



Food and Agriculture  
Organization of the  
United Nations

# Legal report on the ecosystem approach to fisheries in Bangladesh

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

FAO EAF-Nansen Programme Report No. 57  
EAF-N/PR/57 (En)

A decorative graphic at the bottom of the page consisting of several thick, wavy blue lines that resemble ocean waves. Interspersed among these waves are several small, stylized blue fish shapes, some facing left and some facing right.

PROGRAMME REPORT

## THE EAF-NANSEN PROGRAMME

The EAF-Nansen Programme “Supporting the Application of the Ecosystem Approach to Fisheries Management considering Climate and Pollution Impacts” supports partner countries and regional organizations in Africa and the Bay of Bengal improving their capacity for the sustainable management of their fisheries and other uses of marine and coastal resources through the implementation of the Ecosystem Approach to Fisheries (EAF), taking into consideration the impacts of the climate and pollution.

The Programme is executed by the Food and Agriculture Organization of the United Nations (FAO) in close collaboration with the Institute of Marine Research (IMR) of Bergen, Norway, and funded by the Norwegian Agency for Development Cooperation (Norad). This Programme is the current phase of the Nansen Programme which started in 1975.

The aim of the Programme is that sustainable fisheries improve food and nutrition security for people in partner countries. It builds on three pillars, Science, Fisheries Management, and Capacity Development, and supports partner countries to produce relevant and timely evidence-based advice for management, to manage fisheries according to the EAF principles and to further develop their human and organizational capacity to manage fisheries sustainably. In line with the EAF principles, the Programme adopts a broad scope, taking into consideration a wide range of impacts of human activities and natural processes on marine resources and ecosystems including fisheries, pollution, climate variability and change.

A new state of the art research vessel, the *Dr Fridtjof Nansen*, is an integral part of the Programme. A comprehensive science plan, covering a broad selection of research areas, and directed at producing knowledge for informing policy and management decisions, guides the Programme’s scientific work.

The Programme works in partnership with countries, regional organizations, other UN agencies as well as other partner projects and institutions.

# Legal report on the ecosystem approach to fisheries in Bangladesh

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

By Julia N. Nakamura, Teresa Amador and Abdullah Al Arif

FAO EAF-Nansen Programme Report No. 57  
EAF-N/PR/57 (En)

Programme report

FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS  
Rome, 2022

Required citation:

Nakamura, J.N., Amador, T. and Al Arif, A. 2022. *Legal report on the ecosystem approach to fisheries in Bangladesh – An analysis of the ecosystem approach to fisheries in selected national policy and legal instruments of Bangladesh*. FAO EAF-Nansen Programme Report No. 57. Rome. <https://doi.org/10.4060/cc2560en>

The designations employed and the presentation of material in this information product do not imply the expression of any opinion whatsoever on the part of the Food and Agriculture Organization of the United Nations (FAO) concerning the legal or development status of any country, territory, city or area or of its authorities, or concerning the delimitation of its frontiers or boundaries. The mention of specific companies or products of manufacturers, whether or not these have been patented, does not imply that these have been endorsed or recommended by FAO in preference to others of a similar nature that are not mentioned.

The views expressed in this information product are those of the author(s) and do not necessarily reflect the views or policies of FAO.

ISBN 978-92-5-137066-7

© FAO, 2022



Some rights reserved. This work is made available under the Creative Commons Attribution-NonCommercial-ShareAlike 3.0 IGO licence (CC BY-NC-SA 3.0 IGO; <https://creativecommons.org/licenses/by-nc-sa/3.0/igo/legalcode>).

Under the terms of this licence, this work may be copied, redistributed and adapted for non-commercial purposes, provided that the work is appropriately cited. In any use of this work, there should be no suggestion that FAO endorses any specific organization, products or services. The use of the FAO logo is not permitted. If the work is adapted, then it must be licensed under the same or equivalent Creative Commons licence. If a translation of this work is created, it must include the following disclaimer along with the required citation: "This translation was not created by the Food and Agriculture Organization of the United Nations (FAO). FAO is not responsible for the content or accuracy of this translation. The original [Language] edition shall be the authoritative edition."

Disputes arising under the licence that cannot be settled amicably will be resolved by mediation and arbitration as described in Article 8 of the licence except as otherwise provided herein. The applicable mediation rules will be the mediation rules of the World Intellectual Property Organization <http://www.wipo.int/amc/en/mediation/rules> and any arbitration will be conducted in accordance with the Arbitration Rules of the United Nations Commission on International Trade Law (UNCITRAL).

**Third-party materials.** Users wishing to reuse material from this work that is attributed to a third party, such as tables, figures or images, are responsible for determining whether permission is needed for that reuse and for obtaining permission from the copyright holder. The risk of claims resulting from infringement of any third-party-owned component in the work rests solely with the user.

**Sales, rights and licensing.** FAO information products are available on the FAO website ([www.fao.org/publications](http://www.fao.org/publications)) and can be purchased through [publications-sales@fao.org](mailto:publications-sales@fao.org). Requests for commercial use should be submitted via: [www.fao.org/contact-us/licence-request](http://www.fao.org/contact-us/licence-request). Queries regarding rights and licensing should be submitted to: [copyright@fao.org](mailto:copyright@fao.org).

## Abstract

Legislating for the ecosystem approach to fisheries (EAF) is complex, due to the holistic nature of the EAF involving multiple factors that underpin the social, economic, environmental, and institutional aspects of fisheries sustainability. These factors include ecosystems integration, risks, inter-sectoral 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 an ecosystem approach to fisheries through national policy and legal frameworks.\*](#)

The present legal report on the EAF used the diagnostic tool to assess the alignment of selected policy and legal instruments of Bangladesh 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 Bangladesh's policies and legislation relevant to the fisheries sector of the country and other relevant sectors (such as environment, wildlife, ecosystems, and maritime affairs). Based on this preliminary diagnosis, gaps were identified in the assessed instruments, and recommendations were made for improving the implementation of the EAF.

This report was elaborated following a participatory approach with the involvement of the national competent authorities of Bangladesh. Drafted in July 2021, the report was submitted to the national authorities of Bangladesh in October 2021. The report was revised in May-September 2022 and resubmitted to the national authorities in October 2022.



# Contents

- Acknowledgements .....vii**
- Abbreviations and acronyms.....viii**
- 1. Introduction: legislating for the ecosystem approach to fisheries..... 1**
  - 1.1 A diagnostic tool for implementing the ecosystem approach to fisheries through national policy and legal frameworks ..... 1
  - 1.2 International legally binding instruments and non-legally-binding instruments relevant to an ecosystem approach to fisheries ..... 1
- 2. Legal report on the ecosystem approach to fisheries: assessing a country’s policy and legal framework ..... 3**
  - 2.1 Methodology and scope ..... 3
    - 2.1.1 Selection and collection of national policy and legal instruments of Bangladesh....3
    - 2.1.2 Desk-based stepwise assessment of selected national policy and legal instruments .....4
    - 2.1.3 Filling in the Ecosystem Approach to Fisheries Legal Checklist of Bangladesh.....4
    - 2.1.4 Additional observations.....5
    - 2.1.5 EAF Legal Questionnaire of Bangladesh .....6
  - 2.2 Overview and main findings ..... 6
    - 2.2.1 Fisheries policy .....6
    - 2.2.2 Fisheries primary legislation .....10
    - 2.2.3 Fisheries secondary legislation .....12
    - 2.2.4 Other sectors primary legislation .....13
    - 2.2.5 Other sectors secondary legislation .....17
    - 2.2.6 Additional relevant information from the National EAF-Focal Point.....17
- 3. Conclusion .....20**
  - 3.1 Main gaps in the assessed policy and legal instruments ..... 20
  - 3.2 Level of alignment of the assessed policy and legal instruments with an ecosystem approach to fisheries ..... 20
  - 3.3 Final considerations and proposed way forward ..... 21
- 4. References.....23**
- Appendix A. List of national policy and legal instruments assessed in this report.....24**
- Appendix B. Ecosystem Approach to Fisheries Legal Checklist applied against selected national policy and legal instruments.....26**

## Tables

<b>Table 1.</b>	Status of the Bangladesh in selected international legally binding instruments relevant to an EAF .....	2
<b>Table 2.</b>	Summary of the stepwise assessment .....	4
<b>Table 3.</b>	Meaning of the symbols used in the Ecosystem Approach to Fisheries Legal Checklist .....	5
<b>Table 4.</b>	Criteria for determining the level of alignment of assessed instruments with an EAF .....	21



## Acknowledgements

This EAF Legal Report is a product of the Development Law Service (LEGN) of FAO's Legal Office in collaboration with the Assessment and Management Team (NFIFM) of FAO's Fisheries and Aquaculture Division, and the EAF-Nansen Programme. Funding for the projects "Strengthening the Knowledge Base for and Implementing an Ecosystem Approach to Marine Fisheries in Developing Countries (EAF-Nansen GCP/INT/003/NOR)" and "Supporting the Application of the Ecosystem Approach to Fisheries Management considering Climate Change and Pollution Impacts" (EAF-Nansen GCP/GLO/690/NOR) has been provided by the Norwegian Agency for Development Cooperation (Norad). FAO is grateful to Norad for this assistance.

The initial draft of this EAF Legal Report was prepared by Julia Nakamura, under the supervision, counsel and technical input of Pio Manoa, and extensively reviewed by Teresa Amador. Further improvements were made through the inputs and comments collected from participants in an FAO internal online mock-training in April 2020, in which the methodology and scope were clarified. Appreciation is extended to Blaise Kuemlangan, Buba Bojang and Minmin Lei of LEGN, Merete Tandstad of NFIFM, the participants of the mock-training, and all other FAO colleagues who supported the development of this EAF Legal Report.

This EAF Legal Report also benefitted from the important contributions of the Department of Fisheries, Ministry of Fisheries and Livestock of Bangladesh and FAO representation in Bangladesh, which provided substantive additional information valuable to this report. We are also grateful to the delegates of Bangladesh who participated in the *Second Online regional workshop on the use of the Diagnostic Tool on Implementing an EAF through policy and legal frameworks* (09–12 November 2020) and for providing additional information relevant to the present report.

This EAF Legal Report was reviewed and complemented by inputs from Dr Abdullah Al Arif, JSPS International Research Fellow at Yokohama City University, Japan.

## Abbreviations and acronyms

BOBLME	Bay of Bengal Large Marine Ecosystem Programme
DoF	Department of Fisheries (of Bangladesh)
EAF	ecosystem approach to fisheries
EIA	environmental impact assessment
FAO	Food and Agriculture Organization of the United Nations
FD	Forest Department (of Bangladesh)
FMP	fishery management plan
ICZMP	integrated coastal zone management plans
IMO	International Maritime Organization
IUU	illegal, unreported and unregulated (fishing)
MCSE	monitoring, control, surveillance and enforcement
MPA	marine protected area
PCU	Program Coordination Unit (of Bangladesh)
RFMO/A	regional fisheries management organization and/or arrangement
TAC	total allowable catch
VMS	vessel monitoring system

# 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/or legislation, which provides a country the opportunity to reassess its respective policy and legal frameworks, identify the gaps and/or needs for improvement, and present recommendations for enacting new policy and/or legal instruments for the EAF, and/or 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 an 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, 2021b, 2021c). This tool, which constitutes the basis for the development of the present report, provides important 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 for an 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/or legal frameworks with an 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

There are several international legally binding and non-legally-binding instruments that 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 for the EAF. Other legally binding instruments in support of 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 further be noted that provisions of international non-legally-binding instruments that reflect principles of international law are also legally binding and therefore relevant in the analysis of the national policy and legal frameworks.

States which are a party to multilateral conventions or agreements, as well as States which 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 below provides the present status of Bangladesh in respect to the EAF’s relevant international legally binding instruments selected from Appendix A of the EAF Legal Diagnostic Tool.

<b>Instrument</b>	<b>Status</b>
1971 Ramsar Convention on Wetlands of International Importance	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 (UNCLOS)	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 a 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 (Port State Measures Agreement)	Party

Note: In accordance with the information provided in the secretariats of the international conventions and agreements as of May 2022.

For the international legally binding instruments that Bangladesh **is a Party**, and to the non-binding instruments that Bangladesh has endorsed or adopted, it is important to ensure that the relevant provisions of an EAF highlighted in Appendix A of the EAF Legal Diagnostic Tool are properly reflected in the national policy and legal frameworks.

With regard to the 1993 Compliance Agreement that Bangladesh is **not yet a Party**, it is important to note that Bangladesh does not have any vessels operating on the high seas nor in the EEZ of other countries (DoF, 2019).

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

The EAF Legal Diagnostic Tool was the main tool used for the preparation of 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 the selection of the national policy and legal instruments relevant for an EAF and the assessment of the EAF legal requirements in such instruments by filling in the EAF Legal Checklist using the symbols under Table 3 below. Subsection 2.2 provides an overview of main findings, highlighting some specific parts of the policy instruments and legal provisions identified as good practice in legislating for or addressing an EAF, and summarizes the information provided by Bangladesh under the EAF legal questionnaire.

### 2.1 Methodology and scope

Understanding the complexities, detail and broad range of matters that the EAF comprises is a challenge due to *inter alia* its holistic nature and the context and priorities of each country. A simplified assessment methodology was therefore developed for the application of the EAF Legal Checklist against the selected national policy and legal instruments, leading to the compilation of this report.

During the elaboration of this EAF Legal Report, the Department of Fisheries (DoF), Ministry of Fisheries and Livestock of Bangladesh, as well as the FAO representative in Bangladesh (both hereinafter referred to as “National EAF-Focal Point”) were contacted and provided additional information concerning the implementation of the EAF at national level, which has been included in this report.

This desk-based preliminary assessment cannot however replace an in-country detailed assessment of the national policy and legal frameworks.

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

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 for an EAF, including on environment, sea, water, and wild species and ecosystems.<sup>1</sup>

---

<sup>1</sup> Notwithstanding the importance of certain cross-sectoral issues such as gender and climate change, these were not considered in this report.

Additional relevant information was provided by the National EAF-Focal Point, which, together with the relevant information for the EAF available at FAOLEX, is listed under **Appendix A** and identified by a reference letter and number to facilitate their citation in the EAF Legal Checklist provided in **Appendix B** of this report. Appendix A and Appendix B shall therefore be read together.

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

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

<b>Table 2. Summary of the stepwise assessment</b>		
<b>Steps</b>	<b>National policy and legal instruments analysed</b>	<b>Scope</b>
<b>1st</b>	<b>Fisheries policy:</b> a plan, policy, strategy, action plan, policy chart concerning fisheries, aquaculture, wildlife, sea and/or oceans, sustainable development, management and/or conservation.	Searching for the EAF legal requirements with a focus on the parts of the policy that address the principles, objectives, plans, priorities, recommendations, strategies and actions.
<b>2nd</b>	<b>Fisheries primary legislation:</b> a fisheries act, code, law, or any other type of 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 main legal instrument on 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.
<b>3rd</b>	<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 not found in the relevant parts of the fisheries policy nor in the provisions of the fisheries primary legislation.
<b>4th</b>	<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 in the provisions of the fisheries primary and secondary legislation.
<b>5th</b>	<b>Other sector’s secondary legislation:</b> a decree, regulation, order, ordinance regulating the primary legislation of other sectors assessed under step 4.	Searching for the EAF legal requirements not found in the relevant parts of the fisheries policy nor in the provisions of any of the previously assessed legal instruments.

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

The EAF Legal Checklist provides the EAF legal requirements structured by the 17 EAF Components, based on a stepwise 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 Bangladesh (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. In this process, the different symbols presented in Table 3 below were used.

<b>Symbol</b>	<b>Perceived level of alignment with the EAF legal requirement</b>	
✓	Full or sufficient	Part(s) in the assessed fisheries policy or provision(s) in the assessed legislation <u>totally incorporates</u> the EAF legal requirement.
∅	Partial or insufficient	Part(s) in the assessed policy or provision(s) in the assessed legislation <u>partially incorporates</u> the EAF legal requirement. <sup>2</sup>
X	None or inexistent	No part in 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 <b>primary</b> fisheries policy/legislation, or in the <b>primary</b> legislation of other sector.
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 to have a non-mandatory nature and therefore is not expected to be found in the assessed policy or legal instrument.

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 rational for the assessment of partial or insufficient coverage of the EAF legal requirements. It should be noted that these additional comments and explanatory notes will benefit from a more in-depth analysis during the comprehensive review at country level.

The results of this assessment are presented in **Appendix B** of this report which provides the EAF Legal Checklist applied against the selected policies and legislation of Bangladesh.

**2.1.4 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 Bangladesh Constitution of 1972, as amended in 2014, 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 an 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.

---

<sup>2</sup> A more in-depth analysis will be required to understand how EAF legal requirements filled in with the ∅ symbol could be fully incorporated in 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.

### **2.1.5 EAF Legal Questionnaire of Bangladesh**

The National EAF-Focal Point filled in the EAF Legal Questionnaire, which was developed by the project to collect additional relevant information from the assessed country. The results of the questionnaire are summarised under the section below.

## **2.2 Overview and main findings**

This subsection provides an overview of the main findings of this desk-based preliminary assessment of the EAF in the selected national policy and legal instruments of **Bangladesh** presented under **Appendix B** and a summary of the additional relevant information provided under the EAF Legal Questionnaire of Bangladesh.

### **2.2.1 Fisheries policy**

The assessed eleven fisheries policies correspond to A1 to A11 in Appendix A. They cover **51** of the 82 EAF legal requirements.

The *Marine Fisheries Management Plan of 2021* (Part 1 – Industrial) (hereinafter referred to as FMP) asserts that the FMP for the Industrial sector is “based on the ecosystem approach for the sustainable development and harvest of marine fisheries” (Page 1). Considering the findings of the recent resource survey conducted in Bangladesh’s EEZ and the catch data collected over the past years, the document states that most of the commercially important stocks in Bangladesh have been overexploited and are currently depleted (Page 1). The document also states that the current fisheries regime of Bangladesh cannot ensure the recovery of the depleted stocks (Page 1). The key principles set out in the FMP include, *inter alia*, ecosystem approach to fisheries, precautionary approach, adaptive management, rights-based and participatory approach, collaborative management and good governance (Page 2). The FMP is a five-year plan (2021–2025) that applies to all marine capture fisheries conducted by the industrial fishing fleet (Page 3). DoF and other concerned agencies will implement the plan, which may be reviewed annually based on best scientific evidence available (Page 3). The FMP provides a detailed description of the marine fisheries sector (Page 3) with current management measures and arrangements (Page 8). The FMP identifies several challenges that are hindering sustainable management of marine fisheries in Bangladesh (Page 13), which includes, *inter alia*, overcapacity and overfishing (Page 16), ineffective MCS mechanisms (Page 18), weak governance (Page 19), destructive fishing practices, discard, and pollution (Page 20), conflicts between artisanal and industrial fishing operations (Page 21).

The *2019 National Plan of Action to Prevent, Deter and Eliminate Illegal, Unregulated and Unreported (IUU) Fishing* (hereinafter referred to as the “Bangladesh NPOA-IUU”) has been prepared in line with the FAO’s International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (IPOA-IUU). The Bangladesh NPOA-IUU assesses how IUU fishing is carried out by foreign industrial and artisanal fishing vessels in Bangladesh’s marine waters (Page 10). The plan provides detailed accounts of the responsibilities that all states, coastal states, flag states, port states, and market states have under the international



legal instruments to which they are a party in combatting IUU fishing (Pages 22–42). Bangladesh NPOA-IUU recognizes the role of RFMOs in tackling IUU fishing and acknowledges that Bangladesh bears the responsibility to comply with the conservation and management measures adopted by RFMOs to which it is a member (Page 42). In addition, Bangladesh pledges to cooperate and act consistently with the conservation and management measures adopted by RFMOs to which it is not a member (Page 43). Finally, the NPOA-IUU highlights the special requirements of the developing and least developed countries considering that they lack financial and technical capacities to implement the IPOA-IUU and their NPOA-IUU, and expects support from the developed countries in capacity building programmes, particularly to strengthen the MCS activates through vessel monitoring, port inspection and observation programmes (Page 44).

Within the various relevant policies of Bangladesh, the *National Fisheries Strategy of 2006* (hereinafter the “Fisheries Strategy”) is composed of eight sub-strategies, respectively designed for aquaculture, aquaculture extension, inland capture fisheries, marine capture fisheries, shrimp fisheries, monitoring and evaluation, quality control, and human resource development (Chapter 1). The key objectives of the Fisheries Strategy include poverty alleviation, improvement of socioeconomic conditions of fishers and maintaining ecological balance, conservation of biodiversity and improving public health (Chapter 2(2.1)). Stakeholders’ participation is fostered through involving the communities and ensuring their rights in sustainable resource management, related planning and decision-making, as well as coordination of their activities by the Upazila Development Coordination Committee (Chapter 3(3.3)). The Fisheries Strategy requires coordination of policies and national planning at the ministerial, secretarial and local levels as well as collaboration with other countries for the management of transboundary resources (Chapter 3(3.4)). Of relevance for an EAF is the objective to ensure that the environment and biodiversity of fisheries are conserved through the adoption of appropriate ecosystem management regimes, requiring the identification of fisheries’ impacts on the environment, improved monitoring of water quality and pollution, assessment of potential effects on ecosystems and the development of ecosystem approaches to conserve the integrity of wetlands and prevent habitat loss (Chapter 3(3.9)). Particular focus is given to the management of the resources in collaboration with international agencies such as the Bay of Bengal Large Marine Ecosystem Programme (BOBLME) (Chapter 2 (2.1)).

The *Marine Fisheries Sector Sub-Strategy of 2006* contains several requirements relevant for an EAF. It provides for: preparation of a marine fishery management plan (FMP) on the basis of the precautionary principle; decentralization of fisheries management responsibilities from the DoF to coastal districts and Upazilas; research on marine fisheries carried by the DoF with the utilization of indigenous knowledge of communities; and involvement of communities and fishers at all levels of planning, management, monitoring, control and surveillance (MCS) (Page 5). The demarcation of fishery zones is to be made for different types of fishing fleet, considering the protection of nursery grounds; and the increased coordination between fisheries institutions at national, regional and international levels is also fostered by the Policy (Page 6). Requirements on fishing effort in artisanal fisheries are stipulated in this policy as well as spatial controls such as the reservation of inshore area up to 10 km offshore to the

artisanal fishers (Page 8). Mechanized boats operating drift gill nets, marine set bag nets and long lines are authorized to fish from 10 km off the shore to a depth of 40 m (Page 10).

This Sub-Strategy also requires the provision of a general licensing scheme for all fishers, to be granted, depending on the category of fishing, by the authorities at the Upazila, the District (Zila) or through the main centre (Page 12). It also requires integration initiatives, including through integrated coastal zone management plans (ICZMPs), and the declaration of breeding grounds and breeding seasons for various species sanctuaries and closed seasons (Pages 13–14). The DoF is required to coordinate all activities for the management of the fisheries sector and to seek assistance and collaborative support from activities under the ICZMP (Page 17). Various activities for the implementation of this Sub-strategy are outlined, including: undertaking research activities to support fisheries monitoring system; establishing stronger linkages with the Coast Guard and the Navy for improving MCSE; increasing coordination between all institutions involved in the marine fisheries sector (Pages 18–21). The Strategy also highlights the importance of the BOBLME for the management of fisheries and the environment from a regional perspective and the cooperation with Regional Fisheries Organizations (Page 17).

The *Inland Capture Fisheries Sub-Strategy of 2006*, which aims to attain sustainable management of the Inland Capture Fisheries for the local fishing and user communities through collaboration of all concerned partners, follows the decentralized fisheries planning, management and monitoring, which is carried out by local administration (Pages 5–6). It provides for the establishment of a National Natural Resources Coordination Committee for harmonizing policy and a Fisheries Management Coordination Committee for ensuring inter-ministerial cooperation on inland capture fisheries (Page 6). Other relevant references of this sub-strategy include requirements on fish sanctuaries for enhancing natural recruitment for fisheries and helping conserve endangered fish species; implementation of habitat restoration as a priority for fisheries and wetlands of national significance; fishing effort control measures such as ban on dewatering, seasonal closure, gear restrictions, fishing effort restrictions and licensing (Pages 9–10). This Sub-Strategy also provides for community-based fisheries management, which includes the formal legal recognition of user rights and community-based organizations, based on local resource management plans guided by sound advice from appropriate government agencies (Page 11) and calls on cooperation by Government agencies with other organizations, as appropriate, to ensure that those agencies take proper account of the importance of fisheries and water bodies in their designs and implementation of infrastructure (Page 14).

The *Shrimp Sub-Strategy of 2006* aimed to promote the use of socially responsible and environmentally sustainable production methods, with support to all stakeholders to ensure the development to the full potential of the shrimp sector, also contains important references for an EAF, requiring preservation of biodiversity and environment of coastal aquatic habitats (Page 17) as well as the participation and collaboration of all stakeholders to contribute to sustainable and equitable development of the shrimp sub-sector (Page 18). It also provides for specific fishing effort controls such as the maintenance of the cap on numbers and sizes of

marine shrimp trawlers and details on fishing gear controls on marine shrimp harvesting, such as the ban on new *bagda* trawler licences (Page 28).

The *National Biodiversity Strategy and Action Plan of 2016-2021* calls for the participation of women in the implementation of the activities under the Plan (Chapter 4(4.1.2)). It recalls the role of the Ministry of Environment and Forests in coordinating the protection of the environment and biodiversity in the country, and the significant role of other ministries, including the Ministry of Fisheries and Livestock, as well as stakeholders at local level institutions in biodiversity conservation and sustainable use and in monitoring and reporting conservation activities (Chapter 4(4.2.1)). The tasks for the implementation of the Plan include, integration of biodiversity into sectoral and cross-sectoral policies, awareness and education on biodiversity and stopping or minimizing pollution of ecosystems from all sources (Chapter 4(4.3.4)). There are several activities set out in Table 14 of this Plan, each of which assigned to specific authorities and with support of an indicative budget, which are all relevant for an EAF, including: the development of complete stock assessment on fish, invertebrate stocks and aquatic plants; the preparation of sustainable harvesting guideline for these species through participation of all stakeholders; preparation of conservation and management plan for major ecosystems; development of integrated management plan with stakeholder participation; enforcement for controlling of pollution; development and implementation of restoration plan for degraded wetland ecosystems (Pages 60–71).

The *National Aquaculture Development Strategy and Action Plan of 2013–2020* is based on the vision that aquaculture must contribute to societal objectives of equitable development and ecological sustainability, healthy and productive society, and social and ecological resilience (Chapter 3(3.1)). The mission for aquaculture takes into account socioeconomic aspects with a view to, *inter alia*, reduce poverty, conserve and enhance natural resources and promote sustainable development of rural communities (Chapter 3(3.2)). This Policy aims at social and economic development, ecological health, and strengthening institutions (Chapter 4). Under the ecological objective, aquaculture is to promote the conservation of aquatic biodiversity, conservation and enhancement of natural resources and ecological resilience through, among others, spatial planning based on an ecosystem approach, and integrated environmental monitoring system to ensure aquaculture safety and minimize its impacts on surrounding ecosystems (Chapter 5).

The *National Sustainable Development Strategy of 2013* is also very important for an EAF. It follows a “people centred approach” that fosters stakeholders’ engagement, as well as the principle of integration of economic, social and environmental objectives for sustainable development (Chapter 1(1.4)). Its sustainable development vision tackles hunger, poverty, inequality, illiteracy, corruption and maintenance of a healthy environment (Chapter 1(1.5)). One of its priority sectors for development is fisheries, and a strategic priority includes ensuring environmental protection for humans, ecosystems and resources, covering biodiversity and pollution control as well as climate change (Chapter 1(1.6)). For the fisheries sector, this Policy requires, *inter alia*, conservation of aquatic biodiversity and indigenous fish species; setting at least 10 percent of wetland as fish sanctuaries and at least 20 percent of protected areas; developing efficient monitoring system; and establishing community-based

fisheries management (Chapter 4(4.1.2)). An ecosystem approach is also called for the water resources management in the country (Chapter 7(7.1.3)), and the support for rehabilitation of rare, threatened and endangered native, wild and domesticated species, creation and launch of initiatives for restoration of degraded ecosystems (Chapter 7(7.2.3)).

The *National Coastal Development Strategy of 2006* is of particularly relevant for ICZM, providing for the mainstreaming of ICZM approaches in national sectoral policies, including the fisheries strategy and sub-strategies briefly described above (Page 8 and Annex B). It provides for the Programme Coordination Unit (PCU), which is responsible for coordinating, monitoring and harmonizing the operation of ICZM process, also serving as a multidisciplinary service set-up for government and non-government agencies, organizations and the private sectors active in the coastal zone (Page 37). This PCU is also in charge of updating the Strategy and other relevant policies, and of taking up all activities that facilitate and upheld the goal of ICZM in Bangladesh (Page 38). The structure of the PCU includes the local level structures from the District Council to the village government, which were involved in consultations that resulted in key recommendations for coastal resources management at the local level (Page 43 and Annex K).

Also, in connection with ICZM, the *Coastal Zone Policy of 2005* is based on ICZM principles of, *inter alia*, integration through harmonization and coordination, co-management and participatory decision, gender equality, participatory monitoring and evaluation (Page 2). It addresses social issues of poverty alleviation, provision of education, reducing vulnerabilities to natural resources (Pages 3–4), ecological issues of sustainable management of natural resources and capture fisheries (Page 5) as well as economic matters of equitable distribution of national economic benefits (Page 7). The conservation of critical ecosystems, heritage sites and marine reserves is also addressed by this Policy as well as the harmonization of various laws for the protection and preservation of coastal environment and its resources, and special measures for biodiversity conservation (Page 8).

The *Fisheries Policy of 1998* was the first comprehensive policy to guide the fisheries sector considering all waterbodies – inland open water, closed freshwater, coastal and marine (Part 5). The main objectives outlined in the policy include, *inter alia*, increasing fish production, achieving economic growth, maintaining an ecological balance, conserving biodiversity and improving public health (Part 3). The Policy provides detailed guidelines for the conservation of marine biological resources (Part 9.2) and prioritises the small-scale fisheries sector (Part 9.3). The Policy also deals with several other important fisheries related matters, including transportation and marketing, processing and quality control, education, research, training, infrastructure, environment, credit policy and cooperatives (Part 10).

### **2.2.2 Fisheries primary legislation**

The assessed ten fisheries primary legislation correspond to B1 and B10 in Appendix A. They cover **21** of the 82 EAF legal requirements.

The *Marine Fisheries Act of 2020* (hereinafter referred to as the “Fisheries Act”), empowers the Government to, by notification in the official Gazette, establish effort controls through the declaration of fishery zones where only fishing vessels of a given category are allowed to operate (Section 3(1)), or specify the types, classes and number of fishing vessels that can be deployed in Bangladesh fisheries waters (Section 4). The Act contains a provision on IUU fishing, which states that “the Government reserves the right to issue any necessary orders to prevent IUU fishing within Bangladesh’s marine waters” (Section 5(1)). To this end, the law empowers the DoF’s Director General to conduct stock assessments, determine allowable catches and adopt necessary MCS measures in Bangladesh’s maritime area (Section 5(2)).

The Fisheries Act empowers the Government to establish mariculture zones within Bangladesh’s marine waters with a view to expanding blue economic growth (Section 6). The Act generally provides for a fishing licensing scheme for both domestic fishing vessels (Sections 7–15) and foreign fishing vessels (Sections 22–26), and the duty of the fishing licence holder to keep detailed information of catches and submit a copy of this information to the Director General (Section 17). Along with the licencing scheme, the Act provides for a permits’ scheme for artisanal fishers who operate fishing vessels with a capacity of 15 tonnes or less (Section 21). Prohibitions on fishing methods, such as the use of explosives, poison or other noxious substance for killing fish and the use of destructive fishing gear in national fisheries waters are also outlined (Sections 27–28).

The Fisheries Act details the powers and functions of the authorised officers to, *inter alia*, stop and board any fishing vessel in Bangladesh fisheries water to examine its equipment, fishing gear, nets, appliances, crew or fish carried on board the concerned vessel; and seize vessels without warrant (Sections 32–35). Offences described in this Act, with respective penalties, include harming or destroying any fishing vessels or fishing gear and destroying or abandoning any fish, fishing gear, appliances, explosives, poison, other noxious substance, or any other evidence to avoid arrest or identification (Sections 47–48). Authorised officers are empowered to compound any offences, except for unauthorised fishing by domestic or foreign fishing vessels, for a sum of money equivalent to three-quarters of the maximum fine provided for the given offence (Section 58).

However, the Fisheries Act has some significant shortcomings. The Act does not provide for the implementation of the precautionary principle/approach, nor does it incorporate the ecosystem approach to fisheries (Al Arif and Karim, 2022). In addition, the Act relies heavily on input control methods and largely disregards output control strategies in its management schemes (Al Arif and Karim, 2022). Further, the Act does not require the Government to engage in bilateral or multilateral cooperation in managing fisheries resources (Al Arif and Karim, 2022). Bangladesh is one of the eight littoral states of the Bay of Bengal, and several species that are found in the Bay, including some commercially important ones, are transboundary and highly migratory (Al Arif and Karim, 2022). Therefore, coordination, which includes exchange of relevant fisheries data, with other littoral states is essential in managing the fish stocks in the Bay. This is also an obligation for countries that are parties to legally binding instruments, including UNCLOS, UNFSA and the Port States Measures Agreement.

The *Fisheries Research Institute Act 2018* provides for the functions of the institute, which include carrying out and coordinating research on fish, fish production, fisheries management and marketing in Bangladesh (Section 7). However, the institute's mandate does not explicitly refer to the EAF, or research on habitats, biodiversity, species and associated species.

The *Fisheries Development Corporation Act of 1973* establishes the Bangladesh Fisheries Development Corporation (Section 3), which has the general duty to take measures for the development of fisheries and fishing industries in the country (Section 6(1)). In specific, this corporation is empowered to, *inter alia*, establish units for the preservation of fish and fish products, encourage the establishment of fisher's co-operative societies and survey and investigations of the fish resources (Section 6(2)(f)(g)(h)).

The *Government Fisheries Protection Ordinance of 1959* empowers the Government to, by notification in the Gazette, declare any fishery belonging to, or under the management and control of the Government to be a "khas" management fishery (Section 3), where only licenced fishing is allowed (Section 4). This Ordinance also outlines enforcement powers of authorised officials to *inter alia* detain and search any vessel found in any fishery belonging to or under the management and control of the Government and seize the vessel with the fishing contrivance used or carried out without a valid licence or authority (Section 7).

The *Protection and Conservation of Fish Act of 1950*, as last amended in 2002, empowers the Government, without specifying the government authority, to apply rules to any water or waters on various issues, including fishing gear restrictions, prohibition on destructive fishing gear, temporal and spatial controls (Section 3(3)). It also empowers the Government, generally, to conduct seizure, removal and forfeiture of any fixed engine used in contravention of applicable rules (Sections 3(4)(a) and 15), and more specifically, empowers all fishery officers to conduct enforcement activities of search, seizure and investigation with respect of offences committed under the Act (Sections 6(4) and 29). Judicial procedures are outlined in this Act as well (Sections 7, 30–31).

The *Private Fisheries Protection Act of 1889* provided for few offences such as fishing in private water without the right to fish therein (Section 3) and the respective penalties, but without differentiating the penalties in accordance with the level of seriousness of the offences.

There are some other sectoral laws that have limited relevance to fisheries management. For example, the *Fish and Fish Products (Inspection and Quality Control) Act of 2020* deals with post-harvest fish processing and trade to maintain the quality of the fish products exported to other countries. The *Fisheries Hatchery Act of 2010* provides for a registration regime and other legal requirements for the establishment and management of fish and shrimp hatchery. The *Fish Feed and Animal Feed Act of 2010* deals with the processing, quality control, import, export, marketing, sale, distribution, and transportation of fish feed and animal feed.

### **2.2.3 Fisheries secondary legislation**

With the new Marine Fisheries Act of 2020, new regulations should be adopted. The Act has repealed the *Marine Fisheries Ordinance of 1983*, but the rules made thereunder, i.e., the *Marine Fisheries Rules of 1983*, remain effective until they are repealed or amended, provided they do not contradict any provisions of the *Marine Fisheries Act of 2020* (Section 63(3) of the Marine Fisheries Act 2020).

The assessed five fisheries secondary legislation corresponds to C1 to C5. They cover 6 of the 82 EAF legal requirements.

The main secondary fisheries legislation is currently the *Marine Fisheries Rules of 1983*, which will continue to regulate fisheries activities until new rules are framed under the newly adopted *Marine Fisheries Act of 2020*. It provides more details on the licensing scheme, specifying the procedures for application (Rule 3 and 4), the form of the licence (Rule 5 and Schedule), relevant fees (Rule 6) and minimum conditions to all licences (Rule 7) as well as procedures and conditions applicable to foreign fishing vessels licences (Rules 4 and 8).

There are two other relevant secondary rules. One is the *Fish Feed Rules of 2011*, which provides for licensing for production, processing, storage, marketing, import, export and sale of fish feed, specifying the application procedure, forms and conditions (Rules 3–4) and the applicable fees (Rule 5). The *Protection and Conservation of Fish Rules of 1985*, in turn, prohibits the destruction or any attempt to destroy any fish by explosives, gun, bow and arrow in inland waters or within coastal territorial waters (Rule 4). It also covers specific provisions on closed season for “Shol, Gazar and Taki” and the prohibition of catching of carp fish in certain waters (Rules 7–8). Additional temporal controls for specific areas and species are provided under its Schedule.

Of limited relevance are the *Fisheries Hatchery Rules of 2011*, which sets out the procedure of registration for the establishment and maintenance of hatcheries and the *Fish and Fish Products (Inspection and Quality Control) Rules of 1997*, which provides for the detailed requirements that businesses must meet to export fish and fish products from Bangladesh.

#### **2.2.4 Other sectors primary legislation**

The other sectors primary legislation corresponds to D1 to D9 in Appendix A.

The *Biodiversity Act of 2017* regulates, *inter alia*, the conservation and sustainable use of biodiversity, and the fair and equitable benefit-sharing arising from its use. According to this Act, the term “biodiversity” includes any living organisms, either terrestrial or marine, which are part of the overall environment (Section 2(11)). The Act acknowledges that Bangladesh, as a party to the Convention on Biological Diversity, is duty-bound to ensure the conservation of biological diversity, sustainable use of its components and fair and equitable sharing of the benefits arising from the use of biological resources and related knowledge (Preamble). The Act provides for the formation of biodiversity committees in national, city corporation, district, sub-district, municipal corporation, and union levels (Sections 8, 13, 16, 19, 22, and 25). The Act requires the Government to develop and update a national biodiversity strategy and

action plan from time to time for the conservation, promotion and sustainable use of biological resources (Section 31(1)). The Act requires the concerned authorities to conduct an environmental impact assessment (EIA) of any development project that may have an adverse impact on the biological diversity of an area by engaging with the local people of the neighbourhood (Section 31(5)). Furthermore, the Act empowers the Government to declare, by notification in the official gazette, any area or place as a biodiversity heritage site, considering the importance of the biodiversity heritage of such an area or place (Section 32). In addition, the Act enables the Government to notify any biological resource or any species as an endangered species and take appropriate steps for the prohibition of collection of such endangered species (Section 33). The Act also establishes a Biodiversity Conservation Fund to ensure biological resource conservation and sustainable utilisation (Section 36).

The *Environment Conservation Act of 1995*, as amended in 2010 (hereinafter referred to as “Environment Act”) elaborates on the constitutional duty of the State to endeavour to protect and improve the environment and to preserve and safeguard the natural resources, biodiversity, wetlands, forests and wildlife for the present and future citizens (Clause 18A of the Constitution of 1972, as amended in 2014). The Environment Act empowers the competent authority: to coordinate with the activities of any authority or agency relevant to achieving the objectives of the Act; to prevent probable accidents which may cause environmental degradation and pollution and determining the respective remedial measures; to undertake research on conservation, improvement and pollution of the environment; to collect and publish information about pollution (Section 4(2)(a)(b)(d)(f)). It also empowers the Government to declare, by notification in the official Gazette, ecologically critical area, taking into consideration *inter alia* human habitat, and biodiversity (Sections 2(gg) and 5). Other provisions relevant for an EAF outline the procedures following the occurrence of ecosystem injuries and environmental pollution, including the determination of responsibility of the person, who in omission or acting, is causing, or caused directly or indirectly injury to the ecosystem (Sections 7 and 9). The Act also empowers the competent authority to determine the compensation and direct the person/s responsible for the injury to pay and take additional corrective measures, if appropriate (Sections 7 and 9). Also relevant for an EAF is the requirement of environmental clearance, including EIA for listed industries and projects (Section 12). These projects are listed under the *Environment Conservation Rules of 1997* (see below).

The *Water Resources Act of 2013* provides for, among others, the establishment of the National Water Resources Council (Council), whose composition includes a range of members including Government authorities, water resource experts and representative from non-governmental organizations (Section 4). The functions of the Council include making policies and providing instructions for integrated development of, proper use, protection and conservation of water resources (Section 5(a)). This Act also empowers the Government to, in consultation with the Council, cooperate with any foreign government and international or regional organization with regard to: exchange and assess information in respect of common water resources; undertake research on international rivers and joint measures for preventing pollution thereof; take measures for the development of water resources; and organize educational and training programmes on water resources (Section 7(2)). Also relevant for an



EAF is the provision that requires a National Water Resources Plan, which must contain, *inter alia*, analysis of economic, natural, social, environmental and ecological elements and impacts of water resources as well as coordination with concerned Ministries, Divisions and organizations involved in water resources management (Section 15).

The *Wildlife Conservation and Security Act of 2012* provides for a Wildlife Advisory Board whose functions include reviewing and providing directives and activities on conservation, development and management of biodiversity and wildlife, and increasing awareness about conservation of biodiversity and wildlife (Section 3(2)). It also requires the competent authority to determine the species or sub-species of wild animals that are vulnerable, endangered or critically endangered according to international standards (Section 7). The Government is empowered to, by notification in the Gazette, declare any land or wetland or any specified areas as sanctuary or marine protected area (MPA) for the conservation of habitat of wildlife, taking into account the occupational or traditional right of livelihood of local community, including fishers (Section 13). Several prohibitions are outlined for these protected areas, such as disturbing or threatening any wildlife, introducing any exotic animal or plant, diverting, stopping or polluting watercourse (Section 14). Other types of protected areas are also provided by this Act, which include national parks, community conservation areas, ecopark, buffer zones, special biodiversity conservation areas and national heritage sites (Sections 16–23). The Act also empowers the Government to introduce a co-management system for participatory utilization, conservation and management of natural resources in the sanctuaries (Section 21).

The *Biodiversity and Community Knowledge Protection Act of 1998* is another important law aimed at protecting sovereign rights of communities with knowledge on biodiversity, realization of their full benefits and strengthening informal knowledge systems (Article 2). It is relevant in promoting stakeholders participation and integration of lower-level authorities, particularly local and indigenous communities (Article 5(1)–(4)), as well as in ensuring effective participation and prior informed consent by dealing with their biological and genetic resources as well as their intellectual and cultural knowledge and practices (Article 7). It establishes the National Biodiversity Authority, which is an inter-sectoral body composed of representatives from the public sector, scientific and professional organizations, people’s organizations, women’s organizations and representatives of local and indigenous communities (Article 11). This Authority is responsible for, *inter alia*, recommending policies and mechanisms for coordination between the entities and organizations competent on biodiversity, genetic resources and biosafety; and establishing mechanisms to enable the identification and dissemination of information regarding the threats to biological and genetic diversity (Article 11(13)(e)(h)).

The *Water Resources Planning Act of 1992* establishes the Water Resources Planning Institution with a number of functions, including: to conduct general planning of environmentally balanced water resources and to cooperate in investigating any organization appointed to the development, utilization and preservation of water resources (Section 7).

The *Merchant Shipping Ordinance of 1983* has specific provisions for fishing vessels. It requires power driven sea-going fishing vessels with specified tonnage to register in the Registrar following the application procedures specified in this Ordinance (Sections 386–388). It also requires such fishing vessels to have a Certificate of Inspection (Section 397) as well as safety equipment, such as life-saving and fire appliances (Section 399).

The *Territorial Waters and Maritime Zones Act of 1974* (Act No. XXVI of 1974), as amended in 2021, (hereinafter referred to as the Maritime Zones Act) is a pre-UNCLOS era law that declared the territorial waters and the continental shelf of Bangladesh in 1974, shortly after independence in 1971. However, when UNCLOS came into force in 1994, most provisions of the Act became outdated, and a major reform was long overdue. Recently, the Government passed the *Territorial Waters and Maritime Zones (Amendment) Act of 2021* to update the provisions of the 1974 Maritime Zones Act considering the contemporary developments in ocean governance and the law of the sea. The amended Act introduces several provisions on fisheries management and marine environment protection and empowers the Government to make rules to prevent, mitigate and control pollution in the EEZ and to determine the allowable catch of fish (Section 5(4)(a)(b)). The Government is also empowered to determine the usage, exploration, exploitation, preservation and management of living and non-living resources under this Act (Section 5(4)(c)). However, the amended Act did not incorporate the precautionary principle and the ecosystem approach, which are considered essential components of fisheries management.

The amended Act also provides for ocean governance and stresses the growth of blue economy, enabling the Government to take any decisions “to keep the ocean healthy, productive, safe, secure and resilient” (Section 7E(1)). The Act empowers the Government to make policies and work-plans to enhance economic activities that take place in Maritime Zones (Section 7F(1)), emphasising the sustainable use of marine resources including fisheries and mariculture (Section 7F(2)). According to this Act, the Government can take necessary actions to collaborate with other countries in relation to a range of maritime matters including the protection of the marine environment (Section 7G). In addition, the Act outlines provisions on marine pollution and empowers the Government to make rules to prevent, reduce, and control pollution from all potential sources, including land-based sources, sea-based activities, dumping from vessels, and plastics and micro-plastics from atmosphere (Section 8). The Amendment Act also provides severe penalties for any breach of its provisions, particularly for throwing nuclear and hazardous waste into the sea, causing pollution, and failing to take measures to prevent such pollution (Sections 17, 22–23).

Finally, the *Forest Act of 1927* (as amended in 2000) deals with nearshore and offshore fisheries surrounding the Sundarbans, the largest mangrove forest in Bangladesh. The Act empowers the Government to declare parts or whole of the forest “reserved” or “protected” and prohibits certain activities in such areas (Sections 3 and 29). The Act classifies as an offence fishing within the forest areas designated as “reserved” or “protected” in contravention of any rules made in this regard by the Government to which a term of imprisonment and financial penalties may apply (Sections 26(f), 33 1A (d)). However, the Forest Department (FD) issues licences and permits, which allow local fishers to catch fish within the Sundarbans Reserved

Forest. The FD also implements catch control methods such as closed season, gear restriction, size restriction and catch monitoring within the Sundarbans Reserved Forest. In conducting these activities, the FD is guided by the *Integrated Resource Management Plan (IRMP) for the Sundarbans of 2010*.

### **2.2.5 Other sectors secondary legislation**

The other sectors secondary legislation corresponds to E1 in Appendix A.

The *Environment Conservation Rules of 1997* addresses specific issues relevant for an EAF. It requires the Government to take into account, in the declaration of any ecologically critical area, the human habitat, national park, wild animals' habitat, wetland biodiversity of the relevant area, and other relevant factors (Section 3). It also entitles any person affected or likely to be affected by environmental pollution or degradation to apply for remedy of the damage or apprehended damage (Section 5). It requires an EIA for industrial units and projects falling under category Red, that include ship manufacturing, exploration and extraction of mineral resources (Section 7(6)(d) and Schedule 1), through the application procedure for an Environmental Clearance Certificate

### **2.2.6 Additional relevant information from the National EAF-Focal Point**

The fisheries sector interacts with the following institutions: Ministry of Shipping and related departments namely Department of Shipping, Mercantile Marine Department, National Board of Revenue, and Bangladesh Customs, Port Authority, including Chattogram Port Authority and Mongla Port Authority, Bangladesh Navy, Bangladesh Coast Guard, Bangladesh River Police, Maritime Affairs Unit of Foreign Ministry, Department of Environment and Department of Forestry of Ministry of Environment, Forest and Climate Change, Ministry of Water Resources, Blue Economy Cell of Ministry of Power, Energy and Mineral Resources, as well as some Fisheries Association.

Inter-sectoral activities include: implementing MCS for sustainable fisheries; combatting IUU fishing; implementing fisheries conservation measures (e.g. ban period, Marine Reserves/MPAs); implementing fisheries operations, like input and output controls; and implementing and enforcing fisheries laws.

Inter-sectoral mechanisms involve coordination meetings or communications which are being held on need-based by the relevant ministries and related authorities outlined above. In 2006, the Blue Economy Cell, headed by a government secretary, was formed under the Ministry of Energy, Power and Mineral Resources to identify, develop, and promote the sustainable utilization, conservation and coordination of marine resources. Monthly and quarterly meetings are organized by that Cell. In addition, a coordination meeting is regularly held, chaired by the Secretary of Prime Minister's Office.

The following five projects were reported as having been implemented following an EAF:

- (i) Short term, Midterm and Long term “Plan of Action” according to Blue Economy: in 2014, under the guidance of the Ministry of Fisheries and Livestock, the Department of Fisheries has already taken short term, midterm and long term “Plan of Action” to raise Bangladesh’s status as a middle-income country during 2021 and updated the “Plan of Action” in 2018 according to of Sustainable Development Goals (2018-2030);
- (ii) Update of Marine Fisheries Act and National Marine Fisheries policy: preparation of the Marine Fisheries Act 2020 has been elevated on 29 January 2020 in the Sixth session of Eleventh National Parliament for approval. It was later passed by the Parliament and published in in the Gazette on 26 November 2020. The DoF has drafted the *National Marine Fisheries Policy of 2020*, which, after consultation with relevant stakeholders, related ministries and departments, was placed in the Ministry of Fisheries and Livestock for finalization and approval. It has also drafted, with the support of FAO, the *National Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated (NPOA-IUU) Fishing of 2019*, which has recently been approved;
- (iii) Marine Fisheries Resources Survey: the Fisheries Research and Survey vessel “R V Mean Shandhani” have already conducted 24 survey cruises in the Bay of Bengal. All the collected data by the survey vessel have been preserved for further biological analysis. With the assistance of FAO and the Institute of Marine Research under the EAF-Nansen Programme, an Acoustic survey cruise has been conducted in the Bay of Bengal with the Research Vessel R V Dr. Fridtjof Nansen during 2–17 August 2018 to collect data on stock of fish and shrimp and the survey report has been submitted to the Ministry of Fisheries and Livestock. A Project on “Technical Support for Stock Assessment of Marine Fisheries Resources in Bangladesh” has been implemented with the assistance of FAO which included human resource development, survey design and plan and was completed in June 2019;
- (iv) Conservation of Marine Fisheries Resources and Declared Marine Reserve: in 2000, the Government has declared 698 sq km area in the Bay of Bengal as a “Marine Reserve” as part of Conservation and Management Measures. The Government has declared 3 188 sq. km area adjacent to “Nijhum Dewip” of Hatia, Noakhali coastal zone as “Marine Reserve Area” and a management plan of this MPA is under processing. Since 2015, the Government has imposed a 65-day banned period from 20 May to 23 July every year to ensure the breeding and protection of marine fisheries resources within in the EEZ of Bangladesh. During this banned period fishing of any kind of fish and crustaceans by all types of vessels is prohibited. The Government has imposed a 22-day ban period during the peak breeding season of Hilsa in every year (around October and November) to ensure the breeding of Hilsa. The Government has prohibited “Juvenile Hilsa” (Below 25 cm size Hilsa) fishing from November to June every year to coastal and marine water. To reduce the fishing pressure and ensure sustainable management of fisheries resources a ban has been imposed on fishing with destructive fishing gears like estuarine set bag net, push net (Shrimp seed collected net) and other destructive gear in the coastal areas of the sea. As bottom trawling is harmful for the breeding and nursery

ground of the sea, no new licences for bottom trawlers are being issued and bottom trawlers are being converted into mid water trawlers; and

- (v) Marine Fisheries Resources Management and MCS Activities: 133 vessel tracking and monitoring system has been installed in the industrial Fishing trawlers by the Department of Fisheries through the assistance of former “Bangladesh Marine Fisheries Capacity Building Project”. Database of 67 669 mechanized and non-mechanized vessels have also been completed under this project. With the World Bank’s financial assistance, “Sustainable Coastal and Marine Fisheries Project” is being implementing since 2019 to strengthen the management and development of coastal and marine fisheries. It includes VMS installation in 100 industrial Fishing trawlers and automatic identification system in 10 000 mechanized fishing vessels. One Marine Fisheries Surveillance Check post is working in Chattogram. Another 16 Marine Fisheries Surveillance Check posts shall be established during the tenure of the above project. About 65 landing stations will be developed for land-based catch data collections by the same project. In addition, two national fisheries management plans will be developed by this project. Additionally, under the FAO TCP project, Technical Support for stock assessment of marine resources (TCP/BGD/3601), Ecosystem Approach to Fisheries, two FMP for the industrial and artisanal sectors have been drafted.

## 3. Conclusion

### 3.1 Main gaps in the assessed policy and legal instruments

Some of the EAF legal requirements in the EAF Legal Checklist in **Appendix B** were not incorporated (X) or were only partially incorporated (Ø) by the assessed policy and legal instruments of Bangladesh identified under **Appendix A**. This subsection summarizes the main gaps from the desk-based preliminary assessment without prejudice to others that may be identified in a comprehensive analysis of the national policy and legal frameworks at country level.

Of the 82 EAF legal requirements, **61** EAF legal requirements were found in Bangladesh's policy and legal frameworks assessed in this EAF Legal Report. It should be noted that the 82 EAF legal requirements are considered the minimum standards in legislating for an EAF which may be further elaborated and improved in advancing the implementation of an EAF. Based on the present preliminary assessment, **21** EAF legal requirements remain to be incorporated in the policy and legal frameworks of Bangladesh.

The assessed policy and legal instruments do not provide for important EAF principles and objectives such as the right to access to education, as required under EAF Components 1 and 3. The assessed policy and legal instruments also do not contain the participatory elements of public hearings and opportunity of the public to comment on management or project decisions, as required under EAF Component 4.

More elaborated requirements for TAC, as provided under EAF Component 9, are needed as well as comprehensive requirements for FMPs, as provided under EAF Component 10. In respect of MCSE, which is of particular relevance to the fisheries sector, the assessed legal instruments do not contain detailed provisions on observer scheme, VMS, recorded information to be included in the register of fishing vessels, control over landing and transshipping, as part of the legal requirements under the EAF Component 11.

Moreover, insufficient provisions and references were found in relation to research programmes objectives that take into account EAF considerations, which is relevant for EAF Component 13, and no special protection of sea turtles and other vulnerable species were found, failing to meet EAF Component 14. Another gap concerns the requirements for introduction of species, as required under EAF Component 15. Also, a lack of regulation of marine extractive activities, detailed components of EIA and process for its submission and approval left the alignment with EAF Component 16 incomplete.

### 3.2 Level of alignment of the assessed policy and legal instruments with an ecosystem approach to fisheries

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

<b>Number of EAF legal requirements incorporated in the assessed policy and legal instruments</b>	<b>Percentage of the 82 EAF legal requirements incorporated</b>	<b>Overall level of alignment with an EAF</b>
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

The policy and legal instruments of Bangladesh, assessed in this Report, incorporate **61** out of the 82 EAF legal requirements, therefore indicating a **medium** level of alignment with an EAF.

### **3.3 Final considerations and proposed way forward**

Legislating for an EAF is complex and challenging. Due to the numerous national policy and legal instruments relevant to the EAF, this EAF Legal Report should be considered as a desk-based preliminary assessment. It provides the initial basis upon which countries can advance the work towards improving their national policy and legal frameworks in alignment with an EAF, contributing to the ultimate goal of sustainability in fisheries.

The incorporation in the national policy and legal frameworks of all the EAF relevant provisions from international legally binding instruments<sup>3</sup> to which Bangladesh is a Party, as identified under subsection 1.2 above, should be a priority in the improvement of the EAF implementation at the national level. The relevant EAF provisions from the international non-legally-binding instruments that reflect principles of international law should also be incorporated in the national policy and legal frameworks.

With respect to the assessed policy and legal instruments, some gaps have been identified which should be addressed to ensure full implementation of an EAF in the country. The following subjects could benefit from a detailed review and update in the relevant policy and legal instruments: “stakeholder participation, coordination, cooperation and integration”, “integration of lower-level authorities”, “conflict management”, “fisheries management”, “conservation measures”, “fishery monitoring and research”, and “MCSE”.

The review of policy and legal instruments with respect to “fisheries management” and “MCSE” could be led by fisheries whereas others, such as “stakeholder participation, coordination, cooperation and integration” and “conservation measures”, would require a more active involvement of other sectors in the review of their transversal relevant provisions.

The following subjects could benefit from a detailed review and update in the relevant policy and legal instruments: “principles and objectives” (especially the precautionary approach and

<sup>3</sup> See Appendix A of the EAF Legal Diagnostic Tool.

right to access to education), “institutional arrangements” (especially conflict management), “stakeholder participation” (especially public hearing and opportunity for comments), “control on fishing operations” (especially TACs), “fisheries management” (especially FMPs’ process for adoption and minimum requirements), “conservation measures” (especially protection of marine mammals and turtles, regulation of activities potentially harmful to aquatic ecosystems), and “MCSE” (especially observer scheme, the detailed recording information, registration process, cooperation and coordination on registration, and transshipping and landing requirements).

The review of the policy and legal instruments with respect to “control on fishing operations”, “fisheries management” and “MCSE” could be led by fisheries whereas others, such as “institutional arrangements”, “stakeholder participation” and “conservation measures”, would require a more active involvement of other sectors in the review of their transversal relevant provisions.

This preliminary assessment is aimed at assisting legal practitioners, policy-makers and fisheries managers in taking the necessary steps for improving the EAF implementation in Bangladesh.

The review of national policies and/or legislation is one of the many ways or processes through which an assessment of the implementation of the EAF can be conducted. It provides a 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 an EAF, and/or amending the existing ones to bring them fully in line with an EAF.



## 4. References

### Reports and other international instruments

- Al Arif, A. & Karim, MS.** 2022. *Marine Fisheries Act 2020 of Bangladesh: A Missed Opportunity for Sustainability and Collaborative Governance*, The International Journal of Marine and Coastal Law, 37(2), 337-349. <https://doi.org/10.1163/15718085-bja10075>
- DoF.** 2019. *National Plan of Action to prevent, deter and eliminate illegal, unreported and unregulated fishing (NPOA-IUU) of Bangladesh*.
- FAO.** 2021a. *A diagnostic tool for implementing an ecosystem approach to fisheries through policy and legal frameworks*. Rome. <https://doi.org/10.4060/cb2945en>
- FAO.** 2021b. *Un outil de diagnostic pour la mise en œuvre d'une approche écosystémique des pêches à partir des cadres politiques et juridiques*. Rome. <https://doi.org/10.4060/cb2945fr>
- FAO.** 2021c. *Uma ferramenta de diagnóstico para a implementação de uma abordagem ecossistêmica às pescas através de quadros políticos e jurídicos*. Rome.
- FAO.** 2021d. *Legislating for an ecosystem approach to fisheries – Revisited – An update of the 2011 legal study on the ecosystem approach to fisheries*. FAO EAF-Nansen Programme Report No. 36. Rome. <https://doi.org/10.4060/cb6750en>
- FAO.** 2021e. *Ecosystem Approach to Fisheries – Policy and Legal Implementation*. In: FAO elearning Academy. Rome, FAO. Cited 8 April 2022. <https://elearning.fao.org/course/view.php?id=753>
- FAO.** 2019. *Progress in the Implementation of the Code of Conduct for Responsible Fisheries and related instruments*. In: *Report of the Thirty-third Session of the Committee on Fisheries, Rome, Italy 9–13 July 2018*. FAO Fisheries and Aquaculture. Report No. 1249. Rome. [www.fao.org/3/ca5184en/ca5184en.pdf](http://www.fao.org/3/ca5184en/ca5184en.pdf)
- FAO.** 2016. *A How-to Guide on legislating for an ecosystem approach to fisheries*. FAO EAF-Nansen project report No. 27, Rome, FAO.
- Skonhoft, A.** 2011. *Legislating for an ecosystem approach to fisheries. A review of trends and options in Africa* (English). FAO EAF-Nansen project report No. 10, Rome, FAO, 2011. 159 p.

### Internet sources

- FAO.** n.d-a. EAF Nansen-Programme, available at <http://www.fao.org/in-action/eaf-nansen/background/history-of-the-nansen-programme/en/> (Accessed on 20 October 2022).
- FAO.** n-d.b. *The EAF IMT tool: monitoring progress and achievements of effective fisheries management*, available at <https://www.fao.org/in-action/eaf-nansen/news-events/detail-events/en/c/1268177/> (Accessed on 20 October 2022).
- FAO.** n.d-c. FAOLEX Database, Country Profiles, available at <http://www.fao.org/faolex/country-profiles/en/> (Accessed on 20 October 2022).

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

Identification	Instruments of BANGLADESH
<b>A</b>	<b>Fisheries Policies</b>
A1	2021 Marine Fisheries Management Plan (Part 1 – Industrial)
A2	2019 National Plan of Action to Prevent, Deter and Eliminate Illegal, Unregulated and Unreported (IUU) Fishing, Bangladesh
A3	2016-2021 National Biodiversity Strategy and Action Plan
A4	2013-2020 National Aquaculture Development Strategy and Action Plan
A5	2013 National Sustainable Development Strategy
A6	2006 Marine Fisheries Sector Sub-Strategy
A7	2006 National Fisheries Strategy
A8	2006 Inland Capture Fisheries Strategy
A9	2006 Shrimp Sub-Strategy
A10	2006 Coastal Development Strategy
A11	2005 Coastal Zone Policy
A12	1998 National Fisheries Policy
<b>B</b>	<b>Fisheries Primary Legislation</b>
B1	2020 Marine Fisheries Act
B2	2020 Fish and Fish Products (Inspection and Quality Control) Act
B3	2018 Fish and Quarantine Act
B4	2018 Fisheries Research Institute Act
B5	2010 Act No. 2 on Fish Feed and Animal Feed
B6	2010 Fisheries Hatchery Act
B7	1973 Fisheries Development Corporation Act
B8	1959 Government Ordinance No. XXIV on Fisheries (Protection)
B9	1950 Protection and Conservation of Fish Act, as last amended in 2002
B10	1889 Private Fisheries Protection Act No. II
<b>C</b>	<b>Fisheries Secondary Legislation</b>
c1	2011 Fish Feed Rules
c2	2011 Fisheries Hatchery Rules
c3	1997 Fish and Fish Products (Inspection and Quality Control) Rules
c4	1985 Rules No. 442-L on Protection and Conservation of Fish
c5	1983 Rules No. DA-I Marine Fisheries
<b>D</b>	<b>Other Sector's Primary Legislation</b>
D1	2017 Biodiversity Act No. II
D2	2013 Act No. 14 on Water Resources

<b>Identification</b>	<b>Instruments of BANGLADESH</b>
d3	2012 Act No. XXX on Wildlife (Conservation and Security)
d4	1998 Biodiversity and Community Knowledge Protection Act
d5	1995 Environment Conservation Act No. 1, as amended in 2010
d6	1992 Act No. 12 on Water Resources Planning
d7	1983 Ordinance No. XXVI on Merchant Shipping
d8	1974 Territorial Waters and Maritime Zones Act as amended in 2021
d9	1927 Forest Act (as amended in 2000)
<b>E</b>	<b>Other Sector's Secondary Legislation</b>
e1	1997 Environment Conservation Rules

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	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
				1ary	2ary	1ary	2ary		
	<b>Scope and definitions</b>								
General guidelines	1.	– Clearly outline the geographic and substantive scope of the application.	✓	X	X	✓	X	(A1) Pages 1–2 (A2) Section 1.8 (A3) Chapter 1 (A10) Chapter 1 (D4) Article 1 (D7) Section 1	
	<b>Principles and objectives</b>								
C.1 EAF concepts C.3 Precautionary approach C.4 Stakeholder participation C.6 Integration of lower level authorities C.7 Conflict management	2.	– Clearly define and apply the precautionary approach.	✓	X	X*	X	X	(A1) Page 2 (A6) Page 5	Reference in (A6) does not define the precautionary approach.
	3.	– Broaden stakeholder participation with integration of lower level authorities and bodies.	✓	X	X*	✓	•	(A1) Page 2 (A2) Section 1 (1.2) (A3) Chapter 4(4.1.2 and 4.2.2) (A5) Chapter 6 (A6) Page 5 (A7) Chapter 3(3.3 and 3.7)	

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	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes	
			1ary	2ary	1ary	2ary			
and C.11, C.13, C.14 and C.17							(A8) Pages 5-6 (A9) Page 18 (A10) Chapter 1(1.3) (A11) Pages 2 and 7 (D1) Various sections, including 13, 16, 19, 22, 25, and 28 (D3) Section 21 (D4) Article 2(2)(f)		
	4.	– Ensure the right of access to fair and transparent information.	✓	X	X*	✓	●	(A5) Chapters 6 and 8(8.3) (D2) Section 44 (D4) Articles 11(13(h)) and 12	
	5.	– Promote institutional coordination, cooperation and integration.	✓	X	X*	✓	●	(A1) Page 2 (A3) Chapter 8 (A5) Chapters 1(1.4) and 9(9.2) (A6) Pages 6, 17 and 20 (A7) Chapter 3(3.3–3.4) (A8) Page 6 (A11) Page 2 (D2) Section 41 (D4) Article 11(13(e))	
	6.	– Maintain ecological relationships among harvested, dependent and associated species.	✓	X	X*	●	●	(A7) Chapter 3(3.9)	

**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	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
			1ary	2ary	1ary	2ary		
7.	– Promote sustainable development and avoid overexploitation of marine living resources.	✓	✓	X*	✓	●	(A1) Page 2 (A3) Page 64 (A4) Chapters 3(3.1) and 4 (A5) Chapters 1(1.4–1.5) (A6) Page 3 (A7) Chapter 2(2.2) (A10) Chapter 1(1.3) (A11) Page 5 (B1) Sections 4–5 (D4) Article 2(1)(a)(b) and (2)(a)(b)	
8.	– Preserve marine habitat, conserve and restore marine living resources and biodiversity.	✓	✓	X*	✓	●	(A3) Chapter 4(4.3.4) (A5) Chapter 1(1.6) (A7) Chapters 2(2.1) and 3(3.9) (A9) Pages 17 and 43 (A11) Page 8 (B1) Sections 29–30 (D3) Sections 3(2) and 22 (D4) Article 2(1)(a)(b) and (2)(a)(b)	
9.	– Promote ecosystem well-being, including the human biotic and abiotic components.	✓	X	X*	●*	●*	(A1) Pages 1–2 (A3) Chapter 4(4.3.4) (A5) Chapter 1(1.5) (A7) Chapter 3(3.9)	

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	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
			1ary	2ary	1ary	2ary		
							(A8) Page 8 (A10) Chapter 1(1.3) (A11) Pages 7-8	
10.	– Promote adaptive management measures, including their regular monitoring and review.	✓	X	X*	✓*	●*	(A1) Page 2 (A3) Chapter 8 (A5) Chapter 1(1.4) (A7) Chapter 4(4.7) (A9) Pages 50–51 (A11) Page 2 (D4) Article 11(13(i))	
11.	– Harmonize management measures, including those for shared resources.	✓	X	X*	●*	●*	(A7) Chapter 3(3.4)	
12.	– Reduce and manage conflict between users and stakeholders over fisheries resources and ecosystems.	✓	X	X*	●*	●*	(A1) Page 21 (A11) Chapter 2	
13.	– Consider socioeconomic contexts (e.g. employment, livelihoods, equity, poverty, gender) when designing and implementing management measures.	✓	∅	X*	✓*	●*	(A1) Pages 1–2 (A3) Chapter 6 (A4) Chapters 3(3.2) and 4 (A5) Chapter 1(1.4–1.6) (A7) Chapters 2(2.1), 3(3.6 and 3.8) and 4(4.3.2) (A8) Page 7 (A10) Chapter 1(1.3) (A11) Page 4 (B1) Section 21	Provision in (B1) provides for a permit regime, which allows artisanal fishers to obtain fishing permits following a simple process and free of costs. The licence regime for industrial fishers, on the other hand, entails an expensive and

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	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
			1ary	2ary	1ary	2ary		
							(D4) Article 2(1)(2)	cumbersome process.
14.	– Promote management measures, designate the authority and outline the timeline and process for their monitoring and review.	✓	X	X*	●*	●*	(A1) Page 2 (A3) Pages 60–72	
15.	– Provide for the establishment of MCSE measures.	✓	✓	X*	●*	●*	(A2) Chapter 2(2.2.7) (A6) Page 5 (B1) Section 5(2) (B2) Section 14	
16.	– Promote ecosystem-based research plans/priorities, designate the authority and outline the timeline and process for their monitoring and review.	✓	∅	X*	●*	●*	(A3) Page 63 (A6) Pages 5, 15–16, 18 (A7) Chapter 4(4.8) (A8) Page 13 (B4) Sections 7(a) and 18	Provisions in (B4) do not promote explicitly ecosystem-based research, and refers to the submission of annual reports.
17.	– Promote the right of access to education and awareness raising on EAF.	∅	X	X*	∅*	X*	(A3) Chapter 4(4.1.1, 4.3.4 and 4.3.8) (A6) Pages 9 and 16 (A7) Chapter 4(4.9) (A8) Page 13 (A9) Chapter 5(5.7) (B3) Section 3(2)(c)	References in (A3) and (A8) are limited to the context of biodiversity conservation and sustainable use and to inland capture fisheries. References in (A6) to (A9) are limited to awareness raising about fisheries



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	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
				1ary	2ary	1ary	2ary		
									conservation measures; and education for capacity-building of existing staff of the different organizations. Provisions in <b>(b3)</b> refers to awareness raising on conservation of biodiversity and wildlife.
		<b>Institutional arrangements</b>							
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	✓*	✓*	(A3) Pages 67–68 (A5) Chapter 4(4.1.2.3) (A6) Page 6 (A7) Chapter 4(4.2 and 4.3.1) (b3) Sections 16–23 (E1) Rule 3	
C.4 Stakeholder participation		(b) overlapped closely and are harmonized with well-established management boundaries and governance structures.	✓	X	X	✓*	●*	(A6) Page 6 (A8) Page 9 (b3) Sections 16–23	
C.5 Coordination, cooperation and integration	19.	– Promote states cooperation on the harmonization of management measures and plans (bilaterally, regionally and internationally).	✓	X	X	✓*	●*	(A2) Chapter 2(2.2.5, 2.2.8) (A6) Pages 6 and 17	
C.7									

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	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
				1ary	2ary	1ary	2ary		
Conflict management  C.8 Integrated management of aquatic ecosystems								(A7) Chapters 3(3.4 and 3.9) and 4(4.1) (A8) Page 9 (D2) Section 7 (D8) Section 7(G)	
	20.	– Establish transparent and accessible mechanisms, bodies (including lower level authorities) or processes to:						(A3) Pages 67–70 (A5) Chapter 4(4.1.2.3) (A7) Chapter 4(4.2) (D3) Sections 16–23	
		(a) support well-established management boundaries and governance structures on the basis of ecosystem considerations.	✓	X	X	✓*	●*		
		(b) outline conservation and management measures, including FMPs, at local and national levels.	✓	X	X	●*	●*	(A3) Page 64 (A5) Chapter 4(4.1.2.3) (A8) Pages 11–12	
		(c) facilitate coordination, cooperation and integration of management decisions, regulatory action, environmental policies, plans and programs.	✓	X	X	✓*	●*	(A3) Chapter 8 (A8) Page 6 (D4) Article 11(13(e))	
		(d) monitor, assess and align the various environmental policies and plans.	✓	X	X	X*	X*	(A11) Page 8	
		(e) manage conflict over fisheries, relevant resource and ecosystem, including parameters for decision-making and resolving the conflict.	✓	X	X	X*	X*	(A1) Page 21	
		(f) ensure integrated management of aquatic ecosystems (e.g. integrated coastal zone) based on ecosystem delimitations.	✓	X	X	✓*	●*	(A3) Page 65 (A6) Pages 13–14 (A10) Pages 37–38 (A11) Pages 9–11 (D1) Section 15	

**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	Fisheries legislation		Other sectors 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*	(A6) Pages 7 and 18 (A7) Page 15	
	(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*	(A10) Pages 37–38 (A11) Pages 9–11	
	(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	✓*	●*	(A3) Pages 60–71 (A9) Pages 45–47 (A10) Pages 42–45 (B1) Various sections, including 5(2), 8, 16, 21, 32, and 43 (B4) Section 7 (B7) Section 6 (D1) Sections 5 and 10	Note that provisions in (B4) and (B7) overlap in respect of fisheries research.
22.	– Outline mandates for the government institutions to: (a) coordinate efforts, cooperate and integrate approaches, from the local to the national levels.	✓	X	X	✓	●	(A1) Page 19 (A3) Chapter 4(4.2.1 and 4.2.2) (A5) Chapter 4(4.1.2.3) (A6) Pages 7–9, 16–17, and 20 (A7) Chapters 3(3.3, 3.4) and 4(4.1) (A8) Pages 6, 11–12 (D2) Section 10(c)(e)	

**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	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
			1ary	2ary	1ary	2ary		
							(d3) Section 21 (d5) Section 4(2)(a) (d6) Section 7(d)	
	(b) coordinate, cooperate and integrate the regional and international processes and arrangements.	✓	X	X	✓	●	(A2) Chapter 2(2.2.5 and 2.2.8) (A6) Page 17 (A7) Chapters 3(3.4 and 3.9) and 4(4.1) (A8) Page 6 (d2) Section 7	
	(c) allocate financial, human and material resources to ensure the integration of lower level authorities	✓	X	X	✓	●	(A1) Page 19 (A3) Chapter 7 (A6) Page 9 (A7) Chapter 3(3.6 and 3.8) (A8) Page 13–15 (d4) Articles 12(1), 13(4) and 14	
	<b>Stakeholder participation, coordination, cooperation and integration</b>							
C.4 Stakeholder participation  C.5 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.	✓	∅	X	✓	●	(A3) Chapter 6 (A6) Page 9 (A9) Pages 45–47 (A10) Pages 42–45 (B4) Section 8(1) (B7) Sections 8–11 (d1) 16, 19, 25, 28	Provision in (b4) is limited to the Fisheries Research Institute.  Provisions in (b7) do not include lower level authorities.

**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	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
				1ary	2ary	1ary	2ary		
C.6 Integration of lower level authorities, bodies and stakeholders  C.8 Integrated management of aquatic ecosystems								(D2) Sections 4 and 9 (D6) Section 6	
	24.	– Establish and properly publicize public meetings or hearings.	X	X	X	∅	X	(D5) Section 8(2)	Provision in (D5) empowers the competent authority to hold public hearings for disposing of an application for remedy of damage suffered from pollution.
	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	X		
	26.	– Promote international cooperation for effective integrated management of aquatic ecosystems.	✓	X	X	✓	X	(A6) Pages 6 and 17 (D2) Section 7	
	<b>Fisheries management</b> <i>Catch/output controls</i>								
C.9 Controls on fishing operations  C.10	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	✓	N/A	(A1) Pages 16–19 (B1) Section 5(2) (D8) Section 5(4)b)	Provision in (B1) empowers the government to determine TAC and maintain MSY of fisheries resources.

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	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
				1ary	2ary	1ary	2ary		
Fishery management plans  C.17 Monitoring and review	28.	– Ensure authority to institute TACs and to allocate individual quotas is representative, including representatives from lower levels of government.	X	∅	X*	N/A	N/A	(B1) Section 5(2) and 43	Provisions in (B1) empower the Director General of DoF to determine TACs. Director General can delegate power to an Additional Director General or a Director
	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	N/A	N/A	(A1) Pages 16–19	
	30.	– Coordinate the TACs for shared stocks or highly migratory species with international or regional management measures.	X	X	X*	N/A	N/A		
	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 licences and access agreements, including authority responsible for allocating, issuing and regulating quotas, and the procedure to be followed.	X	X	X*	N/A	N/A		
	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>								

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	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
				1ary	2ary	1ary	2ary		
C.9 Controls on fishing operations C.10 Fishery management plans C.17 Monitoring and review	34.	– Define a broad fishing licence scheme to regulate access to fisheries and fishing vessels with timeline, authority and process for renewing the licence, monitoring and compliance, and permit suspension and revocation of the licence for non-compliance.	✓	✓	✓*	N/A	N/A	(A6) Page 12 (A8) Page 10 (B1) Sections 7–15 (B8) Sections 3–6 (C1) Rules 3–5 (C5) Entire regulation	
	35.	– Designate authority responsible for allocating, issuing and regulating licences, specified licence duration, requirement of a fee and conditions that may be attached to licences.	✓	✓	✓*	N/A	N/A	(A6) Pages 10 and 12 (B1) Sections 8–9, 11–13, 61 (B8) Sections 3–6 (C5) Entire regulation	Provisions in (B8) do not specify the fees and conditions of the licence.
	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).	✓	✓	●*	N/A	N/A	(A1) Pages 16–19 (A6) Pages 9–10 (A8) Page 10 (B1) Sections 4 and 14–15	
	37.	– Outline specific details of fishing licence scheme (e.g. number of licences to be allocated, permit conditions for each fishery).	∅*	✓*	X	N/A	N/A	(A9) Page 28 (B1) Sections 4, 8(2), and 14	Reference in (A9) is limited to marine shrimp trawlers.
	38.	– Empower the designated authority to establish additional regulations for licensing.	X*	✓	●*	N/A	N/A	(B1) Section 15	
	39.	– Empower authority to regulate effort controls and respective parameters.	✓*	✓	●*	N/A	N/A	(A1) Pages 16–19 (A6) Pages 9–10 (B1) Sections 3(2), 4, 12, 19, and 22	

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	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
				1ary	2ary	1ary	2ary		
	<b><i>Fishing gear and method controls</i></b>								
C.9 Controls on fishing operations C.10 Fishery management plans C.17 Monitoring and review	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).	✓	✓	X	N/A	N/A	(A1) Page 20 (A6) Pages 9–10 (A8) Page 10 (A9) Page 28 (B1) Sections 20, 27, 28	
	41.	– Outline prohibitions on highly destructive gear and fishing methods (e.g. fishing by toxic substance, explosives, electricity, fishing with the use of light).	∅	✓	✓*	N/A	N/A	(A6) Pages 9–10 (B1) Section 27 (B9) Section 8(3)(b)(c) (C4) Rules 5–6	Reference in (A6) generally addresses control on destructive fishing gear.
	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).	✓	X	X	N/A	N/A	(A1) Page 20 (A9) Page 28	
	<b><i>Spatial and temporal controls</i></b>								
C.9 Controls on fishing operations c.10 Fishery management plans c.17	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).	✓	X	✓*	N/A	N/A	(A1) Page 21 (A6) Page 19 (C4) Rules 7–8	
	44.	– Empower authority to define spatial and temporal controls and the procedure.	✓	✓	●*	N/A	N/A	(A6) Page 12 (A9) Page 25 (B1) Section 15(1)(a) (B9) Section 8(3)(d)(f)	



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	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
				1ary	2ary	1ary	2ary		
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*	N/A	N/A		
	46.	– Establish technical details and specifics on spatial controls.	✓*	X*	✓	N/A	N/A	(A1) Page 21 (A6) Page 8 (c4) Rules 7–8	
	<b><i>Fishery management plans</i></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*	N/A	N/A	(A6) Page 5	
	48.	– Ensure FMPs and measures comply with established integrated management plans for aquatic ecosystems involving e.g. protected areas or critical habitat.	✓	X	X	●*	●*	(A10) Page 8 and Annex B	
	49.	– Establish process for approval, adoption and publication of FMP with its periodic review.	✓	X	X*	N/A	N/A	(A1) Pages 2–3 and 23	
C.10 Fishery management plans	50.	– Detail process of drafting FMP, including multilevel and multisector 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*	N/A	N/A	(A1) Pages 2–3 and 23 (A6) Pages 5 and 8	Reference in (A6) does not provide for the monitoring and review of the FMP.
C.17 Monitoring and review	51.	– List the minimum requirements in the FMPs:	✓	X	X*	N/A	N/A	(A1) Page 2	
		(a) management objectives that take into account EAF;	✓	X	X*	N/A	N/A	(A1) Pages 3–4 and 10–11	
		(b) biological description of fishery and ecosystem in which it takes place;	✓	X	X*	N/A	N/A	(A1) Pages 4–7, 13–15, and 21–23	
		(c) social, economic and institutional aspects of the fishery;	✓	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	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
			1ary	2ary	1ary	2ary		
	(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*	N/A	N/A	(A1) Pages 5–6, 13–14, 16–22	
	(g) a review of the relationship with other coastal or marine resource management plans.	X	X	X*	N/A	N/A		
	<b>Conservation measures</b>							
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.	✓	∅	✓*	✓*	●	(A1) Pages 5–6, 13–14, 16–22 (A3) Page 64 (A7) Chapter 3(3.9) (A8) Pages 9–10 (A9) Page 43 (B1) Sections 29 and 30(1)(a) (D4) Article 13 (C4) Rules 9 and 11	Reference in (B1) incorporate consideration of habitat and biodiversity within the marine protected areas
	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	X	∅*	∅*	X	(C4) Rules 9 and 11 (D3) Sections 28, 29 and 37	Rules in (C4) do not include special protection for marine mammals and sea turtles. Provisions in (D3) prohibit export and import of wild animals without CITES certificate,

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	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
			1ary	2ary	1ary	2ary		
								which enables special protection for most marine turtles. Provision in (D3) also prohibits killing of marine mammals, especially whales and dolphins.
54.	– Ensure coordination between the various authorities involved in marine environment protection.	✓	X	X*	●*	X	(A3) Chapter 4(4.2.1) (A7) Chapter 3(3.9)	
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*	✓*	●	(A3) Page 68 (D1) Section 33 (D3) Section 7	Provision in (D1) empowers the government to notify any biological recourse or any species as a threatened species and the government may take appropriate steps for the conservation of such species
	(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) Pages 67–68 (A6) Pages 13–14 (A8) Pages 9–10 (B1) Sections 29–30 (D1) Section 32 (D3) Sections 13–20 (D5) Section 5	Provisions in (B1) do not include the process for nominating, establishing and managing a protected area, including stakeholder

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	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
			1ary	2ary	1ary	2ary		
								participation particularly of local communities, consultation and coordination with various authorities, both at national and local levels. Provision in (D5) empowers the Government to declare ecologically critical areas. Provisions in (D3) do not outline the process with stakeholder participation.
	(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*	✓*	●	(A3) Pages 69–70 and Chapter 7 (A8) Pages 9–10 (D3) Section 8	
	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	(A3) Chapters 4(4.1) and 7 (D1) Sections 15, 18, 21, 24, 27–28 (D3) Section 52	Provisions in (D3) empower the Government to make rules on education and public awareness.
C.15	57. – Adopt measures to:	✓	✓	X	✓	●	(A3) Page 66	

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	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
			1ary	2ary	1ary	2ary		
Regulation of activities potentially harmful to aquatic ecosystems	(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.						(A7) Chapter 3(3.9) (A11) Page 8 (B2) Section 13 (1)(f) (D2) Sections 21–27 (D3) Section 14(1) (D5) Sections 4(2) and 7-9 (D8) Section 5(4)(a) 8, 22 and 23 (E1) Rules 4–5	
	(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.	X*	X*	X*	X	X		
	(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	X	(A2) Chapter 2(2.1) (B1) Section 48	Reference in (B1) prohibits abandonment of Fishing gear but does not require reporting of lost gear and does not regulate materials used in the manufacture of gear.
	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.	∅	∅	X	∅	X	(A3) Page 66 (B2) Sections 22–25 (B3) Sections 8–16 (B6) Section 8	Reference in (A3) provides activities for the control of the introduction of alien species.

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	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
				1ary	2ary	1ary	2ary		
								(c2) Rule 8 (d3) Section 14(1)(g)	Provisions in (b2), (b3), (b6) and (c2) provide for general restrictions on the importation of fish and fish products  Provision in (d3) prohibits the introduction of exotic species in MPAs.
C.16 EIS or EIA	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	X	X		
	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	X	✓	✓	(A3) Chapter 4(4.3.3) (A9) Page 43 (D1) Section 31(5) (D5) Section 12 (E1) Rule 7(6)(d)	Reference in (A3) recalls the legislation that provides for an EIA Reference in (A9) is limited to require an EIA for aquaculture activities.  Reference in (D5) is to industrial unit or projects listed under E1.
	61.	– Detail components of EIS or EIA, which should at least discuss the purpose/need for the activity, the ecosystem that	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	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
			1ary	2ary	1ary	2ary		
	may be affected, potential impacts of the proposed activity and potential alternatives or mitigation and rehabilitation measures.							
	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.	X	X*	X*	X	X		
	<b>Fishery monitoring and research</b>							
C.13 EAF research	63. – Establish research programme for furthering the knowledge and understanding of EAF.	✓	∅	X*	∅	X*	(A3) Page 63 (A6) Pages 5 and 18 (B1) Section 31 (B4) Sections 7(a) (D8) Section 7H	Provision in (B1) empowers the government to accept requests from any vessel, person, or institution – either local, regional, or international – to conduct research Provision in (B4) is too general in broadly referring to fisheries research. Provision in (D8) generally enables to government to regulate, authorise, and

**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	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
				1ary	2ary	1ary	2ary		
									conduct marine scientific research.
	64.	– Designate authority for conducting and involving stakeholders in the research programme.	✓	∅	X*	X	X*	(A3) Page 63 (A6) Pages 5 and 18 (B4) Sections 7(a)	Provision in (B4) does not involve other stakeholders in research, limited to the Fisheries Research Institute.
	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	X*		
	66.	– Consider the findings of the EAF research in the adoption of conservation and management measures.	✓	X	X*	X	X*	(A6) Page 5	
		<b>MCSE</b>							
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	N/A	N/A	(A1) Page 18 (B1) Section 16(4–5)	
	68.	– Ensure observers have full access to all parts of the vessel and its equipment and to any place in the country where fish	X	✓	X	N/A	N/A	(B1) Sections 33–34	



**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	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
			1ary	2ary	1ary	2ary		
	that have been caught in national waters are uploaded, processed, stored or transhipped.							
69.	– Design the scheme in line with regional or international requirements, taking into account relevant regional observer programs.	X	X	X	N/A	N/A		
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	N/A	N/A	(A1) Page 18	
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 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	N/A	N/A	(A6) Page 10 (B1) Section 17	Reference in (A6) does not provide details on catch reporting and does not require reporting of effort data.
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	✓	N/A	(A1) Page 17 (A2) Chapter 3(3.2) (A6) Pages 13–14 (D7) Sections 16–19	Reference in (A6) limits to require the certification of industrial fishing vessels and trawlers and the registration of fishing fleet for the purpose of ‘safety at sea’.
73.	– Ensure the records of industrial fishing vessels include the name of the vessel, the flag state and any previous flag states,	✓	X	X	N/A	N/A	(A2) Chapter 3(3.2)	

**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	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
			1ary	2ary	1ary	2ary		
	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.							
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	N/A	N/A	(A2) Chapter 3(3.2) (B1) Section 9 and 21	
75.	– Detail the specifications for marking vessels and fishing gear in accordance with internationally approved standards.	X	∅	X	✓	N/A	(B1) Section 49 (D7) Section 20	Provision in (B1) states that operating a vessel within Bangladesh’s marine waters without appropriate marking is an offence.
76.	– Ensure cooperation and coordination between fisheries and maritime authorities throughout the registration process.	✓	X	X	N/A	N/A	(A1) Page 18 (A6) Pages 13–14	
77.	– Ensure authorized 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,	X	✓	X	N/A	N/A	(B1) Sections 33–35 (B2) Section 14 (B8) Section 7	

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	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
			1ary	2ary	1ary	2ary		
	to seize fish, gear and vessels, and to interrogate, detain and arrest persons associated with reasonably suspected violations.						(b9) Sections 15 and 29	
	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	X	N/A	N/A	(A6) Pages 10–11	Reference in (A6) is limited to landing requirements.
	79. – Provide additional VMS specifications and specific details on the registration process.	X*	X	X	N/A	N/A		
	<b>Enforcement processes and sanctions scheme</b>							
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	✓	X	✓	X	(b1) various sections including 3(3), 5(3), 7(2), 15(4), 16(6), (9), 17(2), 21(8), 25, 27, 28, 30(1)(c) and 46–53 (b8) Section 9 (b9) Section 25 (b10) Entire Act (d3) Sections 34–42 (d5) Sections 15–16	Provisions in (b8) to (b10) do not provide for weighting penalties depending on level of severity of the offences. Some Provisions in (b1) provide for weighting penalties.
	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	X	(b1) Sections 39–41, 45, and 54	
	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) Sections 36–38, and 55–59 (b9) Sections 30–31	

**Perceived level of alignment with the EAF legal requirement**

full   
  partial   
  none   
  not assessed   
 N/A not applicable   
 \* optional

EAF components	EAF legal requirement	Fish. policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
			1ary	2ary	1ary	2ary		
							(b3) Section 45	



The ecosystem approach to fisheries (EAF) is a risk-based management process for the planning, management, development, regulation and monitoring of fishing and fishing-related activities. EAF addresses ecological consequences of fishing as well as social, economic and institutional aspects of fisheries sustainability. Adequate legislation and regulatory frameworks are key to successful implementation of the EAF. The continuous review and update of information on legislation and regulatory instruments require the analysis of 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 national policy and legal frameworks of Bangladesh. Based on this preliminary assessment, policy-makers, legal practitioners and fisheries managers can take the necessary steps for improving the EAF implementation in their country. These steps could involve the amendment of existing legislation and/or enactment of new legislation and development of new policies to bring fully in line with an EAF.

**For more information:**

**The EAF-Nansen Programme**

Fisheries and aquaculture - Natural Resources and Sustainable Production  
Food and Agriculture Organization of the United Nations

**Contact:** [info-eaf-nansen@fao.org](mailto:info-eaf-nansen@fao.org)  
**Website:** <http://www.fao.org/in-action/eaf-nansen/en/>



**Food and Agriculture  
Organization of the  
United Nations**



**Norad**



ISBN 978-92-5-137066-7



9 789251 370667  
CC2560EN/1/10.22