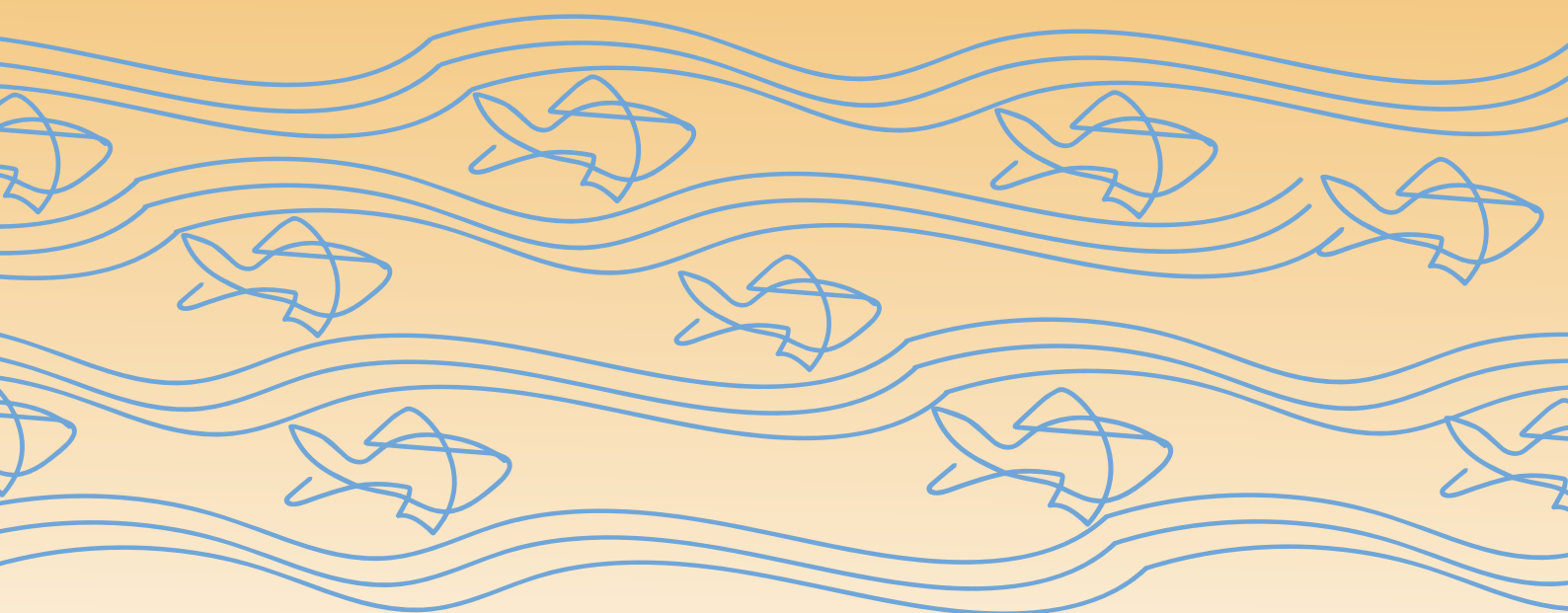
EAF legal requirement	Fisheries policy				Fisheries primary legislation					Fisheries secondary legislation										Other sectors primary legislation								Other sectors secondary legislation								Total	
	A1	A2	A3	A4	B1	B2	B3	B4	B5	C1	C2	C3	C4	C5	C6	C7	C8	C9	C10	D1	D2	D3	D4	D5	D6	D7	D8	E1	E2	E3	E4	E5	E6	E7	E8		
the identification of spawning and nursery areas, areas of critical habitat, rates of bycatch and discards per fishery, the incidence and effect of pollution on fisheries, the status of ecosystem biodiversity, the social and economic dimensions (such as employment, food security), income distribution and other considerations																																					
66. Consider the findings of the EAF research in the adoption of conservation and management measures				✓																																	1
Monitoring, control, surveillance and enforcement																																					
67. Outline an observer scheme with details on the categories of vessels/fisheries that it applies to and the role that observers play (which may be tailored to the category of vessel or the type of fishery and may be limited to the collection of catch/effort data and the collection of scientific samples, or may include the authority to register and/or report violation of management measures)																																					0
68. Ensure observers have full access to all parts of the vessel and its equipment and to any place in the country where fish that have been caught in national waters are uploaded, processed, stored or transhipped											✓																										1
69. Design the scheme in line with regional or international requirements, taking into account relevant regional observer programs																																					0
70. Ensure VMS is required for vessels licensed to fish in national waters and ABNJ, detailing specific categories of fishing vessels and/or fisheries to which it applies																																					0
71. Ensure reporting of catch and effort data, clearly identifying the vessels that are expected to report (at least all commercial fishing vessels that fish within national waters and all nationally-flagged vessels authorized to fish within waters under national jurisdiction and in ABNJ), to whom they are required to report (the designated authority), the frequency and timing of their reports, and the method or format in which they are required to report (e.g. weight of												✓									✓															2	



EAF legal requirement	Fisheries policy					Fisheries primary legislation					Fisheries secondary legislation										Other sectors primary legislation										Other sectors secondary legislation								Total	
	A1	A2	A3	A4		B1	B2	B3	B4	B5	C1	C2	C3	C4	C5	C6	C7	C8	C9	C10	D1	D2	D3	D4	D5	D6	D7	D8	E1	E2	E3	E4	E5	E6	E7	E8				
fish caught, including percentage of bycatch, species, dates of fishing, fishing zones, gear/ methods employed, type of vessel, time of departure from national waters and catch status at that time)																																								
72. Ensure the establishment and maintenance of a record of fishing vessels licensed to fish in waters under national jurisdiction and nationally flagged vessels authorised to fish in ABNJ with the designation of the authority responsible for its maintenance and information to be recorded for each category of vessel																																								0
73. Ensure the records of industrial fishing vessels include the name of the vessel, the flag state and any previous flag states, the radio call sign, the International Maritime Organization (IMO) number, the automatic identification system (AIS) and the VMS, if relevant the vessel length and tonnage, if relevant the fishing methods and gear used, the name and nationality of operator and beneficial owners of the vessel, and any transgressions of fisheries legislation associated with the vessel												✓																											1	
74. Broadly detail the registration process and ensure registration of all fishing vessels with the relevant fisheries or maritime authority, including information on the name of vessel, the flag state and any previous flag states, the radio call sign, if relevant the IMO number, the AIS and VMS, if relevant the vessel length and tonnage, the name and nationality of the beneficial owners of the vessel, and any transgressions of fisheries legislation associated with the vessel				✓						✓											✓									✓									4	
75. Detail the specifications for marking vessels and fishing gear in accordance with internationally approved standards																					✓																		1	
76. Ensure cooperation and coordination between fisheries and maritime authorities throughout the registration process						✓				✓												✓																	3	
Enforcement processes and sanctions schemes																																								
77. Ensure authorized officers have enforcement powers, allowing them to								✓		✓														✓															3	

EAF legal requirement	Fisheries policy				Fisheries primary legislation					Fisheries secondary legislation										Other sectors primary legislation										Other sectors secondary legislation								Total
	A1	A2	A3	A4	B1	B2	B3	B4	B5	C1	C2	C3	C4	C5	C6	C7	C8	C9	C10	D1	D2	D3	D4	D5	D6	D7	D8	E1	E2	E3	E4	E5	E6	E7	E8			
board and search vessels (at sea and in port) and other premises related with fishing, to examine logbooks, records, gear and catch, to investigate and collect evidence, to seize fish, gear and vessels, and to interrogate, detain and arrest persons associated with reasonably suspected violations																																						
78. Ensure the controls placed on landing and transshipping of fish, both at sea and in port, and by national and foreign vessels, is in accordance with regional and international Instruments																																						0
79. Provide additional VMS specifications and specific details on the registration process																																						0
80. Detail the fisheries-related offences (civil or criminal) and corresponding penalties, weighted depending on the level of severity of the offence but outlined in a way that maintains their strength over time (e.g. utilize formulas such as a percentage of the total market value of the sale of the illegal catch, or penalty units)					✓	✓	✓	✓	✓			✓																									6	
81. Establish transparent and equitable administrative processes for determining and confirming offences, applying relevant penalties, with provision for compounding of offences/out-of-court settlement					✓	✓	✓	✓	✓													✓	✓	✓	✓	✓											9	
82. Establish judicial processes used for determining and confirming offences and applying relevant penalties to the offending parties, allowing for a right of appeal					✓	✓	✓	✓	✓												✓	✓	✓	✓	✓	✓	✓										10	
	16	12	13	40	6	5	9	7	17	2	3	9	0	1	1	0	5	2	2	1	8	3	16	5	3	17	2	1	0	1	0	6	10	7	0			





**Bay of Bengal Programme**  
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