

# Regional compendium of fisheries legislation (Indian Ocean Region) Volume I

FAO  
LEGISLATIVE  
STUDY

42/1

Provisional edition



FOOD  
AND  
AGRICULTURE  
ORGANIZATION  
OF THE  
UNITED NATIONS

# Regional compendium of fisheries legislation (Indian Ocean Region) Volume I

Prepared by  
Legislation Branch  
FAO Legal Office  
with the assistance of the  
International Centre for Ocean Development

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## FOREWORD

The changing law of the sea emerging from the Third United Nations Conference on the Law of the Sea and its central concept of coastal state jurisdiction over a 200 mile exclusive economic zone opens up substantial new opportunities for coastal states, while at the same time confronting them with increased responsibilities for the management of the living resources newly within their jurisdiction.

To help developing coastal states to meet these new opportunities and responsibilities, FAO established a Comprehensive Programme of Assistance in the Management and Development of Fisheries in Economic Zones (the FAO EEZ Programme). The Fishery Law Advisory Programme was set up in 1979 as one component of the EEZ Programme, with activities covering the Indian Ocean, Western Pacific and South China Sea, Western Central Atlantic (WECAF) and Eastern Central Atlantic (CECAF) regions. The objectives of the programme are to provide legal assistance on request to the Governments of developing coastal states on subjects such as the drawing up of fisheries legislation and bilateral or joint venture agreements, to train Government fisheries lawyers and to promote the harmonization of fisheries legislation on a regional or sub-regional basis. One of the problems immediately encountered in any attempt at regional harmonization of legislation has been the relative dearth of information on the present state of national laws. An essential task of the fishery law advisory programme then has been to put together collections or compendia of fisheries laws and regulations for each region, together with synoptic tables setting out pertinent information such as the level of licence fees, conservation measures, penalties, etc. in a readily accessible and easily comprehensible form. Compendia have already been published covering the West African (CECAF) and Western Pacific regions.

The present compendium covers the fisheries legislation in force, to the extent known, in the coastal countries of the Indian Ocean and in particular the area served by the FAO Indian Ocean Fishery Commission (IOFC). The Compendium is published in two volumes (Volume I and Volume II).

While every effort has been made to verify the information presented in this compendium, there are, by the very nature of the task, liable to be gaps and inaccuracies. It is hoped that any errors, omissions or new legislation will be communicated to the Chief, Legislation Branch, FAO, Rome, so that updated versions of the compendium may be prepared.

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F.M. Mifsud  
Chief, Legislation Branch  
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PART ONE

ANALYSIS OF NATIONAL LEGISLATION



## ANALYSIS OF NATIONAL LEGISLATION RELATING TO THE MANAGEMENT AND DEVELOPMENT OF MARINE FISHERIES IN THE IOFC AREA

### A. Introduction

The United Nations Convention on the Law of the Sea was signed by 119 countries in Montego Bay, Jamaica, on 10 December 1982<sup>1/</sup>, bringing to a close almost a decade and a half of discussions and negotiations that have had a radical impact on the legal regime of fisheries. Despite the last-minute failure to achieve consensus on the whole Convention the fishery provisions have remained largely unchanged since the time of the first Informal Single Negotiating Text in 1975. Central to these provisions is the concept of coastal state jurisdiction over all natural resources including fisheries within a so-called exclusive economic zone extending beyond the territorial sea up to a distance of 200 miles and the related responsibilities of the coastal state for fisheries management within that zone. Although the new Convention will not come into force until 12 months after the deposit of the sixtieth instrument of ratification or accession, a large number of coastal

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<sup>1/</sup> The following 117 sovereign states signed the Convention on 10 December 1982: Algeria, Angola, Australia, Austria, Bahamas, Bahrain, Bangladesh, Barbados, Belize, Bhutan, Brazil, Bulgaria, Burma, Burundi, Byelorussia, Cameroon, Canada, Cape Verde, Chad, Chile, China, Colombia, Congo, Costa Rica, Cuba, Cyprus, Czechoslovakia, Denmark, Djibouti, Dominican Republic, Egypt, Ethiopia, Fiji, Finland, France, Gabon, Gambia, German Dem. Rep., Ghana, Greece, Grenada, Guinea Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran, Iraq, Ireland, Ivory Coast, Jamaica, Kenya, Korea (Dem. Peoples Rep.), Kuwait, Lao Peoples Dem. Rep., Lesotho, Liberia, Malaysia, Maldives, Malta, Mauritania, Mauritius, Mexico, Monaco, Mongolia, Morocco, Mozambique, Nauru, Nepal, Netherlands, New Zealand, Niger, Nigeria, Norway, Pakistan, Panama, Papua New Guinea, Paraguay, Philippines, Poland, Portugal, Romania, Rwanda, S. Lucia, S. Vincent and the Grenadines, Senegal, Seychelles, Sierra Leone, Singapore, Solomon Islands, Somalia, Sri Lanka, Sudan, Suriname, Sweden, Thailand, Togo, Trinidad and Tobago, Tunisia, Tuvalu, Uganda, Ukraine, USSR, United Arab Emirates, Tanzania, Upper Volta, Uruguay, Vanuatu, Viet Nam, Yemen (Arab Rep.), Yemen (Peoples Dem. Rep.), Yugoslavia, Zambia and Zimbabwe. The Convention was also signed by the Council for Namibia and the Cook Islands. Since then the Convention has also been signed by a further 38 states and two others: Afghanistan, Antigua and Barbuda, Argentina, Belgium, Benin, Bolivia, Botswana, Brunei Darussalam, Central African Republic, Comoros, Democratic Kampuchea, Dominica, El Salvador, Equatorial Guinea, Guatemala, Guinea, Italy, Japan, Lebanon, Libyan Arab Jamahiriya, Liechtenstein, Luxembourg, Madagascar, Malawi, Mali, Nicaragua, Oman, Qatar, Republic of Korea, St. Christopher and Nevis, Samoa, Sao Tome and Principe, Saudi Arabia, South Africa, Spain, Swaziland, Switzerland and Zaire; European Economic Community and Niue. As of 30 April 1986 the Convention had been ratified by the UN Council for Namibia and the following 31 states; Bahamas, Bahrain, Belize, Cameroon, Côte d'Ivoire, Cuba, Egypt, Fiji, Gambia, Ghana, Guinea, Guinea-Bissau, Iceland, Indonesia, Iraq, Jamaica, Kuwait, Mali, Mexico, Nigeria, Paraguay, Philippines, St. Lucia, Senegal, Sudan, Tanzania, Togo, Trinidad and Tobago, Tunisia, Yugoslavia and Zambia.

states have already implemented the central feature of the new regime, the extension of national jurisdiction over fisheries up to 200 miles, in their national legislation <sup>1/</sup>.

The extension of fisheries jurisdiction has had a great impact on the States bordering the Indian Ocean, especially the island countries, bringing vast new areas of seas and fishery resources under their control. The extension of jurisdiction has also brought with it new responsibilities and problems of fisheries management and control over the foreign fishing operations in their zones. In an effort to tackle these problems, over half of the countries of the region have already adopted new fisheries legislation, and others are in the process of drafting or considering proposals for new legislation.

#### B. The Extent of National Jurisdiction

In 1969 an FAO survey showed that almost all of the countries bordering the Indian Ocean claimed fisheries limits of 12 miles or less. Now, following adoption of the UN Convention on the Law of the Sea, almost all the countries that have a potential 200 mile fishing zone have claimed it. Only Tanzania (50 miles) and British Indian Ocean Territory (3 miles) have failed to exercise a potential 200-mile claim, and in the latter case, Mauritius has claimed an EEZ around the same islands, the Chagos Archipelago. Of the 14 countries in more constricted geographical situations, 6 have extended fisheries jurisdiction to an agreed or median line or, in the case of Egypt, an unspecified distance. Most of these claims are in terms based on the Convention. Thus 27 States of the region have established 12-mile territorial seas. Of the remainder, 7 claim territorial seas of 6 miles or less, one of 50 miles and one of 200 miles. Twenty-one states have established exclusive economic zones, 18 of them extending out to 200 miles, and 4 others have established fishing zones, ranging from median lines to 200 miles in the case of Australia.

So far as the implications of extended national jurisdiction over fisheries are concerned, most of the countries in the IOFC region base their fishing industries mainly on their own resources, but a growing number also operate in neighbouring and high-seas waters. Notable in this regard are Thailand, which possesses a sizeable middle-water fishing fleet, Mauritius, which has the nucleus of an oceanic tuna fleet, and Seychelles and Madagascar, which serve as bases for oceanic purse-seiners. In addition to the purse-seiners (mainly French and Spanish), foreign fishing is represented by Japanese, Korean and Taiwanese long-liners fishing in Seychelles and on the high seas, Soviet trawlers in Mozambique and Yemen P.D.R., and a variety of

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1/ As of October 1984, out of some 140 independent coastal states, four fifths (112 states) claim limits of more than 12 miles. Ninety-seven claim 200 miles, 6 claim limits over 12 and less than 200 miles, two claim areas defined solely by geographical coordinates and a further 7 claim jurisdiction up to median lines short of 200 miles. EEZ legislation is pending before the legislative bodies of a number of other countries or has been enacted and is awaiting entry into force. See generally, Coastal State Requirements for Foreign Fishing, FAO Legislative Study N° 21, Rev. 2, Rome, 1985.

fishing activities by East Asian vessels in Australia and Indonesia. There are also joint venture arrangements with foreign interests in many Indian Ocean countries.

C. Legislation for extended fisheries jurisdiction

The status of legislation to implement extended fisheries jurisdiction varies considerably, from relatively elaborate maritime zones acts to simple proclamations of jurisdiction without any implementing legislation whatever. Since there has been a tendency for extended zones to be proclaimed by the executive first and only made the subject of legislation later, it can be expected that the number of countries which have extended their jurisdiction without legislation will diminish as implementing laws are adopted.

There is one cluster of EEZ laws which stands out both for its completeness and for the striking similarity of the laws to each other. The group comprises Burma, India, Mauritius, Pakistan, Seychelles and Sri Lanka 1/. Each of these countries' laws establishes a 12-mile territorial sea limit and provides for innocent passage of foreign ships. Each of the laws except for Mauritius and Seychelles also provides for the establishment of a contiguous zone for security purposes. They all define the coastal state's sovereign rights over the continental shelf. Finally, all the laws provide for the establishment of exclusive economic zones of 200 miles, in which the rights of the coastal state are described in almost identical language, based generally on the Convention on the Law of the Sea. Each of the states requires exploration and exploitation activities within the economic zone to be licensed, or otherwise authorized, although all but Pakistan and Sri Lanka specifically provide that these controls are not to apply to fishing by local nationals. In addition, all but Burma and Sri Lanka provide for the establishment of designated areas within the economic zone and on the continental shelf in which further controls may be exercised. Sri Lanka provides for a Pollution Prevention Zone to be established. Provisions on offences and sanctions are included in the laws of all but Sri Lanka. This group of laws also extends or creates the power to extend any act to the EEZ and continental shelf which could go beyond the rights of coastal states in the EEZ under UNCLOS.

Similarly complete maritime zones legislation also exists in Bangladesh, Comoros, Djibouti and Yemen P.D.R., although the details vary 2/. Both Indonesia 3/ and Malaysia 4/ have rather extensive laws, although they deal only with the EEZ and not the other maritime zones. The Malaysian law has particularly extensive provisions on the marine environment and on scientific research in the EEZ.

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1/ Burma Territorial Sea and Maritime Zones Law, 1977; India Territorial Waters, Continental Shelf, Exclusive Economic Zone and other Maritime Zones Act, 1976; Mauritius Maritime Zones Act, 1977; Pakistan Territorial Waters and Maritime Zones Act, 1976; Seychelles Maritime Zones Act, 1977; Sri Lanka Maritime Zones Law, 1976.

2/ Bangladesh Territorial waters and Maritime Zones Act, 1974; Comoros Loi N° 82.005; Djibouti Loi N° 52/AN/78 of 9 January 1979; Yemen P.D.R. Act N° 45 of 1977.

3/ Indonesia Act N 5 of 1983 on the Indonesian Exclusive Economic Zone.

4/ Malaysia Exclusive Economic Zone Act, 1984.

France 1/, Mozambique 2/ and Oman 3/, on the other hand, only define the zones, leaving other legislation to regulate activities. Madagascar's new EEZ law 4/ has slightly more substance in adding to the definition of maritime zones the general prohibition against foreigners' exploiting the EEZ without permission.

Even the most elaborate maritime zones laws require regulations to make them effective, and they usually contemplate further legislation or the extension of existing laws as well. These laws and regulations have taken a variety of forms, depending both on the nature of the texts establishing extended jurisdiction and on the nature of the activities to be regulated. Several countries in the region have adopted specific legislation on foreign fishing (Comoros 5/, India 6/, Sri Lanka 7/) or fishing in the EEZ (Pakistan 8/); others have revised or replaced their general fisheries legislation to meet new circumstances (Australia, Bangladesh, Indonesia, Malaysia, Oman, Qatar, Yemen P.D.R.); while a third group has so far relied on existing legislation extended to the new areas, or measures taken under the authority of extended jurisdiction laws and proclamations (Djibouti, Egypt, Kenya, Madagascar, Mauritius, Saudi Arabia, Thailand, United Arab Emirates). The tendency is to revise general fisheries legislation for application to extended zones, but there is usually a lag of several years between the initial proclamation of jurisdiction and the adoption of an applicable fisheries law. In one case, Seychelles, all approaches have been used, culminating in 1986 in a new fisheries law of general application 9/.

The remainder of this introduction will concentrate on the substance of fisheries legislation in the Indian Ocean, in whatever form it is embodied.

#### D. Fisheries Management

The extension of jurisdiction over fisheries has increased the interest of coastal states in fisheries management and confronted fisheries managers with a formidable task. The Law of the Sea Convention charges the coastal state with legal responsibility for managing resources in its EEZ and gives several criteria according to which management should be conducted. One is "optimum utilization of the living resources of the exclusive economic zone", a laudable objective, but one which is notoriously hard to define. Another objective is protection of the resources against over-exploitation, for which a minimum standard may be the maintenance of populations "at levels which can produce the maximum sustainable yield, as qualified by relevant environmental and economic factors". Measures to do this should be based on "the best scientific evidence available". For the majority of countries which have not previously had much scientific evidence at hand for fisheries management, this

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1/ France Loi du 16 juillet 1976 relative à la zone économique; Décrets N<sup>o</sup> 78.146, 78.148, 78.149.

2/ Mozambique Decreto-Lei N<sup>o</sup> 31/76 of 1976.

3/ Oman Royal Decree N<sup>o</sup> 15/81 of 1981.

4/ Madagascar Ordonnance N<sup>o</sup> 85-013.

5/ Loi N<sup>o</sup> 82-015 du 13 août 1982.

6/ Maritime Zones of India (Regulation of Fishing by Foreign Vessels) Act, 1981.

7/ Fisheries (Regulation of Foreign Fishing Boats) Act N<sup>o</sup> 59 of 1979.

8/ Exclusive Fishery Zone (Regulation of Fisheries) Act, 1975.

9/ Fisheries Act, 1986 (not yet in force).

provision is not easy to apply to the EEZ. The Convention also requires countries to establish a total allowable catch for their EEZs, but except for optimum utilization, and maximum sustainable yield, as qualified, it does not offer much guidance in how the TAC should be established. In practice, for a country to determine what is optimum utilization of fisheries, to decide what should be the allowable catch, to devise management measures that will protect stocks while achieving other national objectives - to do any of these things in a rational way, a country must engage in a process of planning that relates its management measures to the objectives it has set.

Fisheries management may be pursued for several sometimes incompatible objectives and uses a variety of means. Traditionally management has sought first to protect the resource against damage or destruction, and within that task to distribute the opportunities to fish. More recently countries have begun to adopt management schemes for the express purpose of maximizing economic benefits (to the state or to a defined group of fishermen) from the fishery.

#### 1. Management planning

While it is not strictly essential that machinery, procedures and criteria for planning be set up by legislation (as opposed to administrative action), it is essential that the problem of how such management planning should be carried out, be properly confronted. As an example of how this problem is being approached in one country outside the region, the legislation implementing the U.S. 200-mile fishery conservation zone provides for the drawing up of management plans for each fishery by regional fishery management councils, working on the basis of national standards and criteria 1/.

Within the Indian Ocean, management planning provisions and criteria are increasingly found in the fisheries Legislation. Australia provides for management planning including for joint state federal management authorities to undertake fisheries management planning and exercise management powers 2/. Malaysia 3/, Qatar 4/ and the new Seychelles' Act 5/ all provide explicitly for fisheries management planning. In Australia and Malaysia, plans are to seek the "optimum utilization" of fishery resources, which is not defined; in the other countries, planning goals are less clearly stated. Kuwait 6/, Oman 7/, Sri Lanka 8/ and Yemen Arab Republic 9/ all have provisions for co-ordination which may be adapted to planning as well, and Bangladesh legislation mentions fisheries management and development plans as a criterion for granting licences 10/ although it does not provide explicitly for anybody to compile the plans. Legislation now under consideration in Kenya and Mauritius also provides for management planning.

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- 1/ USA Fishery Conservation and Management Act of 1976 - Title III - National Fishery Management Programme.
  - 2/ Fisheries Act 1952, Part IVA.
  - 3/ Fisheries Act 1985, s. 6.
  - 4/ Law N° 4 of 1983, Art. 3.
  - 5/ Fisheries Act 1986, s. 3.
  - 6/ Decree Promulgating Law N° 46 of 1980, Art. 9.
  - 7/ Sultanic Decree N° 53/81, Art. 3.
  - 8/ Act N° 54 of 1981, s. 4.
  - 9/ Law N° 20 of 1978, Art. 2.
  - 10/ Marine Fisheries Ordinance, 1983, ss. 19, 24(2).

A new development in planning provisions is a provision for consultation or co-ordination of plans with neighbouring countries. This first appeared in the IOFC region in the legislation of Oman in 1981 1/, soon followed by a very similar provision in Qatar in 1983 2/. Both provisions derived from a model fisheries law adopted by the Ministers of Agriculture of the Arabian Peninsula and the Gulf, and they reflected both the fact of shared shrimp stocks in the Gulf and the Ministers' general interest in regional co-operation. The recently adopted legislation in Seychelles 3/ and that under consideration in Mauritius also provide for regional consultation on fisheries plans, in this case based on the common interest in tuna fisheries.

## 2. Resource information

The greatest source of fisheries resource information is the statistical returns of fishermen. Most of the countries in the IOFC area make some provision in their laws for the collection of statistics. The statistics may also have a compliance-control purpose, but that is more apparent in requirements for real-time reporting, usually by radio or telex, which are discussed below. A typical resource information requirement is to maintain a fishing log. This is either required or authorized to be required by the laws and regulations of Australia, Bangladesh, Comoros, French dependent territories, India, Indonesia, Madagascar, Malaysia, Mozambique, Oman, Saudi Arabia, Seychelles and Sri Lanka. More general reporting requirements in Bahrain, Egypt, Kuwait, Maldives, Pakistan, Qatar, Saudi Arabia and Somalia may be applied so as to require maintenance of a log.

Requirements of written returns do not usually apply to artisanal fishermen, but even they are usually subject to requirements to give information as requested, to present their catch for weighing or to land it at designated points where statistics are kept. This is the case in Kenya and Mauritius, for example 4/.

A second source of resource information is research and survey work. Several countries allow for exemptions from normal licensing and management measures for research or scientific fishing. There has been some dissatisfaction with the genuineness of scientific purpose of some experimental fishing and with the timeliness and completeness of data supplied, which has prompted at least one country to consider an approved research plan and transmission of raw data as conditions of scientific fishing.

Traditional fisheries management measures include prohibitions of ecologically harmful methods of fishing, such as explosives, minimum sizes of fish, gear restrictions, closed seasons and closed fishing areas. Any of these measures may be applied as a condition of individual fishing licences, discussed below, and to that extent they exist potentially under most fisheries laws. As distinct legislative or regulatory provisions, however, they are not so nearly universal. In the IOFC area, the most common measure is a prohibition of ecologically dangerous methods, found in Bahrain,

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1/ Sultanate Decree N° 53/81, Art. 30.

2/ Law N° 4 of 1983, Art. 28.

3/ Fisheries Act 1986 (not yet in force) s. 3(4).

4/ Kenya Fish Industry Act, s. 7(c); Mauritius Fisheries Regulations 1983.

Bangladesh, Egypt, India, Indonesia, Iran, Iraq, Israel, Jordan, Kuwait, Maldives, Mauritius, Oman, Pakistan, Qatar, Seychelles, Sri Lanka, Sudan, Tanzania, Thailand, Yemen Arab Republic and Yemen Democratic Republic.

Mesh size regulations are authorized in the laws of many countries, but apparently only applied in Australia, Bangladesh, Egypt, Indonesia, Iran, Israel, Kuwait, Madagascar, Malaysia, Mauritius, Mozambique, Qatar, Saudi Arabia and Sudan. They are also presumably applied by state legislation in India. Minimum fish sizes, restrictions on taking berried female lobsters and other catch characteristics are found in Australia, Iran, Israel, Kenya (oysters), Kuwait, Madagascar, Mauritius, Oman ("small fish"), Pakistan, Qatar, Seychelles, Sri Lanka (spiny lobster) and Sudan.

Closed seasons are applied in Mauritius for different kinds of gear and in several countries for shrimp. The most interesting of these provisions was jointly adopted by the members of the IOFC Gulfs Fisheries Committee to prohibit shrimping during the critical period of the year (roughly February to June, although the dates of national regulations vary). Pakistan also has a closed season for shrimp, June and July.

A number of laws authorize closed areas for conservation and other purposes, but most of those have been applied for the purpose of restricting certain gear in coastal or local-fishing areas. Thus Malaysia restricts trawlers to distances of from 3 to 12 miles, depending on their size, and also prohibits night fishing by the smaller trawlers <sup>1/</sup>. Egypt, Kuwait, Madagascar also restrict trawling in terms of distance or geographical areas. Bangladesh, Oman, Qatar and Saudi Arabia all prohibit the use of certain gear in shallow water. Iran includes a combination of distance and depth criteria for the operation of trawls and certain other gear.

Programmes to limit catch and effort are relatively rare, except for the perhaps unintended effect of the special conditions applied to foreign fishing. A notable exception is Australia, which has considerable experience with controlled entry to several fisheries, especially the Northern prawn fishery. Malaysia is making efforts in this direction and a number of countries in the IOFC area have instituted some basic provisions which would facilitate limitation schemes. Planning is one such provision and licensing is another.

### 3. Licensing

The heart of any effective fisheries management system is licensing. An appropriately designed licensing system allows the fisheries administration to limit entry into a fishery both quantitatively and in terms of the kind of fishing that will be allowed and the way it can be conducted. Licensing provides the basis for the collection of statistics, for collecting fees, for imposing other conditions and for controlling compliance with the fisheries regime.

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<sup>1/</sup> Fisheries (Maritime) Regulations, 5th schedule.

Not surprisingly, most of the countries in the IOFC region have some sort of licensing system, although it may be limited to certain kinds of fishing or sizes of vessel. In some cases the requirement is in terms of "registration" rather than licensing (Kenya, Sri Lanka) but the provisions are similar in substance. It is suspected even where the legislation is not available that all countries in the Indian Ocean in fact require authorization for foreign fishing. Quite a few known to have licensing requirements, on the other hand, do not require a licence for certain categories of local vessel (Bahrain, Djibouti, Indonesia, Israel, Jordan, Kenya). And very few countries require a licence for fishing without a vessel, except for certain kinds of net and for special products such as cockles, bêche-de-mer and turtles.

Simply requiring licences is not in itself a means of controlling catch and effort, which depends on the criteria for granting licences. Traditionally, there have been three main strains of licensing criteria in fisheries legislation. One has been to leave licensing to the broad discretion of a licensing officer, frequently exercised according to administrative instructions or standard practices (e.g. Australia, Comores, France, India, Iraq). This is a very frequent provision for foreign licensing. A second, almost opposite strain has been the automatic licence, in which the licensing officer apparently has no power to refuse a correctly submitted application (e.g. Tanzania). In practice, where there is no policy of limiting licences, the two approaches may produce the same result. Such licences are not well suited for a limitation scheme because there is no reasoned legal basis for distinguishing among potential licensees.

A third approach, which has usually been applied to fixed gear and inland fisheries, is to grant exclusive rights to fish or to use certain gear in an area. Thailand 1/ authorizes exclusive fisheries and Bahrain 2/ explicitly cites interference with other fish barriers as a ground for refusing a licence for a new barrier.

A more general power to limit the number and kind of licences can also be used to limit fishing effort in a non-exclusive fishery, which is not a traditional approach. As mentioned, licence-limitation schemes are still very rare, in practice, but much of the legislation in IOFC countries now provides explicitly for the limitation of licences or could be used to limit them.

Refusal or cancellation of licences for the proper management of fisheries (expressed in different ways) is increasingly found in legislation in the IOFC area (e.g. Australia, Comoros, Sri Lanka). Legislation in Bangladesh 3/ and Malaysia 4/ go somewhat further and require licensing decisions to conform to the fisheries plan. In addition both Oman 5/ and Qatar 6/ have provisions for planning and for limiting the number of licences, although the two provisions are not linked in the legislation.

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1/ Fisheries Act, B.E. 2490, sec. 10-13.

2/ Decree Promulgating Law N° 5 of 1981, Art. 10.

3/ Marine Fisheries Ordinance, 1983, s. 19, 24(2).

4/ Fisheries Act 1985, s. 13(1), 18(1).

5/ Law N° 4 of 1983, Art. 3(a), 13.

6/ Sultanlic Decree N° 53/81, Art. 3, 11.

Actually fixing limits of catch and effort requires some determination of the desirable or permissible level. At least nine countries' laws require that the level be set for some - usually foreign - or all fisheries (e.g. Bangladesh, Egypt, France, Indonesia, Kuwait, Maldives, Oman, Qatar, Seychelles), and eight others allow limits on either catch or effort to be established (Australia, Comoros, Iraq, Israel, Madagascar, Malaysia, Sri Lanka, Tanzania).

At least six countries have published laws or regulations actually setting allowable catches or effort levels for given fisheries. Indonesia has stated a total allowable catch for several species in accordance with its fisheries law; it is now required to establish the number and equipment of vessels allowed to take the TAC. Madagascar has established a commission which advises on the issue of large-vessel licences and establishes quotas for small-vessel licences. Iran, Mauritius, Mozambique and Saudi Arabia have all established effort limitations by law or regulation without a separate enabling provision. In addition, Kuwait has adopted a temporary policy of not issuing new fishing licences while it considers more permanent limitations.

#### E. Foreign Fishing

The extension of national jurisdiction over fisheries implies increasing problems of allocating and controlling access by foreign vessels and enforcing conservation measures. While the attitude of countries in the region towards foreign fishing in waters under national jurisdiction varies over a wide range, it is the intention here to look not so much at the general governmental policy as the mechanics of implementation and enforcement of that policy.

##### 1. Nationality criteria

A basic element in controls over foreign fishing is the definition of national and foreign. This determines whether an operation can qualify for national treatment and avoid the more onerous conditions of foreign fishing altogether. Differences in definition have, on occasion, been the cause of substantial misunderstandings between countries interested in negotiating reciprocal fishing agreements.

In most countries in the region the basic nationality criterion is the ownership of the vessel (fishing without a vessel is frequently not even regulated). The differences arise mainly where ownership is shared among nationals and foreigners, or where the vessel is owned by a company in which shares are held by non-nationals. The traditional rule in common-law countries has been not to go behind the "veil of incorporation" to ascertain the ownership of company shares, but to treat any company incorporated under the local law as a local company, wherever actual control lies <sup>1/</sup>. The Australian Fisheries Act, for example, defines an Australian boat as one wholly owned by a person resident of, or company incorporated in Australia, provided that the operations of the boat are based in Australia and that the boat was built in Australia or lawfully imported or forfeited there <sup>2/</sup>,

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<sup>1/</sup> As, e.g., in Australia, Malaysia and Pakistan. Similar legislation is also in force in Ethiopia, Sri Lanka and Tanzania.

<sup>2/</sup> Australia: Fisheries Act, 1952, S.4. Controls over foreign participation in joint ventures or wholly owned Australian subsidiaries are handled through other legislation.

Similarly in Ethiopia, Kenya, Pakistan and Tanzania any vessel owned by a local company is defined as a national vessel.

It has become increasingly clear, however, that the criterion of vessel ownership is not sufficient to define nationality for the purpose of preferred access to national resources, including fisheries. A number of countries have therefore added requirements concerning the ownership of companies that own vessels. In Malaysia, a local fishing vessel is defined as one wholly owned by the Government of Malaysia or the Government of a State in Malaysia; or by Malaysian citizens; or a statutory corporation established under any of the laws of Malaysia; or a body corporate or unincorporate whether established in Malaysia or not, provided that it is wholly owned by any of the former persons or bodies 1/. In India, 60 % of the share capital of the company is to be held by Indian citizens 2/. In a number of other countries, local management is also a criterion. Thus, in Thailand, a majority of the directors must be nationals, if a limited company is to claim local status for its fishing vessels 3/. In Madagascar a majority of the share capital must be owned by nationals, the principal office must be in Madagascar and the general manager or managers, the chairman, and a majority of the board of directors must all be nationals 4/. Other countries with nationality requirements for company shareholders and directors include Bangladesh, Comoros, France, Iran, Seychelles, Sri Lanka and Yemen Arab Republic.

Several countries in the IOFC area define nationality in such a way that foreign-owned vessels operated by - or under contract to - local nationals are treated as local vessels. In the case of France 5/, this is only permitted where nationals have full control of the vessel and it can relinquish the flag of ownership. Mauritius, Oman and Qatar require specific approval of charter arrangements; Saudi Arabia does not.

## 2. Coastal State requirements for foreign fishing

Within the region, only Thailand seems to exclude the possibility of fishing by foreign vessels fishing in waters under its jurisdiction. The law actually allows for fishing by foreign vessels under intergovernmental agreements, but it also requires all vessels fishing within those limits to hold a fishing licence, and forbids the issue of such licences to non-nationals or foreign-controlled companies 6/.

Where an element of foreign fishing is allowed, this is sometimes subject to the same general requirements and system of licensing as national fishing 7/. In Pakistan, for example, the Territorial Waters and Maritime Zones Act, 1976, provides that fishing operations in the 200-mile exclusive economic zone

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1/ Fisheries Act 1985, s. 2.

2/ Maritime Zones of India (Regulation of Fishing by Foreign Vessels) Act, 1981, s. 2(e).

3/ Act Governing the Right to Fish in Thai Fishery Waters, B.E. 2482, s. 5.

4/ Code of Merchant Shipping, Art. 22.03.

5/ Act N° 67-5 du 3 janvier 1967, Art. 3, amended.

6/ Act Governing the Right to Fish in Thai Fishery Waters, B.E. 2482, s. 5, 7.

7/ S. 6(3).

are to be regulated by the provisions of the Exclusive Fishing Zone (Regulation of Fishing) Act, 1975, which applies to national and foreign craft alike. Bahrain and Yemen People's Republic also treat nationals and foreigners in the same way in their fisheries legislation, although Yemen applies very different conditions to foreign vessels through bilateral agreements.

In other countries in the region a distinct set of requirements applies to foreign fishing. These may be imposed by separate legislation as in India, Sri Lanka and until recently in Seychelles, or merely under special provisions of the general fisheries law.

One of the decisions of principle to be made by coastal state governments is whether foreign fishing operations are to be authorized only under the framework of an intergovernmental fishing agreement or whether individual applications should be entertained, and, conversely, whether individual licences or permits should be required even where bilateral "umbrella" agreements are in force. As evidenced by trends in other regions of the world, the requirement of both "umbrella agreements" and individual licensing seems to be viewed as the most effective basis for compliance control. Some of the States of the region have opted for that procedure. Seychelles' recently adopted legislation will require both as a general rule, as do Australia, French Departments and dependent territories, Indonesia, Kuwait, Malaysia, Madagascar (territorial sea) and Thailand.

North and South Yemen require either a licence or an agreement, and Iran requires only an agreement. In addition, agreements will in practice be the rule for fishing by EEC vessels, which already fish in Madagascar and Seychelles and have expressed interest in having agreements with Comoros, Kenya, Mozambique, Somalia and Tanzania.

Although the content of agreements is not usually specified, recent legislation in both Malaysia 1/ and Seychelles 2/ provides that agreements shall include an undertaking by the Government of the flag state to ensure compliance by its vessels with the fisheries laws of the coastal state. It is worth noting that recent fishing agreements both in the Indian Ocean and elsewhere generally do contain such an undertaking.

a. Conditions relating to benefits from foreign fishing

(1) Fees

The benefits available from foreign fishing may be realized in a number of ways, but the most common and the easiest to compare is fishing fees. Foreign fishing in the IOFC area is subject to the payment of fees that vary enormously, which is not surprising given the great variation in circumstances among countries of the region. One of the greatest beneficiaries of fishing fees, Seychelles, does not include the amounts in its regulations, but they are available from agreements. Under the agreement with Spain for purse-seining the fee amounts to a total of 5 per cent of the value of catches from anywhere in the Indian Ocean. The 1984 agreement with the EEC, on the

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1/ Fisheries Act 1985, s. 17.

2/ Fisheries Act 1986 (not yet in force), s. 6(3).

other hand is expressed in tonnages and provides for total payments of ECU 70 per tonne caught in Seychelles waters, in addition to certain other payments.

Somalia, which has had extensive experience with foreign and joint-venture fishing, has promulgated a special scale of fees for joint ventures, which range up to \$ 10,000 a year for a 50/50 joint venture in addition to a vessel fee of up to \$ 1600 per month for a tuna vessel. Foreign (not joint-venture) vessel fees are \$ 80 per year per horsepower unit plus a royalty on catch ranging from \$ 49 a tonne for finfish to \$ 420 a tonne for deep-sea lobster 1/.

Other countries calculate fees in a variety of ways. Bangladesh and Indonesia charge according to the carrying capacity of the vessel. The amount ranges from \$ 25 to \$ 334 per vessel in Bangladesh. In Indonesia it is from \$ 44 to \$ 85 per cubic meter of hold capacity, depending on the type of vessel. Indonesia also has a schedule of fees for joint-venture vessels, up to \$ 1,000 per vessel plus royalties of up to 2 % of catch value. India charges foreign fishing fees based on the tonnage of catch allowed, ranging up to \$ 158 per tonne for trawl fish.

A number of other countries appear to have very low foreign fishing fees, but they tend either not to have significant foreign fishing or to impose other conditions, including fees paid under agreements. Thus Oman has fees applicable to local and foreign operators alike that do not exceed \$ 700 per vessel, yet it has long collected one of the highest payments in kind (30 per cent) anywhere.

## (2) Other benefits

Other forms of benefit are mentioned in some of the legislation in the IOFC region, including training (Comoros, India, Malaysia, Maldives, Mauritius, Saudi Arabia, Somalia, Sri Lanka), employment (Bangladesh, Malaysia, Mauritius, Sri Lanka), research (Comoros, India, Malaysia, Mozambique). Most of the provisions merely authorize the relevant conditions to be applied to licences, but some are more specific. Bangladesh, for example, requires the employment of three nationals as a condition of each foreign fishing licence 2/ while Mozambique requires all vessels to perform 10 days of research a year (20 days for shrimp vessels) 3/.

Several countries mention landing of catch (many control trans-shipments, but essentially for enforcement purposes), processing and establishment of shore facilities, but these are difficult to apply as simple licence conditions since they are normally part of more complex transactions (e.g., investments in shore facilities, marketing arrangements). A related condition that is obligatory in some countries is vessel standards. Bangladesh 4/, Indonesia 5/ and Mozambique 6/ require certain specifications including refrigeration. Qatar requires navigation lights and safety equipment 7/.

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1/ Ministerial Decree, 25 September 1986.

2/ Marine Fisheries Rules, 1983, R. 18.

3/ Diploma Legislativo N°65/71, Art. 58; Diploma Legislativo N°50/71, Art.21.

4/ Marine Fisheries Rules, 1983, R. 12-13.

5/ Temporary Regulations of 2 December 1973.

6/ Diploma Legislativo N° 65/71, Art. 10-21; Diploma Legislativo N° 50/71, Art. 6-13.

7/ Executive Regulations N° 2 of 1985, Art. 15.

Whether or not such conditions are mentioned in their legislation, several countries in the region in fact receive significant non-financial benefits from foreign fishing. Thus both Seychelles and Somalia have succeeded in obtaining employment of local nationals aboard foreign vessels. Several countries have joint venture arrangements which are in fact linked to parallel foreign fishing operations, although the joint venture is not a legislative requirement for foreign vessels. South Yemen has arrangements for the landing and local processing of catch from the licensed foreign fleet.

There are also certain conditions designed more to prevent a loss than to gain a benefit. Foremost are provisions to exclude foreign fishing vessels from areas exploited by local fishermen. Indonesian legislation provides for zoning of certain areas according to type of fishing in order to protect traditional fisheries 1/. Several countries, including Seychelles 2/ and Comoros 3/, forbid foreign fishing within their territorial waters (12 miles). Malaysia 4/ prohibits foreign trawlers within 30 miles of the coast and Maldives 5/ goes somewhat further and only authorizes foreign fishing beyond 75 miles from its shores. Malaysia also provides that compensation for damage to local fisheries interests may be made a licence condition 6/.

b. Conditions relating to compliance control

Enforcing legislation in a maritime zone 200 miles wide has not been easy for coastal states, especially for developing countries that do not have and cannot afford expensive means of air and sea patrol. This has caused them to seek more cost-effective means. There have been consequent innovations in criminal law, including the increased use of presumptions, of civil or compounded penalties and of course of high fines and forfeitures. One of the most interesting developments on the enforcement front, however, has been the increasing attention paid in some parts of the world to the use of licence conditions to improve compliance with fisheries regimes.

The use of bilateral agreements is in some respects a compliance control measure, giving the coastal state leverage it would not otherwise have over both licensed vessels and also other vessels of the flag state. Even without reaching the point of prosecution, the threat of losing all fishing opportunities for its vessels can cause a flag state to apply considerable pressure on its vessels to comply with coastal state legislation.

Conditions of fishing licences which aid compliance control are potentially infinite, but countries have recently tended to emphasize reporting. It is felt that self-reporting by a well identified group of vessels, such as those under licence, should be a relatively cheap source of information on their activities. Reports of position and catch should be easily verified by occasional surveillance and by port inspections, either at random or at the beginning and end of each trip. To be an effective compliance tool, though, the reports must be transmitted by radio or telex.

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1/ Decree N 607 of 1976.

2/ Foreign Fishing Vessels Regulations, 1979, Reg. 5.

3/ Loi N° 82-015, Art. 2.

4/ Fisheries (Maritime) Regulations, 1967, 5th Schedule.

5/ Regulations for Issuing the Licence to Fish, Art. 2.

6/ Fisheries Act, 1985, S. 19(4)(r).

Complicated regulations, such as by-catch and type of gear are less amenable to enforcement on the basis of vessel reports and would require other means of enforcement.

Legislation in the Pacific, where control of unauthorized fishing has higher priority than enforcement of management regulations, not surprisingly emphasizes reporting of vessel activities. West African legislation devotes much less attention to this aspect. In the Indian Ocean, real-time reports are required or at least authorized by Australia (also a Pacific country), Bangladesh, Comoros, France, India, Indonesia, Malaysia, Seychelles and Sri Lanka. This requirement is likely to become more common with the development of purse-seining in the Indian Ocean. The complementary requirement of vessel marking is even more common 1/ although not all countries require marks that can be seen from the air or at a distance.

There are a number of other licence conditions designed to improve compliance. Some are quite common in the IOFC region, although it is not possible to say how rigorously they are applied. For example, requirements to come into port for inspection and to trans-ship only in the coastal state generally allow exceptions to be granted administratively. With this proviso, inspection and trans-shipment requirements are found in Bangladesh, Comoros, India, Malaysia, Seychelles and Sri Lanka. Indonesia require inspection but does not appear to control trans-shipment and France, Mauritius, Somalia and Sudan control trans-shipment but do not mention port inspection.

Other conditions include stowage of gear outside of authorized fishing areas, boarding of observers, carrying of position-fixing equipment and bonding. All of these are authorized by several countries' legislation, although they may not be applied in practice 2/. The requirement to appoint a local agent is also common, and in all cases where it is mentioned, it is a mandatory - rather than merely authorized - condition 3/.

#### F. Enforcement of Fisheries Legislation

A limitation on self-reporting compliance systems is the necessity of enforcement when violations are discovered. This has traditionally meant criminal enforcement backed up by police and military power - again, a high-cost method. The fact that most licensed vessels value their unharried fishing opportunities has meant that the threatened loss of a licence could to a large extent replace physical force in securing compliance. This has been powerfully complemented by flag-state responsibility, as already discussed, and by a regional register.

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1/ Australia, Bahrain, Bangladesh, France, India, Mozambique, Oman, Qatar, Seychelles, Somalia, Sri Lanka, Sudan, Tanzania; Comoros and Malaysia may require markings. Bangladesh, India, Mozambique, Sechelles and Sri Lanka require the vessel to fly its flag.

2/ Australia (stowage, observers), Bangladesh (stowage, observers, equipment, bond), Comoros (observers, equipment), India (stowage, observers, equipment), Indonesia (stowage, observers); Malaysia (stowage, observers, equipment, bond); Maldives (observers, bond); Mozambique (bond); Seychelles (stowage, observers, equipment, bond); Somalia (observers); Sri Lanka (stowage, observers, equipment, bond); Sudan (observers, bond).

3/ Australia, India, Indonesia, Malaysia, Seychelles, Sri Lanka.

As practised in the Pacific, the regional register is a list of vessels which have not evaded their obligations under fisheries legislation in participating countries (members of the Forum Fisheries Agency). Those that do, for example by fishing illegally and not submitting to coastal-state jurisdiction, may lose their good standing on the register and consequently their eligibility to fish in any of the countries. This magnifies the threat of licence revocation. It is also interesting to note that both flag-state agreements (if appropriately drafted) and a regional register extend the non-criminal enforcement system to unlicensed vessels as well: other vessels of the same flag, and vessels that would wish to fish in any country in the region. Of the countries included in the coverage of the present compendium, only Australia, a Forum Fisheries Agency member, participates in a regional register, and this of course, in respect of the Pacific not the Indian Ocean.

Even where the use of force is minimized, the powers of traditional law enforcement are still a necessary element of compliance control. Their exercise has been greatly complicated by the extension of jurisdiction and some new approaches have been developed to aid law enforcement in extended zones. Given the different legal traditions and judicial procedures in the various countries of the Indian Ocean area, no attempt will be made to deal here with all aspects of this problem. General comments will be made only on aspects of enforcement relating to foreign fishing.

It is becoming standard in new fisheries legislation in the Indian Ocean and elsewhere to provide for specific penalties for violation of the law by foreign fishing vessels, especially for the offence of fishing without a licence. There are two related reasons for distinct penalties for foreign and national vessels. One is that UNCLOS forbids the penalty of imprisonment for fisheries offences by foreign vessels in the EEZ. Some states clearly do provide for imprisonment for illegal foreign fishing in the EEZ, including Bangladesh, Burma, Mauritius, Yemen PDR (others have prison penalties but they either only apply to the territorial sea or continental shelf or exist as provisions in legislation that predates the EEZ), but they are a distinct minority and most of them do not rely on imprisonment in practice. It is generally necessary therefore to find other sanctions; high monetary penalties are an obvious one. A second reason for distinct penalties for foreigners is that it is harder to apprehend foreign than local vessels, so deterrent penalties are relied on to make up for the infrequencies of apprehension. Both reasons suggest penalties that may in fact be ruinous to the vessel owner. A lesser admonition is more likely to be considered sufficient for national vessels, and prison is always available as the traditional way of dealing with the incorrigible offenders among them.

The highest fines for illegal foreign fishing in the Indian Ocean are probably in Malaysia. If found guilty of fishing without a licence, the owner or master of a foreign fishing vessel is liable to a fine not exceeding one million ringgit each and every member of the crew is liable to a fine of one hundred thousand ringgit. In all other cases, there is a liability to a fine not exceeding fifty thousand ringgit or a term of imprisonment not exceeding two years or both <sup>1</sup>/. In India, the nature of the penalty depends on whether the contravention takes place on the territorial waters or in the exclusive

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<sup>1</sup>/ Fisheries Act 1985, S. 25.

economic zone. In the first case, the owner or the master of the vessel is punishable with imprisonment for a term not exceeding three years or with fine not exceeding 1,5 million rupees or with both. In the second, the penalty is less severe since such persons are only punishable with fine not exceeding 300,000 rupees 1/. In Sri Lanka, contravention of the relevant provision of the law carries a fine not exceeding one million five hundred rupees 2/. Forfeiture of vessels, gear and catch is a typical accompaniment to fines for foreign fishing offences, similarly a response to the need for deterrent penalties other than imprisonment. Forfeiture of vessels is mandatory in cases of unauthorized foreign fishing in Bangladesh, Malaysia, Sri Lanka and Tanzania. Some form of forfeiture is found in the laws of most of the other IOFC countries 3/. A table giving the level of penalties for each of the countries of the region is contained in Part II of this compendium.

The potential conflict between the navigation rights of shipping and the enforcement needs of coastal states is dealt with in several ways. The most common requirement is the stowage of gear by unlicensed vessels 4/.

Some countries go further, in effect prohibiting unauthorized entry of foreign fishing vessels into jurisdictional waters, except for a limited right of passage ("innocent passage" as opposed to "free navigation") or some other purpose such as distress. Australia requires that passage be direct and by the shortest practicable route 5/. Mozambique prohibits "preparing to fish", which is defined in such a way as to require expeditious passage through Mozambican waters 6/. Maldives requires permission for foreign fishing vessels to enter the EEZ 7/. In Malaysia, the master of the vessel is required to radio the name, the flag state, location, route and destination of the vessel, along with the type and amount of fish it is carrying while exercising the right of innocent passage 8/. In addition to making unauthorized fishing or entry into jurisdictional zones, offences, the Australian legislation 9/ prohibits unauthorized carrying or processing of fish within jurisdictional waters (i.e., mother-ship operations), while the Tanzanian legislation, with the same aim in view, prohibits the unauthorized trans-shipment of fish within its waters 10/.

So far as enforcement is concerned, most countries provide broadly similar powers of stopping, boarding, inspection, seizure and arrest in the event of suspected contraventions. However, very few indications are given of

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- 1/ Maritime Zones of India (Regulation of Fishing by Foreign Vessels) Act, 1981, S. 10.  
2/ Fisheries (Regulation of Foreign Fishing Boats) Act, 1979, S. 15.  
3/ Australia, Bahrain, Burma, Comoros, Egypt, France, India, Indonesia, Iraq, Jordan, Kenya, Kuwait, Madagascar, Mauritius, Mozambique, Oman, Pakistan, Qatar, Seychelles, Somalia, Sudan, Thailand, Yemen A.R. and Yemen P.D.R.  
4/ Australia, Bangladesh, India, Indonesia, Malaysia, Seychelles, Tanzania and Sri Lanka.  
5/ Fisheries Act, S. 13AB(3)  
6/ Loi N° 8/78, Art. 1, 2.  
7/ Law N° 32/76.  
8/ Fisheries Act, 1985, S. 16  
9/ Fisheries Act, S. 13AA.  
10/ Fisheries (General) Regulations, 1973, Reg. 31.

the specific procedures for arrest and seizure of foreign vessels. Of more interest is the introduction in several laws in the region of provisions relating to hot pursuit, following article 111 of the United Nations Convention on the Law of the Sea which, subject to certain conditions, recognizes the right of coastal states to undertake the hot pursuit of foreign vessels which are believed to have violated their laws and regulations including those relating to their exclusive economic zones. Burma was one of the first States of the region to introduce its legislation provisions for hot pursuit from the territorial sea and other zones, including the economic zone 1/. In Seychelles, there is specific provision for the hot pursuit of foreign fishing vessels following the commission of an offence against the applicable law relating to fishing in the exclusive economic zone 2/. In Malaysia, where it is believed that a vessel has contravened the applicable law, the vessel may be pursued beyond the limit of the exclusive economic zone "to the extent allowed by international law" 3/. Under the Malaysian law, the right of hot pursuit ends as soon as the vessel enters the territorial sea or exclusive economic zone of its own State or any third State except when an agreement to which Malaysia is a party provides otherwise. Where cooperative enforcement procedures are contemplated in regional fishing agreements between neighbouring countries in the region, an issue of particular importance may be rights of pursuit into the territorial sea or economic zone of the neighbouring country. Under the Convention, hot pursuit only ends when the vessel enters another country's territorial sea, but, as the Malaysian legislation implicitly recognizes, pursuit into the EEZ can also be a sensitive matter..

Enforcement of controls over fishing in extended zones of national jurisdiction presents a number of evidentiary problems. In this connection, it is interesting to note the increasing use of presumptions in national legislation. One form of "factual" presumption consists in equating failure to stow gear properly with fishing, either as sufficient proof of fishing or as a separate offence with the same (high) penalty. Another frequent presumption concerns fish aboard a vessel. In the new legislation in Seychelles 4/, fish found aboard a vessel which has committed an offence are rebuttably presumed to have been caught in the commission of the offence and thus subject to forfeiture. In the previous Seychelles legislation 5/, as well as in that of India 6/ and Malaysia 7/ fish found on board a vessel is presumed, without direct evidence of an offence, to have been caught in jurisdictional waters. This considerably eases the burden of proving illegal fishing, but it could also be applied to restrict rights of navigation. The Seychelles presumption could be rebutted by a radio report before entering the zone; in Malaysia, a radio call and proof that the fish is carried in a sealed hold constitute a defence to a prosecution.

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1/ Territorial Sea and Maritime Zones Law, 1977, S. 25.

2/ Control of Foreign Fishing Vessels Decree, 1979, S. 10; Fisheries Act, 1986, S. 20 (not yet in force);

3/ Exclusive Economic Zone Act, 1984, S. 25. Cf. India Maritime Zones of India (Regulation of Fishing by Foreign Vessels) Act, 1981, S. 9(5).

4/ Fisheries Act, 1986, S. 25(2) (not yet in force);

5/ Control of Foreign Fishing Vessels Decree, 1979, S. 15.

6/ Maritime Zones of India (Regulation of Fishing by Foreign Vessels) Act, 1981, S. 22(1).

7/ Fisheries Act, 1985, S. 56.



PART TWO

TABLES



**TABLE A**

LIMITS OF NATIONAL JURISDICTION

(in nautical miles)

STATE	TERRITORIAL SEA	FISHING OR FISHERY ZONE	EXCLUSIVE ECONOMIC ZONE
AUSTRALIA	3 mi <u>(Proclamation under Seas and submerged Lands Act, 1973)</u>	200 mi <u>(Fiseries Amendment Act N° 99 of 1978, s. 3)</u>	
BAHRATIN	3 mi		
BANGLADESH	12 mi (1974) from 10-fathom isobath <u>(Territorial Waters and Maritime Zones Act N° XXVI of 1974, s.3 Proclamation N° LT-1/3/74 of 1974)</u>		200 mi from 10-fathom isobath <u>Territorial Waters and Maritime Zones Act N° LT-1/3/74 of 1974)</u>
BURMA	12 mi <u>(Territorial Sea and Maritime Zones Law N° 3 of 1977, s.3)</u>		200 mi <u>(Territorial Sea and Maritime Zones Law N° 3 of 1977, s. 77)</u>
COMORS	12 mi <u>(Loi N° 82-005, Art. 3)</u>		200 mi <u>(Loi N°82-005, Art. 6)</u>
DJIBOUTI	12 mi <u>(Loi N° 52 /AN/78 du 9 janvier 1979, Art. 4)</u>		200 mi <u>(Lot N° 52/AN/78 du 9 janvier 1979, Art. 12)</u>

TABLE A

LIMITS OF NATIONAL JURISDICTION

(in nautical miles)

STATE	TERRITORIAL SEA	FISHING OR FISHERY ZONE	EXCLUSIVE ECONOMIC ZONE
INDONESIA	12 mi from straight baselines surrounding archipelago <u>(Act N° 4 of 18 February 1960 of the President of the Republic)</u>		200 mi <u>(Act N° 5 of 1983 on the Indonesian Exclusive Economic Zone)</u>
IRAN	12 mi <u>(Law of 12 April 1959 on determining the Boundaries of Iran's Coastal Water, Art. 3)</u>	Outer limits of the superjacent waters of the continental shelf; median line in the Sea of Oman <u>(Proclamation of 30 October 1973 amended by Proclamation of 22 May 1977)</u>	
IRAQ	12 mi <u>(Republican Ordinance N° 435 of 15 November 1958, Art. 2 and Law N° 71 of 1958, Art. 2)</u>		
ISRAEL	6 mi <u>(Territorial Waters Law, 1956)</u>		
JORDAN	3 mi <u>(Law N° 25 for 1943 for the Organization of Fishing, Art. 2)</u>		

TABLE A

LIMITS OF NATIONAL JURISDICTION

(in nautical miles)

STATE	TERRITORIAL SEA	FISHING OR FISHERY ZONE	EXCULSIVE ECONOMIC
EGYPT	12 mi <u>(Presidential Order N° 180 of 17 February 1958)</u>		Unspecified <u>(Declaration concerning the exercise by Egypt of its rights in the Exclusive Economic Zone made upon ratification of UNCLOS 1983)</u>
ETHILPTA	12 mi <u>(Meritime Proclamation N° 137 of 25 September 1953, s. 6(f))</u>		
FRENCH DEPARTMENT AND DEPENDENT TERRITORIES	12 mi <u>(Loi N° 71.1060 du 24 Decembere 1971 relative a la delimitation des eaux territoriales francaises)</u>		200mi <u>(Loi du 16 juillet 1976 relative a la zone economique; Decrets N° 78-146, 78-148, 78-149)</u>
INDIA	12mi <u>(The Territorial Waters, Continental Shelf, EEZ and other Maritime Zones Act N° 80 of 1976)</u>		200 mi <u>(The Territorial Waters, Continental Shelf, EEZ and other Maritime Zones Act N° 80 of 1976; Notice of 15 January 1980)</u>

TABLE A

LIMITS OF NATIONAL JURISDICTION

(in nautical miles)

STATE	TERRITORIAL SEA	FISHING OR FISHERY ZONE	EXCLUSIVE ECONOMIC ZONE
KENYA	12 mi <u>Territorial Waters Act, 1972)</u>		200 mi <u>(Proclamation by the President of the Republic, 28 February 1979)</u>
KUWAIT	12ml <u>(Decree of 17 December 1967)</u>		
MADAGASCAR	12 mi <u>(Ordonnance N° 85-013, Art. 4)</u>		200 mi <u>(Oredannance N° 85-013, Art. 1)</u>
MALAYSIA	12 mi <u>(The Emergency (Essential Powers) Ordinance N° 7 of 1969)</u>		200 mi <u>(Exclusive Economic Zone Act 1984 S.3)</u>
MLADIVES	12 mi <u>(Constitution (1975))</u>		Area defined by geographical coordinates <u>(Law N° 30/76 of 27 November 1976 relating to the EEZ)</u>
MAURITIUS	12 mi <u>(Maritimes Zones Act of 1977, S. 3(2))</u>		200 mi <u>(Maritime Zones Act of 1977, S. 6(1); Maritime Zones (Exclusive Economic Zones) Regulations 1984)</u>

TABLE A

LIMITS OF NATIONAL JURISDICTION

(in nautical miles)

STATE	TERRITORIAL SEA	FISHING OR FISHERY ZONE	EXCLUSIVE ECONOMIC ZONE
MOZAMBIQUE	12 mi <u>(Decreto-Lei N° 31/76 of 1976, Art. 1)</u>		200 mi <u>(Decreto-Lei N° 31/76 of 1976 Art. 2)</u>
OMAN	12 mi <u>(Royal Decree N° 15/81 of 20 February 1981)</u>		200 mi <u>(Royal Decree N° 15/81 of 20 February 1981)</u>
PAKISTAN	12 mi <u>(Territorial Waters and Maritime Zones Act of 1976, S. 2(2))</u>		200 mi <u>(Territorial Waters and Maritime Zones Act of 1976, S. 6(1))</u>
QATAR	3 mi	Fisheries jurisdiction extends to area limited by agreement, by the outer limits of the super-jacent waters of the continental shelf or by a median line <u>(Law N° 4 of 1983, Art. 1, 2)</u>	
SAUDI ARABIA	12 mi (1958) <u>(Royal Decree N° 33 of 16 February 1958, Art. 3)</u>	Outer limits of the superjacent waters of the continental shelf <u>(Foreign Ministry Statement of 30 April 1974)</u>	

TABLE A

LIMITS OF NATIONAL JURISDICTION

(in nautical miles)

STATE	TERRITORIAL SEA	FISHING OR FISHERY ZONE	EXCLUSIVE ECONOMIC ZONE
SEYCHELLES	12 mi <u>(Maritime Zones Act N° 15 of 1977, S. 3(2))</u>		200 mi <u>(Act N° 15 of 1977, S. 6(1))</u>
SOMALIA	200 mi <u>(Law N° 37 of 1972, Art. 1(1))</u>		
SRI LANKA	12 mi <u>(Maritime Zones Law N° 22 of 1976; Proclamation of 15 January 1977)</u>		200 mi <u>(Maritime Zones Law N° 22 of 1976; Proclamation of 15 January 1977)</u>
SUDAN	12 mi <u>(Sudan Territorial Waters and Continental Shelf Act N° 106 of 1970)</u>		
TANZANIA	50 mi <u>(Proclamation by the President of 24 August 1973 on the extent of the Territorial Waters of the . United Republic of Tanzania)</u>		

TABLE A  
LIMITS OF NATIONAL JURISDICTION  
(in nautical miles)

STATE	TERRITORIAL SEA	FISHING OR FISHERY ZONE	EXCLUSIVE ECONOMIC ZONE
THAILAND	12 mi <u>(Royal Proclamation of 6 October 1966 establishing the Breadth of Territorial Waters)</u>		200 mi <u>(Royal Proclamation of 21 February 1980)</u>
UNITED ARAB EMIRATES	3 mi (12 mi in the case of the Emirate of Sharjah) <u>(Supplementary Decree of 5 April 1970 by the Ruler of Sharjah)</u>		Limited by agreement or median line <u>(Declaration by the Ministry of Foreign Affairs concerning the Exclusive Economic Zone and its delimitation of 25 August 1980)</u>
UNITED KINGDOM TERR.	DEP. 3 mi		
YEMEN (Arab Rep.).	12 mi <u>(Republican Decree N° 15 of 1967)</u>		
YEMEN (People's Dem. Rep.)	12 mi <u>(Act N° 45 of 1977, Art. 4)</u>		200 mi <u>(Act N° 45 of 1977, Art. 13)</u>

TABLE B

NATIONALITY CRITERIA FOR FISHING VESSELS

COUNTRY	NATIONALITY CRITERIA
AUSTRALIA	<p>"Australian Boat" means a boat the operations of which are based on a place in Australia or an external Territory and that is wholly owned by a natural person who is a resident of, or by a company incorporated in, Australia or an external Territory, being a boat that - (a) was built in Australia or an external Territory, (b) has been lawfully imported into Australia, otherwise than for a limited period, or into an external Territory; or (c) has been sold, or otherwise disposed of, in Australia or an external Territory after having been forfeited or distrained under this or any other Act or under a law of a State or Territory; Where a boat has been lawfully imported into Australia for a limited period and the Minister is satisfied that the extent of participation by citizens or residents of Australia, either directly or through the holding of shares in a company or otherwise indirectly, in the control of the operations of the boat in proclaimed waters during that period, and the nature of those operations, will be such as to justify him in so doing, he may, in his discretion, by instrument published in the Gazette, declare that, during that period, the boat is to be deemed to be an Australian boat for the purpose of this Act and, while such an instrument is in force in respect of a boat, the boat shall be deemed to be an Australian boat for the purposes of this Act. (Fisheries Act 1952, S. 4)</p>
BAHREIN	NO INFORMATION
BANGLADESH	<p>Local fishing vessel defined as any fishing vessel (i) wholly owned by one or more persons who are citizens of Bangladesh; or (ii) wholly owned by any company, society or other association of persons established under the law of Bangladesh of which at least 51% of the shares are held by citizens of Bangladesh and includes any fishing vessels registered in Bangladesh and operating under Bangladesh flag under joint venture or any other approved arrangements; or (iii) wholly owned by the Government or by a statutory corporation established under a law of Bangladesh. (Marine Fisheries Ordinance 1.983 S. 2)</p>

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NATIONALITY CRITERIA FOR FISHING VESSELS

COUNTRY	NATIONALITY CRITERIA
BURMA	NO INFORMATION
COMOROS	Local fishing vessel defined as one wholly owned by Comorian citizens, by a juridical person formed under Comorian law of which at least half of the shares are owned by Comorian citizens or juridical persons, or by the State. ( <u>Act N° 82-015, Art. 1</u> )
DJIBOUTI	NO INFORMATION
EGYPT	NO INFORMATION
ETHIOPIA	Local vessels must be wholly owned by (a) Ethiopian subjects, or (b) bodies corporate established under Ethiopian law and having principal place of business in Ethiopia, or (c) foreigners domiciled and having principal place of business in Ethiopia. ( <u>Maritime Code, Proclamation N° 164, 1960 Art. 4</u> )
FRENCH DEPARTMENTS AND DEPENDENT TERRITORIES	<p>Local fishing vessel defined as vessel at least half owned by French nationals or wholly owned by companies whose head office is situated in the territory of France or in a state with an agreement allowing French companies to operate there, and meeting the following conditions:</p> <ul style="list-style-type: none"> <li>(a) for public companies, the Chairman of the Board, and the majority of the members of the Board, the Directors General and the auditors must be French;</li> <li>(b) for partnerships, the managers and the majority of the members of the Supervisory Board must be French;</li> <li>(c) for limited liability companies, collective name companies, the managers must be French and half the capital must be held by French nationals. French nationality may also be given to vessel on bareboat charter where French charterer assumes full control and management etc. of vessel and flag state law allows relinquishing of foreign flag. (<u>Act N° 67-5 of 3 January 1967 Art. 3 as amended by Act N° 75/300 of 29 april 1978, Art. 1</u>)</li> </ul>

TABLE B

NATIONALITY CRITERIA FOR FISHING VESSELS

COUNTRY	NATIONALITY CRITERIA
INDIA	<p>Indian vessel means: (I) a vessel owned by Government or by a Central, Provincial or State statutory corporation or (II) a vessel which is owned wholly by persons to each of whom any of the following descriptions applies: -</p> <ol style="list-style-type: none"><li>(1) a citizen of India;</li><li>(2) a company in which not less than 60 per cent of the share capital is held by citizens of India;</li><li>(3) a registered cooperative society every member whereof is a citizen of India or where any other cooperative society is a member thereof, every individual who is member of such other cooperative society is a citizen of India; and which is registered under the Merchant Shipping Act, 1958, or under any other Central Act or any Provincial or State Act.</li></ol> <p><u>(Maritime Zones of India (Regulation of Fishing by Foreign Vessels) Act, 1981)</u></p>
INDONESIA	<p>"Foreigners", "foreign entities" and "foreign Governments" listed as entities subject to foreign fishing provisions. <u>[Law N 5 of 1983 on the Indonesian Exclusive Economic Zone, Art. 5(3)]</u></p>
IRAN	<p>Local fishing vessel = owned by nationals or by an Iranian corporation in which at least 51% of the shares are held by nationals (<u>Maritime Code 1964, Art. 1</u>)</p>
IRAQ	<p>No nationality requirements for fisheries purposes.</p>
ISRAEL	<p>No nationality requirements for fisheries purposes.</p>
JORDAN	<p>No nationality requirements for fisheries purposes.</p>

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NATIONALITY CRITERIA FOR FISHING VESSELS

COUNTRY	NATIONALITY CRITERIA
KENYA	Local fishing vessel defined as fishing vessel owned by nationals or companies incorporated under the laws of Kenya and having principal place of business in Kenya. ( <u>Merchant Shipping Act CAP 389 S. 3</u> )
KUWAIT	Local vessel defined as any fishing vessel owned by a resident of Kuwait, without prejudice to provision of Law on Marine Commerce. ( <u>Decree Promulgating Law N 46 of 1980 on Conservation of Fisheries Resources Art. 3</u> )
MADAGASCAR	Local fishing vessel = owned by nationals (at least 50%) or owned by companies meeting following criteria: (a) registered in Madagascar; (b) Chairman of the Board and majority of Directors must be nationals; (c) at least 50% of the share capital must be held by nationals. ( <u>Code of Merchant Shipping, N° 66-007 of 1966, Art. 2.2.03</u> )
MALAYSIA	Local fishing vessel defined as vessel not registered outside Malaysia, which is wholly owned by natural persons who are citizens of Malaysia; or by a statutory corporation established under the laws of Malaysia; or by the Government of Malaysia or a State of Malaysia; or by a body corporate or incorporate established in Malaysia and wholly owned by persons described above or by body corporate or incorporate wholly owned by persons described above ( <u>Fisheries Act 1985 S. 2</u> )
MALDIVES	NO INFORMATION

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NATIONALITY CRITERIA FOR FISHING VESSELS

COUNTRY	NATIONALITY CRITERIA
MAURITIUS	Fishing by citizens or by approved companies substantially owned and controlled by citizens. Licence application form to reveal shareholding. [ <u>Maritime Zones Act, S. 7(5)</u> ]; ( <u>Maritime Zones (Fishing Licences) Regulations 1978</u> )]
MOZAMBIQUE	NO INFORMATION
OMAN	Authorization required to use vessels owned wholly or partially by foreigners. ( <u>Ministerial Decree N 3/82 on the Executive Regulations for the Law on Marine Fisheries and Conservation of Living Marine Resources, Art. 24</u> )
PAKISTAN	<u>Local fishing vessel</u> owned by nationals or companies incorporated under the local law.
QATAR	Authorization required to use vessels owned wholly or partially by foreigners. ( <u>Executive Regulations of Law N° 4 on the Exploitation and Conservation of Living Aquatic Resources in the State of Qatar, Art. 40</u> )
SAUDI ARABIA	Foreign vessels operating for local company exempted from foreign licensing requirements. ( <u>Fishing Regulation, Exploitation and Conservation of Living Aquatic Resources Scheme, Art. 9</u> )

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NATIONALITY CRITERIA FOR FISHING VESSELS

COUNTRY	NATIONALITY CRITERIA
SEYCHELLES	<p><u>local fishing vessel</u>=</p> <ul style="list-style-type: none"><li>- wholly owned by citizens or by a statutory corporation established under the laws of Seychelles;</li><li>- wholly owned by any company of which at least 51% of the shares are held by citizens of Seychelles. (<u>Control of Foreign Fishing Vessels Decree, 1979, S.2</u>) [<u>local fishing vessel</u>]</li><li>- wholly owned by citizens or public bodies;</li><li>- wholly owned by company of which all shares are held by citizens or public bodies;</li><li>- if approved by Minister, wholly owned by Seychelloise company of which at least 51% of the shares are held by citizens or public bodies.</li></ul> <p>(<u>Fisheries Act, 1986, S. 2 (not yet in force)</u>)</p>
SOMALIA	<p><u>Local fishing vessel</u>: wholly owned by Somali company, citizens or statutory corporation. (<u>Fisheries Joint Venture Guidelines, 1985, S. 2</u>)</p>
SRI LANKA	<p>Local fishing vessel = registered under Merchant Shipping Act and wholly owned by</p> <ul style="list-style-type: none"><li>- citizens of Sri Lanka; or</li><li>- Government or any public corporation established by or under law of Sri Lanka; or</li><li>- any company, society or other association of persons incorporated or established under local law in which a majority of voting shares held by citizens.</li></ul> <p>(<u>Fisheries (Regulation of Foreign Fishing Boats) Act, 1979, as amended 1982.S. 28</u>)</p>
SUDAN	NO INFORMATION
TANZANIA	<p>Local fishing vessel defined as fishing vessel owned by local nationals or a company registered and having principal place of business in Tanzania or the Government. [<u>Fisheries (General) Regulations, 1973, as amended, S. 2</u>]</p>

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NATIONALITY CRITERIA FOR FISHING VESSELS

COUNTRY	NATIONALITY CRITERIA
THAILAND	local fishing vessel = vessel owned by Thai nationals; or ordinary partnership with all partners Thai; or limited partnership with all general partners Thai and at least 70% capital owned by Thais; or limited company with majority of directors Thai and at least 70% of capital owned by Thais. ( <u>Act governing the Right to fish in Thai waters, 1939 S. 5</u> )
UNITED ARAB EMIRATES	NO INFORMATION
UNITED KINGDOM DEPENDENT TERRITORIES	NO INFORMATION
YEMEN ARAB REPUBLIC	Foreign fishing boat: owned at least 51% by foreign nationals ( <u>Fisheries Law N° 20 of 1978, Art. 1</u> )
YEMEN DEMOCRATIC REPUBLIC	NO INFORMATION

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FISHING LICENCE CONDITIONS FOR NATIONAL VESSELS

<u>LICENCE FEES, ROYALTIES AND OTHER PAYMENTS</u>				
COUNTRY	LOCAL CURRENCY	EQUIVALENT IN US\$	OTHER CONDITIONS	
AUSTRALIA	<u>Fees in Australian Dollars:</u> Master fisherman's licence Fishing vessel licence	\$ 20	\$13	- subject to conditions enclosed on licence, prescribed or in the case of a managed fishery, specified in the management plan.
	(a) under 15 m.	\$ 40	\$26	<u>[Fisheries Act 1952, as amended, S. 9(5)]</u>
	(b) 15 m. to under 20 m.	\$ 50	\$33	- licence limited to one year except for managed fishery. ( <u>Id.</u> )
	(c) 20 m. and over	\$ 60	\$39	- conditions may relate to class and quantity of fishing rate of catch, ethods and equipment for catching and procesing. <u>[Id. S. 9(5B)]</u>
	Carrier/processing vessel			
	(a) carrier only	& 80	\$52	- transferable by permission. [Id. S.9(7)]
	(b) carrier and processor	\$ 100	\$65	- licence may extend to state waters managed jointly. <u>[Id. S. 12P]</u>
Transfer of vessel licence (Fisheries Regulation, Schedule 1)	\$ 1	\$ 0.65	- assigned number to be displayed on vessel in figures 300 mm. high. <u>[Fisheries Regulations, Reg. 11]</u>	
			i CO	
BAHREIN	15 Dinars, renewal 10 Dinars <u>(Decree N° 17 of 1981, Art. 5)</u>	\$39.48 \$26.32	Vessel required to be registered (Art. 4) Licence refused if use of vessel would be harmful to fisheries (Art. 10). No licence required for small vessels without inboard engines, or carried about larger vessels or used for commercial or excursion vessels - such vessels prohibited from trawling (Art. 3). Licence valid 1 1/2 years (Art. 7). Licence may be cancelled if ownership transferred to non-citizen without permission, if registration cancelled, if vessels altered without notification (Art. 11).	

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FISHING LICENCE CONDITIONS FOR NATIONAL VESSELS

<u>LICENCE FEES, ROYALTIES AND OTHER PAYMENTS</u>			
COUNTRY	LOCAL CURRENCY	EQUIVALENT IN US\$	OTHER CONDITIONS
BAHREIN (Cont'd)			Damage to other gear prohibited - reporting required (Art. 14). <u>[Decree Promulgating Law N° 5 of 1981 on Fishing Regulations]</u>
BANGLADESH	<u>According to carrying capacity in tons</u>		
	- up to 250	taka 700	\$ 24
	250 – 350	" 1000	\$ 34
	350 – 450	" 2000	\$68
	450 – 600	" 5000	\$170
	over 600	" 10000	\$340
	<u>[Marine Fisheries Rules, 1983, R. 6]</u>		
			- Limited to 1 year. <u>[Marine Fisheries Ordinance 1983, S. 10]</u>
			- Vessel must be registered. [Id. S. 17] and have certificate of inspection (Id. S. 18) and if new must have at least 150 tonnes carrying capacity. <u>[Marine Fisheries Rules, 1983, R. 12]</u>
			- Licence may be refused, suspended or cancelled
			- for the proper management of fisheries or otherwise in the best interests of marine fishing industry;
			- contravention by vessel or unfitness of applicant or licensee. <u>[Ordinance, S. 19]</u>
			- Licence only valid for activities and subject to conditions stated in licence, including place, tone, species and by-catch fishing methods;
			- written daily records, submitted monthly;
			- assigned marks to be displayed, clearly visible from air and sea. <u>[Rules, R. 7]</u>
BURMA			NO INFORMATION

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FISHING LICENCE CONDITIONS FOR NATIONAL VESSELS

<u>LICENCE FEES, ROYALTIES AND OTHER PAYMENTS</u>				
COUNTRY	LOCAL CURRENCY	EQUIVALENT IN US\$		OTHER CONDITIONS
COMOROS		NO INFORMATION		
DJIBOUTI	No information			Licence from Minister of Agriculture required except for non-commercial fishing. [Loi N° 52/AN/78 du 9 Janvier 1979, Art. 16-17] Licence required for amateur fishing. [Decret N° 85/103 portant sur la protection de la faune et des fonds sous-marins, Art. 7]
EGYPT	A. <u>Mediterranean</u>			- Required of all vessels [Act on Fishing Aquatic Life and the Regulation of Fish Farms, promulgated by Act N 124 of 1983, Art. 23]
	1. trawlers			- Motorized vessel must be approved technically (Art. 30)
	- first 25 HP	E.£ 20	\$15	- Annual licence (Art. 27)
	- each additional HP	E.£0.200	\$ 0.15	- Non-transferable (Art. 28) but
	2. other motorized vessels			- replacement of vessel permitted in case of force majeure (Art. 32)
	- first 25 HP	E.£ 10	\$ 7.50	- Licensee may change category by paying difference in fee (Art. 46)
	- each additional HP	E.£ 0.200	\$1.15	- Licence must be shown on request (Art.33)
	B. Gulf of Suez			- Licensed vessel may not anchor in an area use methods, carry gear or discharge obstructions to fishing in areas, for which it is not licensed (Arts. 8, 9, 16)
	1. trawlers			- Licence may be suspended 6 months if
	- first 25 HP	E.£ 20	\$15	
	- each additional HP	E.£ 0.750	\$ 0.56	
	2. other motorized vessels			
	- first 25 HP	E.£ 15	\$12	
	- each additional HP	E.£ 0.500	\$ 0.38	
	C. Red Sea			
	- motorized vessel first 25 HP	E.£ 10	\$7.50	
	each additional HP	E.£ 0.100	\$0.13	

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FISHING LICENCE CONDITIONS FOR NATIONAL VESSEL

<u>LICENCE FEES, ROYALTIES AND OTHER PAYMENTS</u>			
COUNTRY	LOCAL CURRENCY	EQUIVALENT IN US\$	OTHER CONDITIONS
EGYPT (Cont'd)	D. <u>Non-motorized vessels</u> Class 1 E.£ 8 \$ 6 Class 2 E.£ 4. \$ 3 Class 3 E.£ 2 \$ 1.50		vessel used out of the area or for fishing by a method other than that for which it s licensed ( <u>Art. 24</u> ).
	[ <u>Act on Fishing Aquatic Life and the Regulation of Fish Faune, promulgated by Act N 124 of 1983, Art. 42</u> ]		
ETHIOPIA	NO INFORMATION		
FRENCH DEPARTMENTS AND DEPENDENT TERRITORIES	NO INFORMATION		
INDIA	State matter - No Information		
INDONESIA	No information		Permit required except for subsistence fisherman ( <u>Law N° 9 of 1985 on Fisheries, Article 10</u> ). Vessel must fly Indonesian flag ( <u>Id. Art. 12</u> ).
IRAN	No information		Licence required, issued by Shilat Jonoub Iran.

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FISHING LICENCE CONDITIONS FOR NATIONAL VESSELS

<u>LICENCE FEES, ROYALTIES AND OTHER PAYMENTS</u>				
COUNTRY	LOCAL CURRENCY		EQUIVALENT IN US\$	OTHER CONDITIONS
IRAN (Cont'd)				<u>[Temporary Regulations for Catching Fish, Shrimp and other Sea Animals in Persian Gulf, Oman Sea and all Rivers of Southern Part of Iran, 2 December 1973, Art. 3].</u> Sign and number of each vessel to be written on side ( <u>Id. Art. 5</u> ). Vessels require refrigerating and fish to be immediately refrigerated and kept refrigerated until delivered to retailer; licence suspended or cancelled for non-compliance ( <u>Id. Art. 7</u> ).
IRAO	<u>Vessel licence fees</u>			- Vessel licence only granted if vessel in suitable conditions and has required navigation licence.
	Non-motorized		ID 1 \$ 3.25	- Vessel to be numbered.
	Outboard-powered		ID 2\$6.50	- Licence to be kept aboard and presented on demand.
	Inboard-powered to 100 HP		ID 10\$ 32.00	[ <u>Law N° 48 of 1976, Art. 11</u> ]
	(unspecified amount for additional HP) [ <u>Law N 48 of 1976 for regulating and exploiting of aquatic life and its protection, Art. 21</u> ]			Licence issued by or for State Fisheries Company ( <u>Id. Art. 21</u> ) Non-transferable ( <u>Id. Art. 22</u> )
ISRAEL	No information			Licence required for commercial fishing, usually limited by method and area. [ <u>Fisheries Ordinance N° 6 of 1937</u> ]
JORDAN	Each person or company Landing and transhipment:	100 fils	\$295	Commercial fishing requires authorization of Minister.

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FISHING LICENCE CONDITIONS FOR NATIONAL VESSELS

<u>LICENCE FEES, ROYALTIES AND OTHER PAYMENTS</u>				
COUNTRY	LOCAL CURRENCY		EQUIVALENT IN US\$	OTHER CONDITIONS
JORDAN (Cont'd)	- fish and sponges	5 fils/3 kg.	\$ 15	<u>[Agrarian Law N° 20 of 1973, Art. 182]</u>
	- gutted fish	6 fils/3 kg.	\$ 18	
	- gutted/headed fish	7 fils/3 kg.	\$ 21	
	- sliced dried fish	10 fils/3 kg.	\$ 30	
	- shell fish and turtles	3 fils/3 kg.	\$ 9	
	<u>[Law N° 25 for the Organization of Fishing, 1943, Art. 4-5]</u>			
KENYA	3 shillings		\$ 0.19	Commercial craft required to be registered registered craft required to be marked; registration may be denied in the interests of the conservation of fish. <u>[The Fish Protection (Registration of Fishing Craft, Sea Fisheries) Rules, Cap. 378 subsid.]</u>
KUWAIT	Vessels up to 100 HP	K.D. 5	\$ 18	Fishing techniques, gear, vessel specifications and crew to be specified. <u>[Law N° 46 of 1980 on Conservation of Fisheries Resources, Art. 4]</u> Issue of new licences temporarily suspended. <u>[Decree N° 2 of 1983 on non-issuance of new licences to the fishing vessels operating in the territorial waters of Kuwait]</u>
	Vessels over 100 HP	K.D. 10	\$ 35	
	<u>[Ministerial Decree N° 17 of 1980 on Licences of Kuwaiti Fishing Vessels]</u>			
MADAGASCAR	No information			- Separate licences for trawlers up to 25HP and above 25 HP. <u>[Decret N° 71-238 du 18 mai 1971 regle-mentant l'exercice de la peche par chalu-tage dans la mer territoriale, Art. 1]</u>

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FISHING LICENCE CONDITIONS FOR NATIONAL VESSELS

<u>LICENCE FEES, ROYALTIES AND OTHER PAYMENTS</u>				
COUNTRY	LOCAL CURRENCY	EQUIVALENT IN US\$		OTHER CONDITIONS
MADAGA CAR (Cont'd)				- Application for above 25 HP requires technical report on vessel and gear including mesh size and handling and preservation facilities
MALAYSIA	<u>Trawl net</u>			Vessel should be marked as prescribed. [ <u>Fisheries Act 1985, S. 10</u> ]
	- used with inboard engine	<u>annual fee</u>	<u>deposit</u>	Licence subject to cancellation if operations not commenced within 3 months. ( <u>Id. S. 12</u> )
	60 HP or more	50	400 \$ 19 / 153	
	40 HP less than 60 HP	40	100 \$ 12 / 38	
	25 HP less than 40 HP	30	100 \$ 12 / 38	
	10 HP less than 25 HP	20	50 \$ 8 / 19	
	less than 10 HP or outboard	5	none \$ 2	Vessel must be seaworthy and comply with inspection and navigation requirements. ( <u>Id. S. 13</u> )
	<u>[Fisheries (Maritime) Regulations 1967 (as amended to 1974), First, Second Schedule]</u>			Licence valid 1 year, non-transferable ( <u>Id. S. 14</u> )
				Trawlers limited to beyond 3 miles (less than 25 grt. and 60 HP) to beyond 7 miles (less than 25 grt. and 60 HP or above) to beyond 12 miles (100 grt. and 200 HP or above).
MALDIVES				Permission of inhabitants or person in charge of island or of Atoll Office <u>required for fishing other</u>

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[FISHING LICENCE CONDITIONS FOR NATIONAL VESSELS

<u>LICENCE FEES, ROYALTIES AND OTHER PAYMENTS</u>			
COUNTRY	LOCAL CURRENCY	EQUIVALENT IN US\$	OTHER CONDITIONS
MALDIVES (Cont'd)			[ <u>Law N° 1/74 relating to Fishing in the Lagoons of Maldives, as amended. Art. 1, 6, 7]</u> Permission of Atoll Chief required for fishing enclosure in a lagoon ( <u>Id. Art. 5</u> ).
MAURITIUS	<u>Mauritius</u>		Licence required for possession of net except carlet or landing net. [ <u>Fisheries Act, S. 12]</u>
	Canard net Rs. 25/mg.	\$ 2	
	Cast net Rs. 15/gtv.	\$ 1	
	Gill net Rs. 25/gtv.	\$ 2	Licences limited by type of net and area
	Large net Rs. 50/gtv.	\$ 4	[ <u>Id. S. 3(6)</u> ]
	Sardin net Rs. 50 May-August	\$ 4	
	Rs. 25 after 31/8	\$ 2	Net licensee must store net in designated place, produce it for inspection, surrender it on expiry of licence or in case of replacement, and may not dispose of it without permission ( <u>Id. S. 13-14</u> )
	Shrimp net Rs. 15/gtv.	\$ 1	Fishing vessel required to be registered and marked ( <u>Id. S. 23</u> )
	<u>Rodrigues and other islands</u>		Licence from Prime Minister required for fishing in EEZ [ <u>Id. S. 6(1)</u> ]
	Large net Rs. 17.35/gtv.	\$ 1.4	
	Gill net Rs. 17.35/gtv.	\$ 1.4	
	[ <u>Fisheries Regulations 1983, 1st Schedule</u> ]		
	Vessel registration ( <u>Id. Reg. 9</u> )		
	Rs. 25	\$ 2	
MOZAMBIQUE	Annual fees, payable in 2 instalments		<u>General</u>
	[ <u>Diploma Legislativo N° 65/71 de 15 de junho de 1971: Regulamento da Pesca Maritima, Art. 39(3)</u> ]		All fishing vessels required to carry licence. [ <u>Diploma Legislativo N° 65/71 Art. 7-8</u> ] Vessels must fulfill technical conditions ( <u>Id. Art. 10-21</u> ).
			Licence not transferable ( <u>Id. Art. 38</u> ).
			Bond of 10% value of vessel required [ <u>Id. Art. 38(5)</u> ].

TABLE C

FISHING LICENCE CONDITIONS FOR NATIONAL VESSELS

<u>LICENCE FEES, ROYALTIES AND OTHER PAYMENTS</u>			
COUNTRY	LOCAL CURRENCY	EQUIVALENT IN US\$	OTHER CONDITIONS
MOZAMBIQUE E (Cont'd)			<p>Major repairs, reconstruction and replacement must be authorized [<u>Id. Art. 39(4)</u>].</p> <p>Vessel must devote 10 days a year to fisheries research [<u>Id. Art. 58</u>]. Licence subject to cancellation for failure to utilize, sale of vessel, alteration of company statutes [<u>Id. Art. 40</u>].</p> <p>Transshipment at sea to foreign vessels or vessels licensed for different kind of fishing prohibited [<u>Id. Art. 46</u>]. Handling requirements [<u>Id. Art. 50-52</u>]. <u>Shrimp</u></p> <p>Shrimp licences limited to 100, distributed by area.</p> <p>[<u>Diploma Legislativo N° 50/71 de 29 de maio de 1971 aprovando o regulamento da pesca do camarao, Art. 2</u>]</p> <p>Vessels must meet technical standards [<u>Id. Art. 6-13</u>].</p> <p>Shrimp licences issued by port captains [<u>Id. Art. 17</u>].</p> <p>Major repairs, reconstruction and replacement must be authorized [<u>Id. Art. 17(3)</u>].</p> <p>Not transferable S. 19(1)-(2). Bond of 10% value of vessel required [<u>Id. Art. 19(4)</u>].</p> <p>Vessel must devote 20 days per year to fisheries research [<u>Id. Art. 21</u>]. Transshipment at sea to foreign vessels or vessels licensed for different kind of fishing prohibited [<u>Id. Art. 22</u>].</p>
	Annual fee, for shrimp, payable in two instalments		
	[ <u>Diploma Legislativo N° 51/71 de 29 de maio de 1971 aprovando o regulamento da pesca do camarao, as amended, Art. 17(2)</u> ]		

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FISHING LICENCE CONDITIONS FOR NATIONAL VESSELS

<u>LICENCE FEES, ROYALTIES AND OTHER PAYMENTS</u>				
COUNTRY	LOCAL CURRENCY		EQUIVALENT IN US\$	OTHER CONDITIONS
MOZAMBIQUE (Cont'd)				Licences subject to cancellation for repeated violations, failure to utilize, sale of vessel, alteration of company statutes [ <u>Id. Art. 24</u> ].
OMAN	Unmotorized boat	O.R. 1	\$ 2.60	Vessel licence required in possession [ <u>Sultanic Decree N° 53/81 Promulgating the Law on Marine Fisheries and Conservation of Living Aquatic Resources, Art.7-8, Ministerial Decree N 3/82, Art. 2</u> ] Licence not transferable [ <u>Sultanic Decree N° 53/81, Art. 8</u> ] Licence valid one year [ <u>Ministerial Decree N° 3/82, Art. 7</u> ].  Special licence required for shallow water [ <u>Sultanic Decree N 53/81, Art. 16</u> ]
	Motorized boat to 50 HP	O.R. 1	\$ 2.60	
	additional HP	O.R. 0,100	\$ 0.26	
	maximum fee	O.R. 200	\$ 520.00	
	Transfer of ownership	O.R. 5	\$ 13.00	
	<u>[Ministerial Decree N° 3/82 on the Executive Regulation for the Law on Marine Fisheries and Conservation of Living Aquatic Resources, Art. 11]</u>			
PAKISTAN	<u>EEZ Licence fees</u>			Licence required in EEZ [ <u>Exclusive Fishery Zone (Regulation of Fishing) Act, Act N XXXII of 1975, S. 3</u> ] and for certain species [ <u>West Pakistan Fisheries Ordinance N XXX of 1961, S. 9, Sched. 1</u> ].  Vessels and gear must be registered [ <u>Exclusive Fishing Zone (Regulation of Fishing) Rules, 1976, R. 4</u> ] EEZ licence subject to cancellation for breach of conditions ( <u>Id. R. 7</u> ) EEZ licence not transferable ( <u>Id. R. 10</u> ) EEZ licensee forbidden to catch berried or small lobster, and required to handle shrimp as specified ( <u>Id. R. 14-15</u> )
	Mechanized vessel	Rs. 100/yr.	\$ 6	
	Sailing vessel	Rs. 50/yr.	\$ 3	
	<u>Registration fees</u>			
	Mechanized vessel	Rs. 50	\$ 3	
	Gear	Rs. 10	\$ 0.60	
	Non-mechanized vessel	Rs. 20	\$ 1.20	
	Gear	Rs. 20	\$1.20	
	<u>[Exclusive Fishing Zone Rules, 1976, Sched.] (Regulation of Fishing) Rules, 1976, Sched.]</u>			

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FISHING LICENCE CONDITIONS FOR NATIONAL VESSELS

<u>LICENCE FEES, ROYALTIES AND OTHER PAYMENTS</u>				
COUNTRY	LOCAL CURRENCY		EQUIVALENT IN US\$	OTHER CONDITIONS
QATAR	Vessel licence	Q.R. 100	\$ 27	Licence required
	Annual renewal	Q.R. 10	\$ 3	<u>[Law N° 4 of 1983 on the Exploitation and Conservation of Living Aquatic Resources, Art. 7, Executive Regulation N° 2 of 1985, Art. 7]</u>
	Change of owner	Q.R. 50	\$ 14	Licence must be in possession, is nontransferable <u>[Law N° 4 of 1983, Art. 10]</u>
	<u>[Executive Regulations N° 2 of 1985 for the Law on the Exploitation and Conservation of Living Aquatic Resources, Art. 13]</u>			Valid one year <u>[Executive Regulation N° 2 of 1985, Art. 7]</u>
	Vessel standards <u>[Law N° 4 of 1983, Art. 12; Executive Regulation N° 2 of 1985, Art. 15]</u> Fishing vessel licence must be surrendered if vessel transformed to other purpose <u>[Law N° 4 of 1983, Art. 11; Executive Regulation N° 2 of 1985, Art. 14]</u>			Vessel must be marked ( <u>Id. Art. 9</u> ) Special licence required for shallow waters. <u>[Law N° 4 of 1983, Art. 18; Executive Regulation N° 2 of 1985, Art. 21]</u>
SAUDI ARABIA				Licence required for any fishing vessel <u>[Regulations on Fisheries, part III (Licences and permits) Reg. 2]</u> Owner must practise fishing ( <u>Id.</u> ) Only one artisanal boat and one modern boat exceeding 12 metres per person <u>[Id. part I (Artisanal fishermen's boats) Reg. 10; Id. part II (Modern fishing boats)]</u>

TABLE C

FISHING LICENCE CONDITIONS FOR NATIONAL VESSELS

<u>LICENCE FEES, ROYALTIES AND OTHER PAYMENTS</u>			
COUNTRY	LOCAL CURRENCY	EQUIVALENT IN US\$	OTHER CONDITIONS
SEYCHELLES	<u>Net licence</u> (semi-annual S.R. 0.50 – 50 [ <u>Fisheries Regulations, 1942, Cap. 134</u> <u>subsid. Reg.</u> ])	\$ \$	Licence required for nets [ <u>Fisheries Act, Cap. 134, S. 5</u> ] Vessel licence required except for vessels exempted [ <u>Fisheries Act, 1986, S. 9 (not yet in force); Licences Act, 1986, S. 16, Sched. 2 (not yet in force)</u> ]
SOMALIA			Licence required except for fishing without use of marine transport [ <u>Law N° 23 of 30 November 1985, Art 7 (2)</u> ] Vessel must be marked [ <u>Id. Art. 7 (6)</u> ] Catch reports required [ <u>Id. Art. 8</u> ]
SRI LANKA	Vessels up to 15 feet Rs. 2 Vessels over 15 to 30 feet Rs .5 Unmechanized vessels over 30 feet Rs.10 Mechanized vessel Rs.25 ( <u>Regulations, Cap. 212, subsid., Sched. 2</u> )	\$ 0.07 \$ 0.18 \$ 0.35 \$ 0.90	Use of unregistered fishing boats prohibited ( <u>Regulations, Cap. 212, subsid., Reg. 1</u> ) Fitness required for registration ( <u>Id. Reg. 3</u> ) Registered vessel to be marked ( <u>Id. Reg. 6</u> ) Licence required to catch spiny lobster from vessel [ <u>Spiny Lobster and Prawn (Shrimp) Regulations, 1973, Reg. 10</u> ]
SUDAN	Vessel Licence £ 10/yr. [ <u>Marine Fisheries Act, 1937, Schedule 2, as amended</u> ]	\$ 4	Vessel licence required [ <u>Marine Fisheries Act, 1937, S. 3, as amended</u> ] Licensed vessels to be marked [ <u>Marine Fisheries Regulations, Reg. 2</u> ]

TABLE C

FISHING LICENCE CONDITIONS FOR NATIONAL VESSELS

<u>LICENCE FEES, ROYALTIES AND OTHER PAYMENTS</u>				
COUNTRY	LOCAL CURRENCY		EQUIVALENT IN US\$	OTHER CONDITIONS
TANZANIA	Vessel registration fee	T.S. 5	\$ 0.11	All vessels except dug-out canoes must be registered
	<u>[Fisheries (General) Regulations: 1973, Reg. 6(1A)]</u>	T.S. 30	\$ 0.65	
	<u>Vessel licence fee</u>	T.S. 50	\$ 1.08	
	Non-powered to 10 m.	T.S. 100	\$ 2.17	<u>[Fisheries (General) Regulations, 1973, Reg. 3]</u>
	Powered to 10 m.	T.S. 500	\$ 10.80	
	Over 10 to 15 m.	T.S. 40	\$ 0.87	Registered vessel must be marked <u>[Id. Reg. 6(4)]</u>
	Over 15 to 20 m.	T.S. 500	\$ 10.80	
	Over 20 m.	T.S. 50	\$ 1.08	All vessels must be licensed <u>[Id. Reg. 11(2), Sched. 3(a)]</u> Vessel seaworthiness standards <u>[Id. Reg. 12]</u>
	Pleasure vessel	T.S. 50	\$ 1.08	
	<u>Fishing fee</u>	T.S. 50	\$ 1.08	
	(a) aquarium fish	T.S. 50	\$ 1.08	Commercial vessel licence annual, non-transferable <u>[Id. Reg. 17]</u>
	(b) bêch-deumer	T.S. 500	\$ 10.80	
	(c) shells	T.S. 500	\$ 10.80	
	(d) seaweed	T.S. 500	\$ 10.80	
	(e) turtles	T.S. 5	\$ 0.11	
	(f) Dugong	T.S. 50	\$ 1.08	
	(g) other fish by vessel type:	T.S. 80	\$ 1.74	
non-powered to 10 m.	T.S. 150	\$ 3.26		
powered to 10 m.	T.S. 300	\$ 6.52		
over 10 to 15 m.				
over 15 to 20 m.				
over 20 m.				
	<u>[Id. Reg. 11, 13, sched. 3]</u>			
THAILAND	Pee-loh or Katra boat <u>[Fisheries Act, B.E. 2490, Sched. 1]</u>	Baht 10	\$ 0.38s	Licence required in possession <u>[Act Governing the Right to Fish in Thai Fishery Waters, B.E. 2482, S. 8, Fisheries Act, S. 35]</u>

TABLE C

FISHING LICENCE CONDITIONS FOR NATIONAL VESSELS

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LICENCE FEES, ROYALTIES AND OTHER PAYMENTS

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COUNTRY	LOCAL CURRENCY	EQUIVALENT IN US\$	OTHER CONDITIONS
UNITED EMIRATES	ARAB	NO INFORMATION	
UNITED KINGDOM DEPENDENT TERRITORIES		NO INFORMATION	
YEMEN REPUBLIC	ARAB	No fee stated	Licence required [ <u>Fisheries Law N° 20 of 1978, Art. 3</u> ] Certificate of vessel fitness required [ <u>Id. Art. 3-4</u> ]
YEMEN DEMOCRATIC REPUBLIC	PEOPLE'S	Not specified	Fishing licence required [ <u>Law N° 24 of 1979 concerning the Organization of the Catches of Marine Resources, their Exploitation and Protection, Art. 10</u> ]

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TABLE D

LICENCE FEES AND BILATERAL AGREEMENT OR JOINT VENTURE REQUIREMENTS FOR FOREIGN FISHING

STATE	Licence fees, royalties and other payments		Requirements concerning bilateral framework agreements or joint venture participation
	Local currency	U.S.\$ Equiv.	
AUSTRALIA	<ul style="list-style-type: none"> <li>- licence to engage in fisheries= A\$ 20</li> <li>- licence for fishing boat *= A\$ 35 per metre overall length</li> <li>- additional fees for authority to carry fish taken by another boat - A\$ 80, or to process = A\$ 100</li> <li>- Fees for authority to carry or process fish taken by another boat where no licence to fish Carrying = A\$80 + A\$35 per metre Processing = A\$100 + A\$35 "</li> </ul> <p><u>(Fisheries Regulations Sched. 1 &amp; Torres Strait Fisheries Regulations, Sched. 1)</u></p>	<ul style="list-style-type: none"> <li>U.S.\$ 13</li> <li>U.S.\$ 23</li> <li>U.S.\$ 52 or</li> <li>U.S.\$ 65</li> <li>U.S.\$ 52+ U.S.\$ 23</li> <li>U.S.\$ 65+ U.S.\$ 23</li> </ul>	<ul style="list-style-type: none"> <li>- Licences may be issued only where a bilateral agreement is in force, or for feasibility fishing operations or under commercial joint ventures.</li> </ul> <p>Source: [<u>Australian Fishing Zone (AFZ) Information Bulletin N° 1, January 1980</u>]</p>
BAHREIN	<p>Fees to be determined by Minister of Commerce and Agriculture with approval of Council of Ministers (<u>Decree Promulgating Law N° 5 of 1981 on Fishing Regulation, Art. 9</u>)</p>		
BANGLADESH	<p>Carrying capacity of vessel:</p> <ul style="list-style-type: none"> <li>up to 250 tons = T. 750</li> <li>over 250 t. to 350 t. = T. 1 000</li> <li>over 350 t. to 450 t. = T. 2 000</li> <li>over 450 t. to 600 t. = T.5 000</li> <li>over 600 t. = T.10 000</li> </ul> <p><u>(Marine Fisheries Rules, 1983 R. 6)</u></p>	<ul style="list-style-type: none"> <li>US\$ 25</li> <li>US\$ 33</li> <li>US\$ 66</li> <li>US\$ 167</li> <li>US\$ 334</li> </ul>	

Note: Further information on fees charged to foreign fishing vessels under access agreements contained in FAO Legislative Study N° 21, Rev. 2, 1985, Coastal State Requirements for Foreign Fishing, Table B, by G. Moore

TABLE D

LICENCE FEES AND BILATERAL AGREEMENT OR JOINT VENTURE  
REQUIREMENTS FOR FOREIGN FISHING

STATE	Licence fees, royalties and other payments		Requirements concerning bilateral framework agreements or joint venture participation
	Local currency	U.S.\$ Equiv.	
BURMA	NO INFORMATION		
COMOROS	Licence fee fixed by order of Minister for Fisheries. ( <u>Act N° 82-015 of 6 May 1982, Art. 6</u> )		
DJIBOUTI	Commercial fishing operations in territorial seas and EEZ must be authorized by Minister of Agriculture. Licence fees not specified. ( <u>Law no. 52/AN/78, 9 January 1979, Art. 16</u> )		
EGYPT	No licences issued to foreign vessels. ( <u>Act N° 124 of 1983 Promulgating the Act on Fishing, Aquatic Life and the Regulation of Fish Farming, Art. 25</u> )		Egyptian scientific or public fisheries body may use foreign vessel with permission of Minister and security organs ( <u>Act on Fishing, 1983, Art. 25; Regulation N 667 of 1961, Reg. 15</u> )
ETHIOPIA	Fishing by foreign vessels may be permitted for limited periods ending in 1956. ( <u>Maritime Proclamation N° 137 of 1953, S. 9</u> )		

Note: Further information on fees charged to foreign fishing vessels under access agreements contained in FAO Legislative Study N° 21, Rev. 2, 1985, Coastal State Requirements for Foreign Fishing, Table B, by G. Moore

TABLE D

LICENCE FEES AND BILATERAL AGREEMENT OR JOINT VENTURE REQUIREMENTS FOR FOREIGN FISHING

STATE	Licence fees, royalties and other payments		Requirements concerning bilateral framework agreements or joint venture participation
	Local currency	U.S.\$ Equiv.	
FRANCE DEPARTMENTS (Réunion)			Fishing in EEZ subject to common fishery policy of European Economic Community. ( <u>Decret N° 78-148, 3 fevrier 1978, portant création d'une zone économique au large des côtes du département de la Réunion, Art. 2; Council Regulation N° 170/83 of 25 January 1983; Council Regulation N° 171/83 of 25 January 1983, Art. 1</u> ) Non-EEC vessel licensing subject to EEC regulations and to international [J agreements made by EEC. <u>[Décret du 9 Janvier 1852 sur l'exercice de la pêche maritime (modifié), Art. 9]</u>
FRENCH TERRITORIES	DEP. No provision for fee. <u>(Décret N° 78-963, 19 septembre 1978, fixant les conditions dans lesquelles certains navires étrangers pourront obtenir des droits de pêche dans les zones économiques qui ont été créées au large des côtes des territoires d'outre-mer et de la collectivité territoriale de Mayotte; Arrêté interministeriel, 1 decembre 1978 fixant, etc.)</u>		Foreign fishing prohibited except under international agreement. <u>[Décret du 9 Janvier 1852 sur l'exercice de la pêche maritime (modifié), Art. 9]</u> Licence for fishing in EEZ subject to international agreements and national law. <u>[Décret N° 78-146 de 3 fevrier 1978, Art. 2 Décret N 78-149 du 3 fevrier 1978, Art. 2]</u>

Note: Further information on fees charged to foreign fishing vessels under access agreements contained in FAO Legislative Study N° 21, Rev. 2, 1985, Coastal State Requirements for Foreign Fishing, Table B, by G. Moore

TABLE D

LICENCE FEES AND BILATERAL AGREEMENT OR JOINT VENTURE REQUIREMENTS FOR FOREIGN FISHING

STATE	Licence fees, royalties and other payments		Requirements concerning bilateral agreements or joint venture participation
	Local currency	U.S.\$ Equiv.	
INDIA	-squid jigging = Rs 1 000 per tonne of fish allowed.	US\$ 79 US\$ 158	Special permit for use of foreign vessel by Indian citizen, company or co-operative [ <u>Maritime Zones of India (Regulation of Fishing by Foreign Vessels) Act, 1981, S.5</u> ] on condition that he purchases vessel within specified time  [ <u>Maritime Zones of India (Regulation of Fishing by Foreign Vessels) Rules, 1982, R. 8(c), Sched. II</u> ]
	-fishing by trawling = Rs 2 000 per tonne of fish allowed.	US\$ 118	
	-fishing by long-line and gill net = Rs 1 500 per tonne of fish allowed	US\$ 79 US\$ 39	
	-fishing for tuna by long-lining/purse seining/ pole and line fishing	US\$ 16 US\$ 39	
	=Rs 1 000 per tonne of fish allowed	US\$ 791/yr.	
	-transporting of fish = Rs 500 per tonne of fish carrying capacity of vessel for each voyage.		
	-for any other purpose = Rs 200 per G.R.T. of craft for each voyage.		
	In all cases, applications to be accompanied by a non-refundable fee of Rs 500.		
	[ <u>Maritime Zones of India (Regulation of Fishing by Foreign Vessels) Rules, 1982 Schedule I</u> ]		
	Use of foreign vessel by local operator Rs. 10 000/yr. ( <u>Id. rule 8</u> )		
INDONESIA	1. <u>Registration(fishing permit) fee = US\$3 per GRT</u> 2. <u>Fishing fee per year:</u> <u>For Longliners</u> =US\$69 per cubic metre of fish hold capacity <u>Pole/line vessels</u> = US\$82 per " " " " <u>Purseseiners</u> = US\$85 per " " " "	Guidelines for joint ventures specified.  -Undertakings not to compete with small-scale or traditional artisanal fisheries; -investor to be bona fide company; -investment to lead to foreign exchange	

Note: Further information on fees charged to foreign fishing vessels under access agreements contained in FAO Legislative Study N° 21, Rev. 2, 1985, Coastal State Requirements for Foreign Fishing, Table B, by G. Moore

TABLE D

LICENCE FEES AND BILATERAL AGREEMENT OR JOINT VENTURE REQUIREMENTS FOR FOREIGN FISHING

STATE	Licence fees, royalties and other payments		Requirements concerning bilateral agreements or joint venture participation
	Local currency	U.S.\$ Equiv.	
INDONESIA Cont'd	<p><u>Gillnetters</u> and other gear excluding trawls. = US\$44 per cubic metre of fish hold capacity            Fee for changes to permit = US\$100 (<u>Decree N° 477/Kpts/IK.120/6/1985, Art. 2</u>)            Fees for joint venture vessels range from US\$500 to US\$1000 per US\$500-US\$1000 vessel, plus <u>royalties</u> on exported fish:</p> <p><u>Shrimp</u>: =2% of check price  <u>Tuna</u>: = 1.5% of FOB price  <u>Skipjack</u> =1.5% of FOB price  <u>Pearl</u> = 1.5% of FOB price  <u>Other species</u> = 1% of FOB price</p>		<p>earnings;            -Share ratio for Indonesian partner to start at 20% rising to at least 40% in 5 years and 51% within 10 yrs</p>
IRAN	No information		<p>Agreement flag state or company required.  <u>[Temporary Regulations ... Southern Parts of Iran, 2 December 1973, Art. 8]</u></p>
IRAQ	See Table C (National Fees)		
ISRAEL	No information		

Note: Further information on fees charged to foreign fishing vessels under access agreements contained in FAO Legislative Study N° 21, Rev. 2, 1985, Coastal State Requirements for Foreign Fishing, Table B, by G. Moore

TABLE D

LICENCE FEES AND BILATERAL AGREEMENT OR JOINT VENTURE REQUIREMENTS FOR FOREIGN FISHING

STATE	Licence fees, royalties and other payments		Requirements concerning bilateral framework agreements or joint venture participation
	Local currency	U.S.\$ Equiv.	
JORDAN	See Table C (National Fees)		
KENYA	<ul style="list-style-type: none"> <li>- Unspecified at the discretion of the Director of Fisheries;</li> <li>- Licences issued in respect of fishermen not vessels.</li> </ul> <p>[Fish Industry Act 1968 S.8; Fish Protection (Fishing by Non-Kenya Citizens) Rules, L.N. 60/1964]</p>		
KUWAIT	<p>Fees to be specified in access agreement. (Decree Promulgating Law N° 46 of 1980 on Conservation of Fisheries Resources Art. 2)</p>		<p>Fishing only authorized under licence issued by Minister in accordance with an agreement specifying the conditions and fees to be paid.</p> <p>(Decree Promulgating Law N° 46 of 1980 on Conservation of Fisheries Resources Art. 2)</p>
MADAGASCAR	No information		<p>Access to fishing grounds within territorial waters only under bilateral agreements.</p> <p>(Code of Merchant Shipping, N° 66-007 of 1966, Art. 5.2.01)</p>

Note: Further information on fees charged to foreign fishing vessels under access agreements contained in FAO Legislative Study N° 21, Rev. 2, 1985, Coastal State Requirements for Foreign Fishing, Table B, by G. Moore

TABLE D

LICENCE FEES AND BILATERAL AGREEMENT OR JOINT VENTURE  
REQUIREMENTS FOR FOREIGN FISHING

STATE	Licence fees, royalties and other payments		Requirements concerning bilateral framework agreements or joint venture participation
	Local currency	U.S.\$ Equiv	
<u>MALAYSIA</u>	Permits subject to payment of such sum of money as the Director General may specify. Director-General may also require payment of sum of money by way of security for activities of vessel. <u>(Fisheries Act 1985 S. 19)</u> <u>Licence fees for foreign owned fishing boats and fishing boats not wholly owned by Malaysians:</u> (Fees per gear per annum) <u>-Trawl nets used with engined boats</u> 250 GT and above = R. 6,000 150-250 GT = R. 3,000 100-150 GT = R. 2,250 70-100 GT = R. 1,500 <u>Fish purse seine and Anchovy purse seine nets used with engined boats</u> 250 GT and above = R. 9,000 150-250 GT = R. 6,000 100-150 GT = R. 4,500 70-100 GT - R. 3,500 <u>(Fisheries (Maritime)(Amendment) Regulations 1982)</u>		International fishery agreement with flag state and fishing permit both required <u>(Fisheries Act 1985 S. 15)</u>
		US\$ 2,299 US\$ 1,149 US\$ 862 US\$ 575 US\$ 3,448 US\$ 2,299 US\$ 1,724 US\$ 1,341	

Note: Further information on fees charged to foreign fishing vessels under access agreements contained in FAO Legislative Study N° 21, Rev. 2, 1985, Coastal State Requirements for Foreign Fishing, Table B, by G. Moore

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LICENCE FEES AND BILATERAL AGREEMENT OR JOINT VENTURE  
REQUIREMENTS FOR FOREIGN FISHING

STATE	Licence fees, royalties and other payments		Requirements concerning bilateral framework Requirements concerning agreements or joint venture participation
	Local currency	U.S.\$ Equiv.	
MALDIVES	- Fishing licences issued subject to a predetermined fee, amount and modality of payment to be established by Ministry of Trade and Industries. - Licence to deposit security in foreign currency equivalent of R. 150 per tonne, for every tonne of the gross tonnage of the vessels or bank guarantee. Security refunded at the end of licence period if no outstanding financial claim against the party or its employees.	US\$ 21	1
MAURITIUS	200 rupees per G.R.T. per annum (Government Notice N° 23 of 1978 as amended by G.N. N° 344 of 1981)	US\$ 15	
MOZAMBIQUE	Conditions of authorization for foreign fishing vessels to be set by Minister of Industry and Energy (Law N° 8/78 of 22 April 1978, Art. 3)		

Note: Further information on fees charged to foreign fishing vessels under access agreements contained in FAO Legislative Study N° 21, Rev. 2, 1985, Coastal State Requirements for Foreign Fishing, Table B, by G. Moore

TABLE D

LICENCE FEES AND BILATERAL AGREEMENT OR JOINT VENTURE REQUIREMENTS FOR FOREIGN FISHING

STATE	Licence fees, royalties and other payments		Requirements concerning bilateral framework agreements or joint venture participation
	Local currency	U.S.\$ Equiv.	
OMAN	Minister to issue regulations prescribing fees for fishing licences. (Sultanic Decree No 53/81 promulgating the Law n Marine Fisheries and Conservation of Living Aquatic Resources, Art. 4) Fee may be charged for Omani use of foreign vessels. (Ministerial Decree N° 3/82 on the Executive Regulations for the Law on Marine Fisheries and Conservation of Living Marine Resources, Art. 24) No foreign fishing fees established. See Table C (National Fees).		
PAKISTAN	- registration fee = fishing craft RS 50 fishing gear RS 10 to 50 - licence fees - RS 100 per year per vessel - permit fee = RS 50 per vessel - identity card = RS 5 per card [Exclusive Fishery Zone (Regulation of Fishing) Rules 1976 Schedule] Joint venture guidelines: Government Royalty = 10% of value of catch in foreign exchange. Local party to receive 27%	US\$ 3 US\$ 0.60 to 3 US\$ 6 US\$ 3 US\$ 0.29	Joint venture guidelines: -Bank guarantee of Rs 200 000 -Vessel GRT 300-500 only; -Area of operation beyond 35 miles from coast only; -Catch to be exported in frozen form through Pakistan port; -Tax holidays; -Provisions specified regarding responsibilities of local and foreign party.

Note: Further information on fees charged to foreign fishing vessels under access agreements contained in FAO Legislative Study N° 21, Rev. 2, 1985, Coastal State Requirements for Foreign Fishing, Table B, by G. Moore

TABLE D

LICENCE FEES AND BILATERAL AGREEMENT OR JOINT VENTURE  
REQUIREMENTS FOR FOREIGN FISHING

STATE	Licence fees, royalties and other payments		Requirements concerning bilateral framework agreements or joint venture participation
	Local currency	U.S.\$ Equiv	
QATAR	Minister to issue regulations prescribing fees for fishing licences (Law N° 4 of 1983 on Exploitation and Conservation of Living Aquatic Resources in Qatar, Art 5)  Fee may be charged for Qatari use of foreign vessel  (Executive Regulations of Law N° 4 on the Exploitation and Conservation of Living Aquatic Resources in the State of Qatar, Art. 40)  No foreign fishing fee established. (See Table C, National Fees)		
SAUDI ARABIA	No Information		Foreign vessels operating for local company exempted from foreign licensing requirements.   (Fishing Regulation, Exploitation and Conservation of Living Aquatic Resources Scheme, Art. 9)
SEYCHELLES	The fees for licences shall be the subject of negotiation between the Government and the owner of the foreign fishing vessel.  (Foreign Fishing Vessels (Amendment) Regulations, 1983 Reg. 2)		

Note: Further information on fees charged to foreign fishing vessels under access agreements contained in FAO Legislative Study N° 21, Rev. 2, 1985, Coastal State Requirements for Foreign Fishing, Table B, by G. Moore

TABLE D

LICENCE FEES AND BILATERAL AGREEMENT OR JOINT VENTURE REQUIREMENTS FOR FOREIGN FISHING

STATE	Licence fees, royalties and other payments		Requirements concerning bilateral framework agreements or joint venture participation
	Local currency	US\$ Equiv	
SOMALIA	<u>Joint venture fees</u>		-
	1	50% Somali participation	US\$ 10,000/yr.
	2.	Other	US\$ 12,000/6mo.
	(Fisheries Joint Venture Guidelines, 1985, S.21)		-
	<u>Joint venture vessel fees</u>		Joint venture defined as
	Coastal vessel to 10 m.		"cooperation exercise
	Coastal vessel to 18 m.		between Somali and foreign
	Tuna vessel		waters set up for a specific
	Trawler under 100 GRT		fisheries business (and)
	Trawler over 100 to 250 GRT		limited time, temporarily
	Trawler over 250 to 500 GRT		pooling resources and skills,
	Trawler over 500 to 1000 GRT		with risk bearing and ....
	Trawler over 1000 GRT		taking by both parties"
	Pair trawlers under 400 GRT		(Fisheries Joint Venture
	(Id. S. 22)		Guidelines, 1985, S. 2)
	<u>Foreign vessel fees</u>		
	Each unit of horsepower		
Royalty on catch (per tonne):			
-	fish	US\$ 49.	
-	deep-sea lobster	US\$ 420.	
-	cuttlefish/squid	US\$ 77.	
-	large shrimp	US\$ 315.	
-	small shrimp	US\$.140	
(Ministerial Decree, 25 September 1986)			

Note: Further information on fees charged to foreign fishing vessels under access agreements contained in FAO Legislative Study N° 21, Rev. 2, 1985, Coastal State Requirements for Foreign Fishing, Table B, by G. Moore

TABLE D

LICENCE FEES AND BILATERAL AGREEMENT OR JOINT VENTURE REQUIREMENTS FOR FOREIGN FISHING

STATE	Licence fees, royalties and other payments.		Requirements concerning bilateral framework agreements or joint venture participation
	Local currency	US\$ Equiv	
SRI LANKA	less than 100 GRT:	-	Only joint ventures may operate foreign fishing vessels in zone 24-36 miles from shore. (Foreign Fishing Boats Regulations 1981 R. 6)
	= US\$5 per GRT per month		
	100 and less than 500 GRT:	US\$5 GRT/month	
	= US\$4 per GRT per month		
	500 and over :	US\$4 GRT/month	
	= US\$3 per GRT per month	US\$3 GRT/month	
	(Foreign Fishing Boat Regulations 1981 -Second Schedule.)		
SUDAN	Vessel licence:	US\$ 4	
	= £ 10 per vessel per annum		
	-Vessel may be required to make payment in form of share of catch.		
	Each case considered separately		
	(Marine Fisheries Ordinance Sched. 2, 1960 and country reply)		
TANZANIA	Vessel fees (annual)		
	-to 10 m. (non powered) T.S. 200	US\$ 4.35	
	-to 10 m. (powered) T.S. 1,000	US\$ 21.74	
	-over 10 to 15 m. T.S. 2,000	US\$ 43.48	
	-over 15 to 20 m. T.S. 6,000	US\$ 130.43	
	-over 20 m. T.S. 10,000	US\$ 217.39	
	-any length pleasure vessel. T.S. 1,200	US\$ 26.08	
	[Fisheries (General) Regulations 1973, as amended up to 1982, Sched. 3, part (a) product fees (annual)]		

Note: Further information on fees charged to foreign fishing vessels under access agreements contained in FAO Legislative Study N° 21, Rev. 2, 1985, Coastal State Requirements for Foreign Fishing, Table B, by G. Moore

TABLE D

LICENCE FEES AND BILATERAL AGREEMENT OR JOINT VENTURE  
REQUIREMENTS FOR FOREIGN FISHING

STATE	Licence fees, royalties and other payments		Requirements concerning bilateral framework agreements or joint venture participation
	Local currency.	U.S.\$ Equiv	
THAILAND	NO FOREIGN FISHING AT PRESENT		No licence may be issued to foreign vessels except under an agreement with the flag state.  (Act governing the Right to fish in Thai fishery waters, 1939 S. 7).
UNITED ARAB EMIRATES	No information		
UNITED KINGDOM DEP. TERRITORIES	No information		
YEMEN ARAB REPUBLIC	No information		Foreign fishing may be authorized under licence or international agreement. (Fisheries Law N° 20 of 1978, Art. 12)
YEMEN DEMOCRATIC REPUBLIC	No information		Foreign fishing may be authorized by a special agreement with the Republic or permit from the competent authorities.  (Act N° 45 of 1977 Art. 20)  Yemeni share in any joint venture must be at least 51%.

Note: Further information on fees charged to foreign fishing vessels under access agreements contained in FAO Legislative Study N° 21, Rev. 2, 1985, Coastal State Requirements for Foreign Fishing, Table B, by G. Moore

## TABLE E

### FOREIGN FISHING VESSEL LICENCE CONDITIONS

COUNTRY	COMPLIANCE CONTROL AND OTHER CONDITIONS	LOGBOOK AND REPORTING REQUIREMENTS
AUSTRALIA	<ul style="list-style-type: none"> <li>- The conditions that may be specified in a licence include conditions relating to:                             <ul style="list-style-type: none"> <li>- the class or classes of fish (taken, processed or carried);</li> <li>- the quantity of fish to be taken;</li> <li>- the rate at which fish may be taken;</li> <li>- the methods or equipment used to take, process or carry fish;</li> </ul> </li> <li>- The Minister or the Secretary may, at any time, endorse a licence so as to extend it to authorize the boat to be brought into a specified port and the landing at that port of fish carried on board.</li> <li>- Observers may be designated by the Minister or the Secretary [<u>Fisheries Act 1952, S. 9 (3A), (5A)</u>]</li> <li>- Licensed vessel to display international call sign in prescribed manner so as to be visible from aircraft and surface vessels. (<u>Fisheries Regulations, Reg. 12D</u>)</li> <li>- Name of vessel to be displayed on both sides of bow and on stern in contrasting colours. (<u>Id. Reg. 12E</u>)</li> <li>- Officer may inspect licensed foreign fishing boat, gear and catches (<u>Id. Reg. 12F</u>)</li> <li>- Master not to obstruct inspecting officers and to produce registration papers, licences, records relating to fishing in Australian fishing zone together with written translation into English if required. (<u>Id. Reg. 12F, 12J</u>)</li> <li>- Master to embark and land observers at times and places specified and provide access to all parts of boat required and provide information reasonably requested. Observers to be provided with food and accomodation</li> </ul>	<p>The Governor General may make regulations,</p> <ul style="list-style-type: none"> <li>- providing for the reporting of the positions of foreign boats licensed within the fishing zone;</li> <li>- providing for the furnishing of information relating to the use in the fishing zone of foreign boats. (<u>Fisheries Act 1952, S. 17</u>)</li> <li>- Master of licensed foreign fishing boat shall report position within 12 hours of each of the times specified in the licence by radio to the Australian Coastal Surveillance Centre through an Australian coast radio station operated by the Overseas Telecommunications Commission (<u>Fisheries Regulations, Reg. 12C</u>)</li> <li>- Master of licensed foreign fishing boat to maintain logbook in published form on daily basis (information to be recorded by end of following day).</li> <li>- Completed folios of logbook to be furnished as soon as practicable to officer or the Department in accordance with requirements set out in logbook. [<u>Fisheries Regulations, Reg. 18</u>].</li> <li>- Foreign vessels operating under licence under the Torres Strait Fisheries Act may be required to maintain fishing log-books in prescribed form during prescribed periods. Where so required details of fishing etc. to be entered before end of day following that of operations. (<u>Torres Strait Fisheries Regulations 1985, Reg. 7</u>)</li> </ul>

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FOREIGN FISHING VESSEL LICENCE CONDITIONS

COUNTRY	COMPLIANCE CONTROL AND OTHER CONDITIONS	LOGBOOK AND REPORTING REQUIREMENTS
AUSTRALIA Cont'd	<p>appropriate for junior officer and to be permitted to use facilities or operate equipment as required. (<u>Id. Reg. 12</u>)</p> <ul style="list-style-type: none"><li>- Master to transmit radio messages required by observer and deliver radio messages sent to observer promptly (<u>Id. Reg. 12</u>)</li></ul> <p>Foreign vessels operating under licence under the Torres Strait Fisheries Act in areas of Australian jurisdiction to bear distinguishing number assigned to it, consisting of boats international call-sign followed by the letter T (<u>Torres Strait Fisheries Regulations 1985, Reg. 7</u>)</p> <p><u>FOR TRANSIT BY UNLICENSED FISHING VESSELS</u></p> <ul style="list-style-type: none"><li>- Nets must be stowed and secured;</li><li>- transit through waters must be by shortest practicable route;</li><li>- where vessel transiting to or from Australian port or authorized fishing area or between areas, approval of authorities required. [<u>Fisheries Act, S. 13AB (3)</u>]</li><li>- Approval to be sought from Senior Co-ordinator, Australian Coastal Surveillance Centre (ACSC);</li><li>- Approval to be sought by radio message or telx/telegram with prescribed code letters and specifying international radio call-sign, point and time of entry or other details of voyage</li></ul> <p>[<u>Fisheries Regulations, Reg. 12B</u>]</p> <p><u>Note:</u></p>	

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FOREIGN FISHING VESSEL LICENCE CONDITIONS

COUNTRY	COMPLIANCE CONTROL AND OTHER CONDITIONS	LOGBOOK AND REPORTING REQUIREMENTS
AUSTRALIA A Cont'd	<ul style="list-style-type: none"> <li>- In accordance with the decision of the South Pacific Forum in August 1982 and as from 1 September 1983, no member of the Forum Fisheries Agency will licence a foreign vessel to fish for tuna in their fishing zone unless it is listed in good standing on the regional register maintained by the Forum Fisheries Agency.</li> </ul> <p><u>(Source: AFZ Information Bulletin Canberra May-July 1983)</u></p>	
BAHRAIN	<ul style="list-style-type: none"> <li>- Proprietor of vessel or person responsible for use not to cause damage to fish barriers of fishing gear.</li> </ul> <p><u>[Decree Promulgating Law N° 5 of 1981 on Fishing Regulations, Art. 13(a)]</u></p> <ul style="list-style-type: none"> <li>- Minister empowered to make regulations requiring fishing vessels to display identification numbers</li> </ul> <p><u>[Id. Art. 15(f)]</u></p>	<ul style="list-style-type: none"> <li>- Proprietor or person in charge of vessel to furnish Fisheries Resources Department with information on vessel.</li> </ul> <p><u>[Decree Promulgating Law N° 5 of 1981 on Fishing Regulations, Art. 13(b)]</u></p> <ul style="list-style-type: none"> <li>- Minister may make regulations for fisheries data</li> </ul> <p><u>[Id. Art. 15(h)]</u></p>
BANGLADESH H	<ul style="list-style-type: none"> <li>- Certain areas within the economic zone reserved for Bangladesh fishermen.</li> </ul> <p><u>[Territorial Waters and Maritime Zones Rules, 1977, S. 6]</u></p> <ul style="list-style-type: none"> <li>- licence issued only by competent authority, subject to such conditions, limitations and restrictions as licensing authority may specify.</li> </ul> <p><u>[Id. S. 5]</u></p> <ul style="list-style-type: none"> <li>- Licences not transferrable</li> <li>- Licences valid only for species, fishing gear, method and location specified in licence</li> <li>- Fishing vessels not to interfere with navigation aids, shipping etc. in shipping lanes;</li> <li>- Licences subject to conditions prescribed by rules or endorsed on licence by Director;</li> </ul> <p><u>[Marine Fisheries Ordinance, 1983, S. 11, 13, 15 &amp; 16]</u></p>	<ul style="list-style-type: none"> <li>- Licence holder to keep detailed information on catches and sales in prescribed form and submit copy to Director</li> </ul> <p><u>[Marine Fisheries Ordinance, 1983 S. 14]</u></p> <ul style="list-style-type: none"> <li>- Written records to be maintained on daily basis of fishing effort and catch in form specified by Director;</li> <li>- Records to be transmitted to Director monthly or at request of Director or authorized officer;</li> <li>- Master or local representative to notify estimated time and location of entry into Bangladesh waters at least 24hrs. in advance giving fishing plan and arrival date in Chittagong or Khulna for initial inspection;</li> </ul>

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**FOREIGN FISHING VESSEL LICENCE CONDITIONS**

COUNTRY	COMPLIANCE CONTROL AND OTHER CONDITIONS	LOGBOOK AND REPORTING REQUIREMENTS
BANGLADESH (Cont'd)	<ul style="list-style-type: none"> <li>- Information to be given on licence application specified</li> <li>- Licences valid only for activities, period, area, conditions, species, quantities, methods and gear as specified</li> <li>- Relevant laws and rules on fish conservation and management to be complied with;</li> <li>- By-catch not to exceed specified percentage;</li> <li>- Vessel to display assigned identification mark to be clearly visible from air and sea;</li> <li>- Owner to appoint and maintain local representative resident in Bangladesh, authorized to accept legal and financial responsibility on behalf owner in respect of fishing operations and accept service of notice, summons or other document in legal proceedings related to those operations</li> <li>- Owner to execute bond to guarantee performance of licence obligations if required by Director;</li> <li>- Compulsory inspection in Chittagong or Khulna on entry and in place specified by Director before departure zone;</li> <li>- Transhipments of fish only in Chittagong or Khulna under control of authorized officer unless otherwise authorized</li> <li>- Master to bring vessel to port for inspection if required</li> <li>- Vessel to fly national flag and Bangladesh courtesy flag while in Bangladesh waters;</li> <li>- Master to accept observers designated by Director and provide food and accomodation equivalent to officer, cooperate in performance duties, and allow access to radiotelephone facilities;</li> <li>- Master to comply with directions of authorized officers, stop vessel on request and allow boarding and inspection;</li> </ul>	<ul style="list-style-type: none"> <li>- Master, if required by licence, to make radio reports weekly to Director giving name and licence number, position, quantity of fish of each species caught in Bangladesh waters, caught since last report and transferred, to other vessels since last report or inspection;</li> <li>- Master or local representative to notify estimated time and location of departure from Bangladesh waters at least 48 hours in advance giving expected date of arrival in Chittagong or Khulna for final inspection, and species, quantity, condition of fish on board;</li> <li>- Vessel to maintain records and make reports in English</li> <li>- Vessel to use IMO International Code of Signals.</li> </ul> <p><u>[Marine Fisheries Rules, 1983]</u></p>

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FOREIGN FISHING VESSEL LICENCE CONDITIONS

COUNTRY	COMPLIANCE CONTROL AND OTHER CONDITIONS	LOGBOOK AND REPORTING REQUIREMENTS
BANGLADESH (Cont'd)	<ul style="list-style-type: none"> <li>-Vessel to carry communications and position fixing equipment as specified;</li> <li>-Vessel not authorized to fish to stow gear in prescribed manner;</li> <li>- Licensed vessels to employ at least 3 Bangladesh crew trained in Marine Fisheries Training Academy, Chittagong;</li> <li>- Minimum mesh sizes, permitted fishing areas for specified methods of fishing, prohibited fishing methods specified. (Marine Fisheries Rules, 1983)</li> </ul>	
BURMA	<p>Permission of the Council of Ministers required. [Territorial Sea and Maritime Zones Law, 1977, S. 20]</p>	
COMOROS	<p>Fishing by foreign vessels prohibited in territorial sea. (Act N 82-015 of 11 May 1982, Art. 2) Fishing in EEZ requires licence. [Id. Art. 3] <u>Licence conditions may include</u> area, seasons, species, quotas, fishing methods and gear, requirements concerning the processing, transport, transshipping and landing of catch, port inspection, requirements concerning statistical and vessel position reports, research and training programmes, obligation to carry licence on board, vessel identification marks, compliance with instructions, observers, transponders and other required equipment. [Id. Art. 5]</p>	<p><u>Licence conditions may include</u> requirement to report statistical information to competent authorities, including in particular, information on catch and effort and position of vessel. [Act N 82-015 of 11 May 1982, Art. 5]</p>
DJIBOUTI	<p>Fishing operations in territorial sea and EEZ must be authorized by Minister of Agriculture. Licence conditions not specified. [Law N° 52/AN/78, 9 January 1979, Art. 16]</p>	

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FOREIGN FISHING VESSEL LICENCE CONDITIONS

COUNTRY	COMPLIANCE CONTROL AND OTHER CONDITIONS	LOGBOOK AND REPORTING REQUIREMENTS
EGYPT	Foreign fishing vessels may not fish or be present in the territorial waters; fishing licences shall not be issued to foreign vessels in Egyptian waters. [Act N° 12A of 1983, Art. 25]	
ETHIOPIA	Issue of foreign licences limited to 1956 [Maritime Proclamation N° 137 of 1953, Art. 9]	
FRANCE DEPARTMENTS & DEPENDENT TERRITORIES	<p><u>General:</u> Where EEC regulations so require or do not apply, decree shall determine: - regulation of ancillary operations - prohibition of sale and transport of prohibited catch [Decret du 9 Janvier 1852 sur l'exercice de la peche maritime (modifié), Art. 3] - Place and conditions of landing of catch [Id. Art. A]</p> <p><u>Reunion:</u> Without prejudice to EEC Treaty and regulations, fishing in maritime waters under national jurisdiction by vessels from non-EEC members prohibited. Licence may be issued in conformity with EEC Treaty and regulations and with international agreement concluded by EEC. [Id. Art. 9; Decret N° 78-148 of 3 February 1978, Art. 2]</p>	<p><u>Dependent Territories:</u> - maintenance of fishing log book on board - master to radio entry and departure of vessel, catch and position - log entries after each fishing operation to record quantity of catch by species, date and time of beginning and end of each operation, position of catch, fishing method. - On entry, exit, port call and every 7 days, radio report of position, catch on board, catch since last report and their positions, trans-shipments. [Arrêté interministeriel du 1er decembre 1978, annexe II]</p>

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FOREIGN FISHING VESSEL LICENCE CONDITIONS

COUNTRY	COMPLIANCE CONTROL AND LOGBOOK AND REPORTING OTHER CONDITIONS	AND REQUIREMENTS
FRANCE DEPARTMENTS & DEPENDENT TERRITORIES (Cont'd)	<p><u>Dependent Territories:</u> Fishing activities by foreign vessels permitted pursuant to international agreement with flag States and according to conditions stipulated therein.</p> <p><u>[Décret du 9 Janvier 1852 sur l'exercice de la pêche maritime (modifié), Art. 9; Décret N° 78-146 du 3 fevrier 1978, Art. 2]</u></p> <p>Number of vessels fishing in EEZ and volume of catch to be determined by Decree</p> <p><u>[Decree N° 78-963 of 19 September 1978, Art. 2]</u></p> <ul style="list-style-type: none"> <li>- Obligation to carry licence on board</li> <li>-Vessel's name to be displayed on wheelhouse</li> <li>-Vessel's number to be displayed on the upper part the superstructure so as to be visible from aircraft</li> </ul> <p><u>[Id. Art. 5]</u></p>	
INDIA	<ul style="list-style-type: none"> <li>- Licence application details specified <u>[Maritime Zones of India (Regulation of Fishing by Foreign Vessels) Rules, 1982, R. 3]</u></li> <li>- Licences issued for any of following activities; commercial fishing, transshipping fish or supplies, processing fish, transporting fish from grounds, landing fish, purchasing bait, supplies, fuel etc. <u>[Id. R. 3]</u></li> <li>- Licence for foreign vessel valid for period specified <u>[Id. R. 4]</u></li> <li>- Licensee to pay fees at time of delivery of licence <u>[Id. R.5]</u></li> <li>- Vessel to engage only in activities authorized by licence</li> </ul>	<p>Master of vessel to give 24 hours prior notice to the authorised officer of entry into zone, location of entry, approximate schedule of activities to be conducted.</p> <p>Notification to be given of time and location of commencement of fishing, time and location of any temporary departure from the fishing grounds for the purpose of embarking or disembarking observer or for call at an Indian port or any other temporary departure from the fishing grounds, time and position of return to the fishing grounds following temporary departure; time and position at which vessel leaves the zone and</p>

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**FOREIGN FISHING VESSEL LICENCE CONDITIONS**

COUNTRY	COMPLIANCE CONTROL AND OTHER CONDITIONS	LOGBOOK AND REPORTING REQUIREMENTS
INDIA (Cont'd)	<ul style="list-style-type: none"> <li>- Activities to be carried out only within authorized areas and during authorized periods <u>[Id.]</u></li> <li>- Foreign members of crew to be employed only after clearance by Central Government <u>[Id.]</u></li> <li>- Vessel to fish only for authorized stocks and authorized quantities; no fishing for catches listed as prohibited.</li> <li>- Crew not to discard substantial quantities caught in excess of authorized quantities, but retain on board, record and surrender as directed by authorized officer <u>[Id.]</u></li> <li>- Crew not to fish except with fishing equipment and gear authorized in licence <u>[Id.]</u></li> <li>- Transporting of fish allowed only as specified in licence</li> <li>- Vessel to have on board equipment and fishing gear, including communications equipment described in licence as "required equipment" <u>[Id.]</u></li> <li>- Where not authorized to fish, vessel to stow gear <u>[Id.]</u></li> <li>- Where vessel required to carry out programmes of sampling observation, research, master to comply with instructions.</li> <li>- Master to take observers on board if required <u>[Id.]</u></li> <li>- Master to take all reasonable precautions for safety of observers boarding or leaving ship <u>[Id.]</u></li> <li>- Observers to be provided with food and accommodation if on board for more than 4 hours <u>[Id.]</u></li> <li>- Master to arrange communication facilities for observer and provide other assistance, including access to position fixing equipment <u>[Id.]</u></li> <li>- Master of vessel to proceed to port or place at sea for inspection if required <u>[Id.]</u></li> <li>- Master to comply with directions given by authorized officer; international code of signals to be used <u>[Id.]</u></li> </ul> <p>Vessel to fly flag of flag state <u>[Id.]</u></p>	<p>ceases fishing.</p> <p>Written records to be maintained on daily basis of fishing effort, catch, species size and weight, transshipment and processing.</p> <p>- Data to be kept on quantity of fish caught in excess of permitted quantity.</p> <p>Written records to be kept of any other information that may be prescribed</p> <p><u>[Maritime Zones of India (Regulation of Fishing by Foreign Vessels) Rules, 1982,R.5]</u></p>

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FOREIGN FISHING VESSEL LICENCE CONDITIONS

COUNTRY	COMPLIANCE CONTROL AND OTHER CONDITIONS	LOGBOOK AND REPORTING REQUIREMENTS
INDIA (cont'd)	<ul style="list-style-type: none"><li>- Identifying letters and numbers to be displayed in place clearly visible from air and sea in white markings on black at least 1 metre in height for vessels over 20 metres or otherwise half metre in height to be maintained legible</li><li>- Licensee when so required to make arrangements for training of Indian crew and personnel on board vessel [Id.]</li><li>- Additional conditions may be specified in licence.[Id.]</li><li>- Licence to be displayed on board [Id., R. 9]</li><li>- Vessel not to cause damage to Indian fishing vessels, gear, etc, wilfully or through gross negligence [Id., R. 10]</li><li>- Vessel not to commence fishing operations before cleared by Coast Guard [Id., R.11]</li><li>- Vessel not to fish in territorial waters unless permitted</li><li>- Vessel not to carry explosives, poisonous substances, etc</li><li>- Vessel not to destroy or abandon gear to avoid detection</li><li>- Application to include name and address of person resident in India who is authorized to represent licensee for purpose of providing liaison with Government [Id., R. 3]</li></ul> <p><u>CONTROLS OVER TRANSIT BY UNLICENSED VESSELS</u></p> <ul style="list-style-type: none"><li>- Fishing gear of unlicensed vessels to be kept stowed in prescribed manner when transitting zone.</li></ul> <p>[<u>Maritime Zones of India (Regulation of Fishing by Foreign Vessels) Act 1981, (S. 7)</u>]</p> <p>Where any foreign vessel found in maritime zone and fish-gear not properly stowed, or fish is found on board, it shall be presumed unless the contrary is proved, that the vessel was used for fishing within the zone [Id. S. 22]</p>	

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FOREIGN FISHING VESSEL LICENCE CONDITIONS

COUNTRY	COMPLIANCE CONTROL AND OTHER CONDITIONS	LOGBOOK AND REPORTING REQUIREMENTS
INDIA (Cont'd)	<p>- Method of stowage of gear includes stowage below deck of all gear, or otherwise moved from where normally and rend not readily available for fishing, disconnecting of nets, lines, trawlboards, etc. from towing lines</p> <p>[Maritime Zones etc., Rules, R. 14]</p>	
INDONESIA	<p>Permit valid one year, non-transferable, must be in possession</p> <p>[Government Regulation N° 15 of 1984, Art. 12-13, Decree N° 475 of 1985, Art. 4-6, conditions (a), (b)] Vessel requires identification card, [Decree N 475, Art. 8], and sailing permit and security clearance to cross EEZ, [Decree N° 476, Art. 3]</p> <p>Vessel must have Indonesian agent [Government Regulation N° 15 of 1984, Art. 15; Decree N° 475, Art. 7]</p> <p>Vessel must board inspectors [Government Regulation N° 15 of 1984, Art. 14(2)]; Decree N" 475, Art. 9; Decree N° 476, Art. 5]</p> <p>Vessel must accommodate inspectors, provide daily allowance and leave them in a port</p> <p>[Decree N° 476, Art. 2(e), 7]</p> <p>Vessel may only carry gear specified in permit and must stow gear while transiting</p> <p>[Decree N° 475, conditions (e), (h)]</p> <p>Vessel may be required to call in port before, during and after fishing</p> <p>[Goverbment Regulation N° 15 of 1984, Art. 14(1): Deree N° 475, condition (g); Decree N° 476 Art. 2 (b)</p> <p>Fishing by foreign vessels prohibited except under contract or agreement already signed.</p>	<p>Vessel must report to designated officials before, during and after fishing</p> <p>[Government Regulation N° 15 of 1984, Art. 14(1); Decree N° 475, Art. 9]</p> <p>Vessel must report at least 24 hours before entering EEZ, position at least every 24 hours and position and catch data at least 72 hours before leaving EEZ [Decree N° 475, conditions (f), (i), ( j ); Decree N° 476, Art. 2]</p> <p>Report forms must be filled out and filed [Decree N° 475, condition (h)]</p>

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FOREIGN FISHING VESSEL LICENCE CONDITIONS

COUNTRY	COMPLIANCE CONTROL AND OTHER CONDITIONS	LOGBOOK AND REPORTING REQUIREMENTS
INDONESIA (Cont'd)	Requirements concerning refrigeration equipment and handling of fish.  Mesh size and species size limitations for shrimp and finfish (Arts. 14-26) closed seasons and areas (Arts. 27-31) (Temporary regulations for catching fish, shrimp and other sea animals, of 2 December 1973)	
TRAQ	NO INFORMATION	
ISRAEL	NO INFORMATION	
JORDAN	Fishing forbidden without an authorization. Details of granting authorizations to be dealt with by decision of the Minister.  (Code of Agriculture, Law N° 20 of 1973, Art 182; 184)	
KENYA	Unspecified at the discretion of the Director of Fisheries. (Fish Protection (Fishing by non-Kenya Citizens) Rules L.N. 360/1964)	
KUWAIT	Licence from Directorate of Fisheries Resources required No conditions specified  (Ministerial Decree No 19/1980 on Foreign Fishing Vessels)	

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**FOREIGN FISHING VESSEL LICENCE CONDITIONS**

COUNTRY	COMPLIANCE CONTROL AND OTHER CONDITIONS	LOGBOOK AND REPORTING REQUIREMENTS
MADAGASCAR	<p>Same general requirements and system of licensing as national fishing.</p> <p>Restriction on number of trawlers authorized to operate in the same area.</p> <p>For large vessels, licenses are issued on the advice of a technical commission.</p> <p>For smaller vessels: quota for the total number of licences to be issued.</p> <p>Controls over fishing vessels and gear. (Decree N° 71-238 of 18 May 1971)</p>	<p>Monthly reports to be made of catch and effort (if not, licence may be suspended for 6 months)</p> <p>(Decree N° 71-238 of 18 May 1971 Art. 9-10)</p>
MALAYSIA	<p>Every international fishery agreement (access agreement) to include undertaking by government of contracting party to comply or ensure compliance by its fishing vessels with provisions of Fisheries Act. (Fisheries Act, 1985, S. 17) Application for foreign fishing vessel permit to be made to Director General through Malaysian agent who is to undertake legal and financial responsibility for activities to be carried out by vessel. (Id. S.19) Director General may require payment of security (bond) which may be utilized to defray fine or claim resulting from activities of vessel. (Id.)</p> <p>Conditions that may be imposed by Director General include authorized areas and periods; species, age, weight, quantity of fish to be retained on board, landed or transhipped; methods of fishing; types, numbers etc. of gear and mode of stowage; transfer, transhipment, landing and processing of fish; entry into ports for inspection or other purposes; statistical and reporting requirements (catch and position); conduct of research, sampling etc.; training and employment of Malaysians; keeping and displaying</p>	<p>Permit conditions that may be imposed by Director , General include statistical and reporting requirements (catch and position); maintenance of catch and sales records.</p> <p>(Fisheries Act, 1985, S. 19)</p> <p><b>CONTROLS OVER TRANSIT BY UNLICENSED VESSELS</b></p> <p>Master of foreign fishing vessel entering Malaysian fisheries waters for purpose of exercising right of innocent passage to notify entry by radio to an authorized officer giving name, flag state, location, route and destination of vessel, types and amount of fish on board and circumstances under which entering Malaysian fisheries waters. (Fisheries Act, 1985, S. 16)</p> <p>-Any fish or fishing gear found on board a foreign fishing vessel in Malaysian fishery waters is presumed to have been caught or used in those waters without a permit. Radio call before entry into waters notifying that vessel exercising right of innocent passage, notifying route and quantity of fish on board, and showing proof that fish held in sealed hold, gear</p>

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FOREIGN FISHING VESSEL LICENCE CONDITIONS

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COUNTRY	COMPLAINCE CONTROL AND OTHER CONDITIONS	LOGBOOK AND REPORTING REQUIREMENTS
MALAYSIA Cont'd	<p>Of permit on board; permanent marking of vessel; compliance with directions of Government craft; placing of observers; installation of transponders and navigational equipment; construction of shore-facilities; carriage of communications equipment, charts, etc.; protection of local fisheries and compensation for loss or damage; landing of all or part of catch in Malaysia; composition and national ity of crew; inspection of vessel and seaworthiness; fees royalties and other payments; maintainance of log and sales records; oters matters as considered necessary (Id.)</p> <p><u>CONTROLS OVER TRANSIT BY UNLICENSED VESSELS</u></p> <p>Foreign fishing vessel may enter Malaysian fisheries waters for purpose of exercising right of innocent passage in course of voyage to destination outside waters; passage includes stopping and anchoring only if vessel is in dis tress, for purpose o obtaining emergency medical assistance or to render assistance to persons, ships etc in danger or distress. Master entering Malaysian waters for such purposes to notify entry by radio. <u>(Fisheries Act, 1985, S.16)</u></p> <p>While in Malaysian waters, vessel to observe stowage of gear regulations, and return outside waters as soon as purpose of entry fulfilled. (Id.)</p> <p>Trawl licences not issued to any wholly or partially foreign owned fishing boat which is less than 70 tons. They must in waters beyond 30 miles from coast. The use of beam trawl net is prohinated.</p> <p><u>[Regulation 4 (4), Term and Conditions of Licence for Trawl Fishing, 1982]</u></p>	Properly stowed and vessel traveling through waters by shortest practicable rout, sufficient to constitute defence. <u>(Id., s. 56)</u>

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FOREIGN FISHING VESSEL LICENCE CONDITIONS

COUNTRY	COMPLIANCE CONTROL AND OTHER CONDITIONS	LOGBOOK AND REPORTING REQUIREMENTS
MALDIVES ISLANDS	<ul style="list-style-type: none"> <li>- Licence issued for specific areas and for one year</li> <li>- Volume of permitted catch in EEZ for every year to be Trade within pre-established maximum and minimum limits (15.000/3.000 metric tons)</li> <li>- Licences issued only for pole and line fishery, long-line fishery and trawling; bait fisheries reserved for traditional fishermen</li> <li>- Number of vessels to be used by each party to be determined by Ministry of Trade and Industries.</li> <li>- Government may station officials on board of vessels at the operator's expense.</li> <li>- Deposit of Rs. 150/GRT or bank guarantee required</li> <li>- Government may require fisheries training for Maldivian i nationals free of charge.</li> </ul> <p><u>(Regulations for Issuing the Licence to Fish in the EEZ)</u></p>	<ul style="list-style-type: none"> <li>- Statistical data to be supplied to the Ministry of Trade and Industries.</li> </ul> <p><u>(Regulations for Issuing the Licences to Fish in the EEZ)</u></p>
MAURTITUS	<p>Licence conditions may include specifications regarding target species, size, weight of fish, etc; the vessel, the fishing gear and fishing methods and the areas and amounts to be fished, closed seasons, and requiring local landing and processing of catch and training and employment of local nationals.</p> <p><u>(Maritime Zones (Fishing Licences) Regulations 1978, Reg. 5)</u></p>	
MOZAMBIQUE	<ul style="list-style-type: none"> <li>- Minister of Industry and Energy empowered to establish conditions for licensed fishing operatiuons (Law N° 8/78 of 22 April 1978, Art. 3)</li> <li>- Every foreign vessel authorized to fish in jurisdictional waters must comply with the regulations laid down for fish by national vessels. (<u>Id. Art. 4</u>)</li> </ul>	<ul style="list-style-type: none"> <li>Daily catch return must be maintained and file every two weeks.</li> </ul> <p><u>(Diploma Legislativo N° 65/71 of 15 Junes 1971, Art. 57)</u></p>

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FOREIGN FISHING VESSEL LICENCE CONDITIONS

COUNTRY	COMPLIANCE CONTROL AND OTHER CONDITIONS	LOGBOOK AND REPORTING REQUIREMENTS
OMAN	<p>Minister to issue regulations prescribing, <u>inter alia</u>, conditions and terms of licences (Sultanic Decree N 53/81 promulgating the <u>Law on Marine Fisheries and Conservation of Living Aquatic Resources Art. 4</u>)</p> <p>Foreign fishing boats entering harbour not to sell fish without licence from competent authority. (Id. Art. 24) Fishing boats to affix serial number plates on both sides of vessel (<u>Ministerial Decree N 3/82 on the Executive Regulations for the Marine Fisheries and Protection of Living Resources Law, Art. 25</u>)</p>	<p>Owners of fishing boats to maintain on board a fishing operations logbook. (<u>Ministerial Decree N 3/82 on the Executive Regulations for the Marine Fisheries and Protection of Living Resources Law, Art. 29</u>)</p> <p>Fishing professionals to provide competent authority with required data and statistics (<u>Id. Art. 33</u>)</p>
PAKISHAN	<p>Vessels and gear must be registered [<u>Exclusive Fishing Zone (Regulation of Fishing) Rules, 1976, R. 43</u>]</p> <p>EEZ licence subject to cancellation for breach of conditions. (<u>Id. R. 7</u>)</p> <p>EEZ licence not transferable (<u>Id. R. 10</u>)</p>	<p>Information on catch to be given monthly and as required by licensing or fisheries officer</p> <p>[<u>Exclusive Fishery Zone (Regulation of Fishing) Rules, R. 12</u>]</p>
QATAR	<p>Minister to issue regulations prescribing terms and conditions of licences [<u>Law N° 4 of 1983 on Exploitation and Conservation of Living Aquatic Resources in Qatar, Art. 5</u>]</p> <p>- Licence for foreign fishing operations to indicate duration of licence, locations and seasons of fishing, species and quantities of living aquatic resources to be caught, fishing techniques and gear to be employed. (<u>Id. Art. 14</u>),</p>	<p>- Any person engaged in fishing or marketing living aquatic resources or related industries to submit data specified by the competent authority. [<u>Law N 4 of 1983 on Exploitation and Conservation of Living Aquatic Resources in Qatar, Art. 6</u>]</p>

TABLE E  
FOREIGN FISHING VESSEL LICENCE CONDITIONS

COUNTRY	COMPLIANCE CONTROL AND CONDITIONS	LOGBOOK AND REPORTING REQUIREMENTS
QATAR Cont'd	<ul style="list-style-type: none"> <li>- Foreign vessels entering harbour not to sell fish without first obtaining required licence. (<u>Id. Art. 25</u>)</li> <li>- Vessel licences valid 1 year and renewable (<u>Executive Regulations N° 2 of 1985 of the Law on xploitation and Conservation of Living Aquatic Resources in Qatar, Art. 7</u>)</li> <li>- Name and number of vessel to be well displayed on vessel and same name and number clearly written in Arabic on both sides of vessel (<u>Id., Art. 9</u>)</li> <li>- Vessel to have navigational lights during night fishing plus necessary safety and salvage equipment (<u>Id., Art. 15</u>)</li> </ul>	
SAUDI ARABIA	<p>Fishing in territorial waters by foreign fishing vessels not allowed without permit issued by Minister of Agriculture and Water with the approval of the Prime Minister. Permit to specify species and periods for fishing. Foreign fishing vessels operating for national companies exempt from permit requirement. (<u>Fishing Regulation, Exploitation and Conservation of Living Aquatic Resources Scheme, Art. 9</u>)</p> <p>Saudi nationals may be put aboard for training. (<u>Id. Art. 7</u>)</p>	<p>Companies and institutions engaged in fishing, extracting, processing or marketing living aquatic products to maintain books to record production according to weight, species, and quantities exported or marketed in Saudi Arabia, and furnish Ministry of Agriculture and Water and Ministry of Commerce with copies of these records.</p> <p>(<u>Fishing Regulation, Exploitation and Conservation of Living Aquatic Resources Scheme, Art. 10</u>)</p>
SEYCHELLES	<ul style="list-style-type: none"> <li>- Gear to be stowed when in area where not authorized to fish;</li> <li>- Vessel to fly flag of country where registered;</li> <li>- Master to comply with instructions of authorized officers;</li> <li>- Vessels to have on board required communication and position fixing equipment;</li> </ul>	<ul style="list-style-type: none"> <li>- Master or agent to notify Minister of estimated time and location of entry into zone and give approximate fishing plan, date of arrival in port for inspection unless exempted, and fish on board (species, quantity, condition).</li> <li>- written record to be maintained on daily basis of fishing effort and catch in prescribed form;</li> </ul>

TABLE E

FOREIGN FISHING VESSEL LICENCE CONDITIONS

COUNTRY	COMPLIANCE CONTROL AND OTHER CONDITIONS	LOGBOOK AND REPORTING REQUIREMENTS
SEYCHELLES (Cont'd)	<ul style="list-style-type: none"> <li>- Records and communications to be maintained or made in English or French languages. International Code of signals to be used;</li> <li>- Vessel owner to maintain local agents or representatives undertaking legal and financial responsibility for the proposed operations;</li> <li>- Vessel owner or agent may be required to post bond to guarantee performance of obligations;</li> <li>- Vessel to bear specified identification marks;</li> <li>- Vessel may be required to accept observers on board and provide facilities;</li> <li>- Compulsory inspection in Port Victoria on entry and before departure from zone unless exempted;</li> <li>- Restriction concerning species, areas to be fished, gears, methods of fishing, etc.</li> <li>- By-catch not to exceed specified percentage;</li> <li>- Transhipment only in Port Victoria, under supervision unless otherwise authorized</li> </ul> <p>(Foreign Fishing Vessel Regulations 1979, Reg. 6)</p>	<ul style="list-style-type: none"> <li>- written records to be sent to Minister monthly, or at request of fisheries officer, and not later than 30 days after expiry licence;</li> <li>- radio reports of position <u>every 3rd day</u>, and reports of fish held on board or caught or transhipped <u>weekly</u>;</li> <li>- notification of entry into Port Victoria at least 24 hours in advance;</li> <li>- notification of time and location of departure at least 48 hours in advance.</li> </ul> <p><u>(Foreign Fishing Vessel Regulations 1979, Reg. 6)</u></p> <p><u>CONTROLS OVER TRANSIT BY UNLICENSED FISHING VESSELS</u></p> <ul style="list-style-type: none"> <li>- Fishing gear to be stowed in prescribed manner. [<u>Control of Foreign Fishing Vessels Decree, 1979, S. 13</u>] [<u>Fisheries Act, 1986, S. 8 (not yet in force)</u>]</li> <li>- Any fish found on board any foreign fishing vessel within the exclusive economic zone shall be presumed until the contrary is proved to have been taken within the exclusive economic zone by such vessel. [<u>Control of Foreign Fishing Vessels Decree, 1979, S. 15(1)3</u>]</li> <li>- A radio call made by a foreign fishing vessel before entering the exclusive economic zone and notifying its proposed route and the quantity of fish on board shall suffice to rebut the presumption. [<u>Id. S. 15(2)</u>]</li> <li>- Form of message prescribed [<u>Foreign Fishing Vessels (Radio Calls), Regs. 1979</u>]</li> </ul>

TABLE E

FOREIGN FISHING VESSEL LICENCE CONDITIONS

COUNTRY	COMPLIANCE CONTROL AND OTHER CONDITIONS	LOGBOOK AND REPORTING REQUIREMENTS
SOMALIA	<p>Vessel must be marked  <u>[Law N° 23 of 30 November 1985, Art. 7 (6)] Joint venture licence</u>                      Vessels 18 m. and longer cannot fish within 5 miles of shore  <u>[Fisheries Joint Venture Guidelines, 1985, S. 7]</u>                      Catch must be landed in Somalia or inspected prior to export (<u>Id. S. 9</u>)                      Licence may be subject to conditions concerning area, period, kind of fishing, nature of catch, reporting, marking inspection, training (<u>Id. S. 10</u>)                      Proof of foreign partners financial and technical capacity and bank guarantee to cover share of investment required. (<u>Id. S. 11</u>)                      Valid one year, non-transferable, must be aboard vessel (<u>Id. SS. 17-18</u>)                      Observers may be assigned at joint venture expense (<u>Id. S. 19</u>)</p>	<p>All licences                      Licensee must submit catch reports (<u>Law N° 23 of 30 November 1985, Art. 8</u>)  <u>Joint venture licence</u>                      Reporting requirements may be prescribed or endorsed on licence  <u>[Fisheries Joint Venture Guidelines, 1985, S. 10]</u></p>
SRI LANKA	<p>- Licence conditions to be prescribed may include:                      - requirements concerning appointment of local representatives or agents;                      - maintenance of bonds;                      - maintenance of log books and other records of position, catch and effort;                      - requirements concerning statistical returns;                      - marking of boat and installation of transponders, etc.                      - facilities for trainees;                      - employment of local citizens;                      - placing of observers on board;                      - compliance with instructions of authorized officers.  <u>(Fisheries (Regulation of Foreign Fishing Boats) Act 1979, S. 26)</u></p>	<p>Licence conditions may include requirements concerning maintenance of fishing records and reports as to position, catch and effort of foreign fishing boats.  <u>(Fisheries (Regulation of Foreign Fishing Boats) Act 1979, S. 26)</u>                      - master or local representative to notify Director of estimated time and location of entry into and departure from Sri lankan waters at least 24 hours in advance, giving fishing plan (on entry only) and catch on board (<u>The Foreign Fishing Boats Regulations 1981, R.8</u>)                      - Master to maintain written records of catch, effort and transshipments and processing on daily basis. (<u>Id.</u>)                      - Records to be transmitted to Director on request or not later than 30 days after expiry of permit. (<u>Id.</u>)</p>

TABLE E

FOREIGN FISHING VESSEL LICENCE CONDITIONS

COUNTRY	COMPLIANCE CONTROL AND OTHER CONDITIONS	LOGBOOK AND REPORTING REQUIREMENTS
SRI LANKA Cont'd	<ul style="list-style-type: none"> <li>- Foreign fishing vessels to stow gear if prohibited from fishing (<u>Foreign Fishing Boats Regulations 1981, R. 2</u>)</li> <li>- Area up to 24 miles from coast reserved for local fishermen; area from 24 to 35 miles reserved for local fishermen and approved joint ventures. (<u>Id. R. 6</u>)</li> <li>- No joint ventures to be approved if of type or in area already adequately developed by local fishermen or if would conflict with local operations. (<u>Id. R. 7</u>)</li> <li>- Owner or charterer to appoint and maintain local legal representative, authorized to accept legal and financial responsibility on behalf of owner/charterer for fishing operations. (<u>Id. R. 8</u>)</li> <li>- Port inspection required unless exempted on entry and departure from zone. (<u>Id.</u>)</li> <li>- Master to bring boat to port for inspection when required</li> <li>- Boat to stow gear when in area not authorized to fish. (<u>Id.</u>)</li> <li>- Boat to fly flag and display assigned number. (<u>Id.</u>)</li> <li>- Master to permit boarding of observers and provide suit able food, accomodation and facilities including communications facilities. (<u>Id.</u>)</li> </ul>	<ul style="list-style-type: none"> <li>- Position reports to be made and catch statistics given as specified in permit or required by Director. (<u>Id.</u>)</li> <li>- Records reports notifications to be in English. (<u>Id.</u>)</li> </ul>
SUDAN	<ul style="list-style-type: none"> <li>- Vessels to be marked. (<u>The Marine Fisheries Regulations 1960, Reg. 2</u>)</li> <li>- Foreign vessels must land their catch in Port Sudan only country reply)</li> <li>- Priority in marketing of fish to meeting local demand (<u>Id.</u>)</li> <li>- Observers, deposits may be required (<u>Id.</u>)</li> </ul>	

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FOREIGN FISHING VESSEL LICENCE CONDITIONS

COUNTRY	COMPLIANCE CONTROL AND OTHER CONDITIONS	LOGBOOK AND REPORTING REQUIREMENTS
TANZANIA	<ul style="list-style-type: none"> <li>- Vessels must be registered. (<u>The Fisheries (General) Regulations, 1973, Reg. 3</u>)</li> <li>- Vessels to bear visible identification marks (<u>Id. Reg. 6</u>)</li> <li>- Licence annual, non-transferable (<u>Id. Reg. 17</u>)</li> </ul>	
THAILAND	NO FOREIGN FISHING IN PRACTICE AT PRESENT	
UNITED ARAB EMIRATES	<ul style="list-style-type: none"> <li>- Vessels must be duly licensed by competent authorities.</li> <li>- Licence to include details regarding compensation due in return for licence, species for which fishing permitted, fishing methods to be used, area covered by licence and permitted quota of catch.</li> <li>- Licences only to be issued in respect of "surplus living resources" in Zone (<u>Declaration on the Exclusive Economic Zone and its Delimitation</u>)</li> </ul>	
UNITED KINGDOM DEPARTMENT TERRITORIES	NO INFORMATION	
YEMEN ARAB REPUBLIC	NO INFORMATION	
YEMEN PEOPLE'S DEMOCRATIC REPUBLIC	Minister to regulate issue of permits and other conditions ( <u>Law No 24 of 1979 Concerning the Organization of the Catches of Marine Resources and their Exploitation and Protection Art. 10-11</u> )	

**TBALE E**  
**FISHERIES MANAGEMENT**

COUNTRY	MANAGEMENT OBJECTIVES AND PROCEDURES	SCHEMES FOR LIMITATIONS OF CATCH OR EFFORT	OTHER MANAGEMENT MEASURES
AUSTRALIA	<p>The Minister shall have regard to the objectives of:</p> <ul style="list-style-type: none"> <li>- ensuring through proper conservation and management measures, that the living resources of the AFZ are not endangered by over-exploitation;</li> <li>- achieving the optimum utilization of those living resources, but in doing so shall ensure that measures adopted shall not be inconsistent with the preservation, conservation and protection of all species of whales.</li> </ul> <p>(Fisheries Act 1952, S. 5B)</p> <p>Joint Authorities established for South-Eastern Fisheries, Northern Australian Fisheries, Northern Territory Fisheries and Western Australian Fisheries, consisting of Commonwealth Minister together with appropriate State Ministers responsible for fisheries.</p> <p>Arrangements may be made by Commonwealth with States providing that appropriate Joint Authority to have management of particular fishery and managed in accordance with law of Commonwealth or law of the State concerned.</p>		<p>The Minister may prohibit, either at all times or during a period specified in a notice, the taking, from proclaimed waters or in an area of the Continental Shelf, of a specified kind of fish or of sedentary organisms:</p> <ul style="list-style-type: none"> <li>- prohibit the taking, from an area of proclaimed waters or of the Continental Shelf, of fish or of any sedentary organisms of a specified kind that:</li> <li>- are less than a specified size;</li> <li>- are not greater than a size so specified (for fish only);</li> <li>- have a dimension less than a dimension so specified; or</li> <li>- have a part with a dimension less than a dimension so specified in relation to that part;</li> <li>- prohibit the taking of fish or of sedentary organisms of a specified method or equipment;</li> <li>- prohibit a quantity of equipment of a specified kind for fishing that is a quantity in excess of a specified quantity;</li> </ul> <p>(Fisheries Act 1952, S. 8 and Continental Shelf (Living Natural Resources) Act 1968)</p> <p>(Numerous notices promulgated)</p>

TABLE F  
FISHERIES MANAGEMENT

COUNTRY	MANAGEMENT OBJECTIVES AND PROCEDURES	SCHEMES FOR LIMITATIONS OF CATCH OR EFFORT	OTHER MANAGEMENT MEASURES
AUSTRALIA (Cont'd)	Where arrangement in force whereby fishery managed by Joint Authority under Commonwealth law, Joint Authority to have functions of keeping constantly under consideration the condition of the fishery, formulating policies and plans for the good management of the fishery, exercising the powers conferred on it by the Fisheries Act and cooperating and consulting with other authorities including Joint Authorities in matters of common concert Joint Authority to have powers otherwise exercisable by the Minister to regulate the fishery. ( <u>Fisheries Act, 1952 Part IVA -Cooperation with States and the Northern Territory in Management of Fisheries</u> )		Minimum mesh sizes adopted for trawl, Danish seine nets and minimum specifications for lobster pots. ( <u>Fisheries Notices 42, 44, 46, 75, 96</u> ) Minimum species sizes adopted for various finfish and rock lobster. ( <u>Fisheries Notice N° 5, 40, 45, 69</u> ) Fishing for turtles prohibited. ( <u>Fisheries Notice N° 48</u> )
BAHRATN	The Minister of Commerce and Agriculture shall issue regulations for the enforcement of the Law, especially to ... regulate any other matters concerning the conservation of the fish stock. ( <u>Law N° 5 of 1981, Art. 15</u> )	<u>General licensing system:</u> The Fisheries Resources Department may refuse to grant fishing licences to the proprietor of vessels or barriers if the use of vessels could be dangerous or harmful to fisheries resources or the use of fish	<u>General</u> - <u>Prohibited fishing method:</u> unlawful to catch fish using explosives or poisonous or lethal substances or any other devices or gear harmful to the fisheries resources ( <u>Law N° 5 of 1981, Art. 14</u> ) - The Minister of Commerce and

TABLE F  
FISHERIES MANAGEMENT

COUNTRY	MANAGEMENT OBJECTIVES AND PROCEDURES	SCHEMES FOR LIMITATIONS OF CATCH OR EFFORT	OTHER MANAGEMENT MEASURES
BAHRAIN (Cont'd)		barriers has a negative effect on other barriers located in the same area or on the fisheries resources on the whole. The Fisheries Department may refuse to renew licences, abrogate or withdraw them for reasons concerning the fishing interests. (Law N° 5 of 1981, Art. 10)	Agriculture shall specify the types of nets used for fishing and the minimum measurements of meshes. (Id. Art. 15(c))
BANGLADESH	The Director shall have responsibility for the management, conservation, supervision and development of marine fisheries. (Marine Fisheries Ordinance, 1983, S. 5)	Having regard to the requirement of fisheries management and development plans, the Government may specify types, classes and number of fishery vessels that can be deployed in the Bangladesh fisheries waters. (Marine Fisheries Ordinance, 1983 S. 7) Permits may include general conditions relating to limitation of catch and effort (Id. S. 16 (2)) and specify conditions for foreign fishing vessels especially protection of local fisheries (S.16(3))	<u>General-Prohibited methods of fishing</u> The use or attempts to use any explosive, poison or other noxious substances for fishing prohibited. (Marine Fisheries Ordinance, S. 26) <u>Marine reserves</u> Fishing, dredging or construction of any structures in marine reserves without permission is prohibited. (Id. S. 29) <u>Mesh size</u> - For shrimp trawl net with low opening: minimum mesh size = 45 mm at the cod end

TABLE F  
FISHERIES MANAGEMENT

COUNTRY	MANAGEMENT OBJECTIVES AND PROCEDURES	TABLE F FISHERIES MANAGEMENT SCHEMES FOR LIMITATIONS OF CATCH OR EFFORT	OTHER MANAGEMENT MEASURES
BANGLADESH (Cont'd)		<p>The Director, by order in writing may refuse to issue or suspend, cancel or refuse to renew any licence for foreign fishing vessel if it is necessary to do so in order to allow for the proper management conservation and development of any particular fishery in accordance with any fisheries management conservation and development plan. <u>(Id. S. 24 (1))</u></p>	<ul style="list-style-type: none"> <li>- For fish trawl net: mesh size = 60 mm. at the cod end</li> <li>- For large mesh drift net: minimum mesh size = 200 mm.</li> <li>- For small mesh drift net: minimum mesh size = 100 mm.</li> <li>- For sea bag net: minimum mesh size = 30 mm. at the cod end.</li> </ul> <p><u>(Marine Fisheries Rules, 1983, R. 14)</u></p> <p><u>Area restrictions:</u> The Government may declare zone in which only non-mechanized local fishing vessels or mechanized local fishing vessels of certain specified tonnage may engage in fishing or in which fishing operations by other fishing vessels may be restricted. <u>(Marine Fisheries Ordinance, 1983, S.3(2))</u></p> <p>Waters to 40-meter depth earmarked for set bag nets, hooks and lines, drift nets Waters over 40-meter depth earmarked for trawlers. <u>(Marine Fisheries Rules, 1983, R. 15)</u></p> <p><u>Prohibited methods of fishing</u></p> <ul style="list-style-type: none"> <li>- use of explosive, poison or other noxious substances</li> <li>- electrocuting any marine species. <u>(Id. R. 16)</u></li> </ul>

TABLE F  
FISHERIES MANAGEMENT

COUNTRY	MANAGEMENT OBJECTIVES AND PROCEDURES	SCHEMES FOR LIMITATIONS OF CATCH OR EFFORT	OTHER MANAGEMENT MEASURES
BURMA	NO INFORMATION		
COMOROS	<p>TAC determined by decrees (<u>Loi N° 82-005 of 28 July 1982 relative a la delimitation des zones maritimes, Art. 9 (a)</u>)</p> <p>I Comoros does not have the capacity to harvest entire allowable catch, access to surplus may be given to other states. (<u>Id. Art. 9(c)</u>)</p> <p>Measures of management in order to avoid overexploitation of biological resources. (<u>Id. Art. 9(b)</u>)</p>	<p>Foreign fishing prohibited in comorian territorial waters (<u>Loi N° 82-015 of 13 August 1982 relative à l'activité des navires de pêche étrangers, Art. 2</u>)</p> <p>Foreign fishing licences include conditions relating to limitation of catch and effort (<u>Id. Art. 5</u>)</p> <p>The Ministry of Fisheries may suspend or cancel a licence any time where it is necessary to do so for the proper management of fisheries. (<u>Id. Art. 7(b)</u>)</p>	<p>The Minister of Fisheries shall make regulations to delimit:</p> <ul style="list-style-type: none"> <li>- reserved areas for local fishermen and local fishing boats within EEZ (<u>Loi N° 82-015, Art. 21(g)</u>)</li> <li>- reserved areas in order to restore and conserve populations of marine species (<u>Id. Art. 21(h)</u>)</li> </ul>
DJIBOUTI			<p>Submarine hunting prohibited (<u>Décret N° 85-103/PRE of 28 October 1985 portant sur la protection de la faune et des fonds sous-marins, Art.1</u>)</p> <p>Hunting of marine mammals, turtles and their eggs prohibited. (<u>Id. Art. 3</u>)</p> <p>Prohibition of all fishing activities in the Musha park (fish, shells and coral) (<u>Id. Art. 4</u>)</p>

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FISHERIES MANAGEMENT

COUNTRY	MANAGEMENT OBJECTIVES AND PROCEDURES	SCHEMES FOR LIMITATIONS OF CATCH OR EFFORT	OTHER MANAGEMENT MEASURES
DJIBOUTI (Cont'd)			Prohibition of gathering coral and shells in Maskali South Reserve ( <u>Id. Art. 5</u> ) Capture and gathering of coral fish and of shells temporarily prohibited ( <u>Id. Art. 8</u> )
EGYPT		A fishing licence shall not be issued in respect of a number of vessels greater than that specified in the implementing regulation for each method of fishing. ( <u>Act N° 124 of 1983 on Fishing Aquatic Life and the Regulation of Fish Farms, Art. 23</u> ) Licence conditions shall contain provisions relating to the limitation of catch or effort ( <u>Id. Art. 31</u> ) The Minister of Agriculture shall issue the regulation to determine the number and types of licences to be issued for each area ( <u>Id. Art. 65</u> ) Licences not transferable without authorization of General Organization for Development of Fishery Resources ( <u>Id. Art. 28</u> )	Fishing shall not be undertaken in areas in which fishing is prohibited, with prohibited implements or during closed seasons. ( <u>Act N° 124 of 1983 on Fishing Aquatic Life and the Regulation of Fish Farms, Art. 7</u> ) Catch, sale or possession of under-sized fish prohibited. ( <u>Id. Art. 10</u> ) Fishing with poisonous, stunning, explosive or harmful substances prohibited ( <u>Id. Art. 13</u> ) Special permit for collection of fry. ( <u>Id. Art. 19</u> ) The Minister of Agriculture shall issue the implementing regulation to determine: - the motor power for each vessel or its class and the apparatus and fishing methods permitted to be used in any area; - the substances harmful to the environment or the propagation of fish or of other aquatic life;

TABLE F  
FISHERIES MANAGEMENT

COUNTRY	MANAGEMENT OBJECTIVES AND PROCEDURES	SCHEMES FOR LIMITATIONS OF CATCH OR EFFORT	OTHER MANAGEMENT MEASURES
EGYPT (Cont'd)			<ul style="list-style-type: none"> <li>- the minimum sizes and lengths of fish or other aquatic life which may be hunted, sold or possessed ...;</li> <li>- the areas in which fishing or the use of certain types of apparatus, gears or methods is prohibited;</li> <li>- the aquatic species prohibited for catch.</li> </ul> <p><u>(Id. Art. 65)</u> Foreign bottom trawlers and lamparo netters may not be licensed for maritime waters or the Gulf of Suez. <u>(Ministerial Order N° 667 of 1961 on Fisheries, Art. 15)</u> Specified areas closed to fishing by some or all methods. <u>(Id. Art. 16-17)</u> <u>Mesh size</u> - Surrounding nets are limited to a maximum stretched mesh size of 12.5 mm. - beach seines = 30 mm. <u>(Director of Coastguard Decree N° 11, 1962)</u> <u>Closed seasons</u> No fishing for shellfish between 1 May and 30 September, for sponges between 1 November and 30 April. (Ministerial Decree N° 1079, 1965)</p>

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FISHERIES MANAGEMENT

COUNTRY	MANAGEMENT OBJECTIVES AND PROCEDURES	SCHEMES FOR LIMITATIONS OF CATCH OR EFFORT	OTHER MANAGEMENT MEASURES
ETHIOPOA		Fishing within the territorial waters reserved exclusively to nationals after 1956. <u>(Maritime Proclamation N° 137 of 193, Art. 9)</u>	
FRANCE DEPARTME NTS TERRITORI ES	Where EEC regulations so require (Reunion) or do not apply, decree shall determine management easures including the total allowable catch. <u>(Décret of 9 January 1952 (revised) sur l'exercice de la pêche maritime, Art. 3)</u>	A decree determines the number of foreign fishing boats in EEZ of French overseas territories and Mayotte, and the fishing quotas, if any. <u>(Décret N° 78-963 of 19 September 1978, Art. 2)</u> Licences must include provisions relating to limitation of catch and effort. <u>(Id. Art. 3, 4 and 5)</u>	Decrees may be issued to: - protect certain species in certain areas; - determine the size or the weight of fish to be caught; - determine the mesh size and other gear restriction; - limit the by-catch. <u>(Décret of 9 January 1952 (revised) sur l'exercice de la pêche maritime, Art. 3)</u> Hunting of marine mammals prohibited during a period of ten years within the EEZ of French Indian Ocean Islands and Mayotte. <u>(Arrêté préfectoral N° 32 DG/01-TAAF du 14 Septembre 1981 portant interdiction de la chasse aux cétaces dans les zones économiques exclusives françaises des îles éparses et de Mayotte)</u>

TABLE F  
FISHERIES MANAGEMENT

COUNTRY	MANAGEMENT OBJECTIVES AND PROCEDURES	SCHEMES FOR LIMITATIONS OF CATCH OR EFFORT	OTHER MANAGEMENT MEASURES
INDIA		<p>Every licence or permit must be subject to several conditions of limitation of catch and effort:</p> <ul style="list-style-type: none"> <li>- fishing is possible only for the fishing activities authorized by licence <u>R. 5(c)</u>;</li> <li>- for the stocks or groups of stocks described in the licence <u>R. 5 (h)</u>;</li> <li>- the age or size of fish to be caught <u>R. 5 (h), ii.</u></li> </ul> <p>Foreign fishing licence subject to conditions including limits on quantities allowed to be caught or transported. <u>[The Maritime Zones of India (Regulation of Fishing by Foreign Vessels) Rules 1982, R. 5(h)(iii), 5(i)(i)]</u></p>	<p>Foreign fishing licence subject to conditions including restrictions in areas, gear, species, age and size of fish. <u>[The Maritime Zones of India (Regulation of Fishing by Foreign Vessels) Rules 1982, R. (c), (d), (h)]</u></p> <p>Fishing for protected species prohibited. <u>[Id. R. 5(h)(ii), 9(i)(i)]</u></p> <p>Chartered foreign vessel forbidden to fish for shrimp in coastal waters. <u>[Id. R. 8(i)(ii)]</u></p> <p>Foreign vessel forbidden to fish in territorial waters without special permission. <u>(Id. R. 12)</u></p> <p>Carrying or using explosive, poisonous or noxious substance or electrical apparatus with intent to use for fishing prohibited. <u>(Id. R. 13)</u></p> <p>Fishing with explosives or poisons prohibited. <u>[Indian Fisheries Act, 1897 (amended), S. 4, 5]</u></p>

TABLE F

FISHERIES MANAGEMENT

COUNTRY	MANAGEMENT OBJECTIVES AND PROCEDURES	SCHEMES FOR LIMITATIONS OF CATCH OR EFFORT	OTHER MANAGEMENT MEASURES
INDONESIA	<p>Fisheries are strictly regulated in order to protect the resources and the environment and to achieve the greatest benefit for the Indonesian people. (<u>Law N° 9 of 1985 on Fisheries, Art. 3</u>)</p> <p>Resources of the EEZ shall be utilized for development of Indonesian fisheries. (<u>Government Regulation N 15 of 1984, Art. 2</u>)</p> <p>Minister to make regulations including the total allowable catch. (<u>Law N° 9 of 1985 on Fisheries, Art. 4</u>)</p> <p>Minister shall set total allowable catch for each species in the EEZ. (<u>Government Regulation N 15 of 1984, Art. 4</u>)</p>	<p>Minister to make regulations setting the total allowable catch. (<u>Law N 9 of 1985 on Fisheries, Art. 4</u>)</p> <p>Minister shall set the total allowable catch for each species in the EEZ. (<u>Government Regulation N 15 of 1984, Art. 4</u>)</p> <p>Total allowable catch for EEZ intons:</p> <ul style="list-style-type: none"> <li>- Bonito 1,115,731</li> <li>- Tuna 75,915</li> <li>- Shipjack 88,884</li> <li>- Demerial 582,731</li> </ul> <p>(<u>Decree of Minister of Agriculture N° 73a/Kpts/IK.250.6/1985</u>)</p> <p>Minister shall set the number and gear of vessel in consideration of the total allowable catch. (<u>Government Regulation N° 15 of 1984, Art. 5; Decree of Minister of Agriculture N° 473a/Kpts/IK.250.6/1985</u>)</p>	<p>General prohibition on harm to environment or fishery resources by fishing or other means. (<u>Law N° 9 of 1985 on Fisheries, Art. 6-7</u>)</p> <p>Prohibition on fishing in EEZ with explosives, poison, electricity and other dangerous means. [<u>Government Regulation N° 15 of 1984 Art. 6 in relation to foreign vessels: Decree of the Minister of Agriculture N° 475/Kpts/IK.120/7/1985</u>]</p> <p>Use of different types of gear and vessels regulated by zones according to distance from shore. (<u>Decree of the Minister of Agriculture N° 607/Kpts/Um/9/1976 on Fishing Lanes</u>)</p> <p>Trawlers only allowed to operate in delimited areas. (<u>Decree of the Minister of Agriculture N° 607/Kpts/Um/9/1976</u>)</p> <p>Minimum mesh size of purse-seines for mackerel, flying fish, carangidae, sardinella and similar pelagic fish: 2 inch wings, 1 inch bag. (<u>Decree of the Minister of Agriculture N° 123/Kpts/Um/3/1975</u>)</p>

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COUNTRY	MANAGEMENT OBJECTIVES AND PROCEDURES	SCHEMES FOR LIMITATIONS OF CATCH OR EFFORT	OTHER MANAGEMENT MEASURES
IRAN		<p>Total authorized tonnage of industrial trawlers in Persian Gulf = 7,000 GRT [<u>Temporary Regulations for the Activities of Fishing Vessels (Traditional and Industrial) in the Persian Gulf and Oman Sea, as revised June 1984, Art. A.1.2]</u></p> <p>Total authorized tonnage of industrial trawlers in Oman Sea - 1,000-2,000 GRT (<u>Id. Art. B.1.1</u>)</p> <p>Additional tonnage in Oman Sea authorized for pelagic and mesopelagic resources. (<u>Id. Art. B.1.6</u>)</p> <p>Maximum trawler size - 200 GRT (<u>Id. Art. A.1.1, B.1.2</u>)</p> <p>Number of shrimp trawlers stabilized at 1984 level. (<u>Id. Art. A.2.1</u>)</p>	<p><u>General</u></p> <p>Catch of fish and shrimp and other sea life, with explosives, chemicals or poisonous materials is prohibited. (<u>Temporary Regulations for Catching Fish, Shrimp and Other Sea Animals in Persian Gulf, Oman Sea and all Rivers of Southern Parts of Iran, 1973, Art. 32</u>)</p> <p>Gear restrictions</p> <p>1. for industrial fishing vessels - mesh size</p> <ul style="list-style-type: none"> <li>- trawl wings and belly = 95 to 100 mm.</li> <li>- trawl cod end = 75-80 mm.</li> <li>- trawl apron = 100 mm.</li> </ul> <p>(<u>Temporary Regulations, 1984, Art. A.1.3, B.1.3</u>)</p> <ul style="list-style-type: none"> <li>- <u>Fishing area</u> for bottom trawlers: <ul style="list-style-type: none"> <li>- beyond the 12-mile limit of territorial waters at the water depths more than 20 fathoms. (<u>Id. Art. A.1.4, B.1.4</u>)</li> <li>- <u>Fishing seasons</u> activities of bottom trawlers prohibited in the Persian Gulf from mid April to the beginning of June (<u>Id. Art. A.1.5</u>) and from 5 pm to 5 am (<u>Id. Art. A.3.7</u>)</li> </ul> </li> </ul>

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FISHERIES MANAGEMENT

COUNTRY	MANAGEMENT OBJECTIVES AND PROCEDURES	SCHEMES FOR LIMITATIONS OF CATCH OR EFFORT	OTHER MANAGEMENT MEASURES
IRAN (Cont'd)			<p>2. <u>for shrimp catch by industrial fishing sector</u> (Persian Gulf and Oman Sea)</p> <ul style="list-style-type: none"> <li>- <u>mesh size</u> <ul style="list-style-type: none"> <li>- trawl wings and belly - 50 mm.</li> <li>- trawl cod end = 43 mm</li> <li>- trawl apron 75 to 100 mm. (Id. Art. A.2.4)</li> </ul> </li> <li>- <u>area restrictions catch</u> authorized beyond the limit of 6 miles from coastlines with standard nets (Id. Art. A.2.3)</li> <li>- <u>fishing seasons</u> <ul style="list-style-type: none"> <li>- Bushehr area = from mid August to mid February;</li> <li>- Hermoryan area = from the beginning of October to mid February (Id. Art. A.2.2)</li> </ul> </li> </ul> <p>3. <u>for artisanal fishing</u></p> <ul style="list-style-type: none"> <li>- artisanal fishermen using traditional gears can fish throughout the year within the 12-mile limit of territorial waters (with some local restrictions) (Id. Art. A.3.1 - 2. B.3.1)</li> <li>- using of fixed-pound net in the Hormozgan Province is: <ul style="list-style-type: none"> <li>- prohibited from April to September (Id. Art. A.3.3)</li> </ul> </li> </ul>

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FISHERIES MANAGEMENT

COUNTRY	MANAGEMENT OBJECTIVES AND PROCEDURES	SCHEMES FOR LIMITATIONS OF CATCH OR EFFORT	OTHER MANAGEMENT MEASURES
IRAN (Cont'd)			<ul style="list-style-type: none"><li>- authorized with mesh size of 70 mm. from October to March (<u>Id. Art. A.3.4</u>)</li><li>- traditional bottom trawlers can fish in the Persian Gulf between 3 and 6 miles from the shore at water depths more than 10 metres and in the Oman Sea with following mesh sizes:<ul style="list-style-type: none"><li>- trawl wings and belly : 75 mm</li><li>- trawl cod end: 60 mm</li><li>- trawl apron: 60 to 70 mm (<u>Id. Art. A.3.6, B.3.2</u>)</li><li>- traditional gillnetting permitted in Persian Gulf from 5 pm to 5 am (<u>Id. Art. A.3.7</u>)</li></ul></li><li>4. <u>shrimp catch by traditional sector - mesh size</u><ul style="list-style-type: none"><li>- net belly and wings: 45 mm (<u>Id. Art. A.4.1, B.3.3</u>)</li><li>- net cod end: 40 mm (Persian Gulf and Oman Sea) (<u>Id. Art. A.4.1, B.3.3</u>)<ul style="list-style-type: none"><li>- net apron</li><li>- Persian Gulf: 50 to 70 mm (<u>Id. Art. A.4.1</u>)</li><li>- Oman Sea: 75 to 100 mm (<u>Id. Art. B.3.3.</u>)</li></ul></li></ul></li></ul>

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COUNTRY	MANAGEMENT OBJECTIVES AND PROCEDURES	SCHEMES FOR LIMITATIONS OF CATCH OR EFFORT	OTHER MANAGEMENT MEASURES
IRAN (Cont'd)			<ul style="list-style-type: none"> <li>- authorized size for catch of fish and shrim (minimum length)               <ul style="list-style-type: none"> <li>- sardine: 13 cm.</li> <li>- havoor: 67 cm.</li> <li>- zardeh: 62 cm.</li> <li>- masghati: 58 cm.</li> <li>- shrimp: from 10 to 14 cm.</li> </ul> </li> </ul> <p><u>(Temporary Regulations, 1973, Art. 24-26)</u></p>
IRAQ	<p>The State Fisheries company shall undertake measures of protection and management. <u>(Law N° 48 of 1976 for regulating and exploitation of aquatic life and its protection, Art. 2)</u></p>	<p>The Company may limit the number of the licences in public waters area. <u>(Law N° 48 of 1976, Art. 12(2))</u></p>	<p>Use of poisons, explosive, chemical materials and electrical energy is prohibited. <u>(Law N° 48 of 1976, Art. 1(1))</u></p> <p>Use of fishing means and gear which may harm the eggs and fry is prohibited <u>(Id. Art. 1(2))</u></p> <p>The Company determines:</p> <ul style="list-style-type: none"> <li>- closed seasons</li> <li>- prohibited areas</li> <li>- the type of fishing gear and its measurement</li> <li>- the minimum size of fish to be caught</li> </ul> <p><u>(Id. Art. 2(1))</u></p>

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COUNTRY	MANAGEMENT OBJECTIVES AND PROCEDURES	SCHEMES FOR LIMITATIONS OF CATCH OR EFFORT	OTHER MANAGEMENT MEASURES
ISRAEL	The appropriate authorities may allocate production quotas. <u>(Fisheries Ordinance N° 6, 1937)</u>		<p><u>General</u> Fishing by means of explosives or poisonous substances is prohibited in all areas.</p> <p><u>Size limitation</u> (minimum length)</p> <ul style="list-style-type: none"> <li>- for small species (sardines, red mullets): 11 cm.</li> <li>- for medium-size species: 16 cm.</li> <li>- for larger fish (groupers, snappers): 20 cm.</li> </ul> <p><u>Minimum mesh size (stretched)</u></p> <ul style="list-style-type: none"> <li>- marine fisheries               <ul style="list-style-type: none"> <li>- trawls: 48 mm</li> <li>- purse seines: 20 mm</li> </ul> </li> <li>- inland fisheries               <ul style="list-style-type: none"> <li>- beach seines: 70 mm</li> <li>- gill nets and trammel nets: 72 mm</li> </ul> </li> </ul> <p><u>Closed areas and closed seasons</u> regulations may be issued to prevent overfishing in the light of scientific evidence provided by appropriate research institutions. <u>(Fisheries Ordinance N° 6, 1937)</u></p>
JORDAN			<p><u>General</u></p> <ul style="list-style-type: none"> <li>- Use of explosives, harmful or poisonous materials is prohibited.</li> </ul> <p><u>[Code of Agriculture, 1973, Art. 183 (a)]</u></p>

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COUNTRY	MANAGEMENT OBJECTIVES AND PROCEDURES	SCHEMES FOR LIMITATIONS OF CATCH OR EFFORT	OTHER MANAGEMENT MEASURES
JORDAN (Cont'd)			<ul style="list-style-type: none"> <li>- It is forbidden to damage or remove the coral rocks of the territorial waters.</li> </ul> <p><u>[Id. Art. 183(b)]</u> The Minister issues decisions on:</p> <ul style="list-style-type: none"> <li>- limiting fishing areas;</li> <li>- prohibition of fishing methods and techniques affecting conservation and reproduction of fish;</li> <li>- fixing the areas and seasons where fishing may be forbidden or be allowed only for specific kinds of fish;</li> <li>- fixing sizes of fish that may be caught;</li> <li>- determination of the size of the mouth and mesh of nets;</li> </ul> <p><u>(Id. Art. 184)</u></p>
KENYA	<p>The Minister may make regulations for the reorganization, development and regulation of the fish industry and for the protection of fish and the prevention of over-fishing ...</p> <p><u>[Fish Industry Act 1968 (amended), S. 7]</u></p>		<p>The Minister may make regulations:</p> <ul style="list-style-type: none"> <li>- for regulating the manner in which any fish shall be caught;</li> <li>- for determining the times and sea sons at which the catching of fish shall begin and cease;</li> <li>- for prescribing the form and construction of fishing nets, fishing gear and other equipment used in fishing.</li> </ul> <p><u>[Fish Industry Act, 1968 (amended), S.7]</u></p>

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COUNTRY	MANAGEMENT OBJECTIVES AND PROCEDURES	SCHEMES FOR LIMITATIONS OF CATCH OR EFFORT	OTHER MANAGEMENT MEASURES
KENYA (Cont'd)			Pearls or mother-of-pearl shells or <u>shellfish</u> Catching is authorized where they have attained maturity and are a diameter of 4.5 inches or more [ <u>Crown Fisheries Act, S.3</u> ]
KUWAIT	The competent Minister may form a consultative committee under the chairmanship and membership of governmental and non-governmental bodies concerned with aquatic resources to express their view on the policy aiming at the conservation of those resources and regulating fishing matters, coordination between government bodies and other operating in this field and proposing pertinent legislation and examining other matters raised by the competent Minister. <u>(Decree promulgating Law N 46 of 1980 on Conservation of Fisheries Resources, Art. 9)</u>	The competent Minister shall specify the quantities of fish and other living resources to be caught at certain seasons. <u>[Decree promulgating Law N° 46 of 1980, Art. 8(12)]</u> The issuing of new licences in respect of fibre glass fishing vessels operating in Kuwaiti waters is suspended <u>[Decree No 26 of 1985]</u>	General The competent Minister shall make regulations on vessels, gear, forbidden substances, sizes of fish and meshes, closure of fishing, by species, gear and area. <u>[Decree promulgating Law N° 46 of 1980, Art. 8]</u> Use of explosives, poisonous or intoxicating substances, barbed fishing equipment, electric means, harpoon guns or hooks, is prohibited. <u>[Ministerial Decree N° 22 of 1980 on prohibition of specific materials in Kuwaiti Territorial Waters]</u> <u>Gear restrictions</u> - Mesh size 1. Shrimp fishing nets - traditional net: 30 mm - gill net: 40 mm. <u>(Ministerial Decree N° 23 of 1980 on minimum measurements of meshes of shrimp fishing nets)</u>

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COUNTRY	MANAGEMENT OBJECTIVES AND PROCEDURES	SCHEMES FOR LIMITATIONS OF CATCH OR EFFORT	OTHER MANAGEMENT MEASURES
KUWAIT (Cont'd)			<p>2. Fish</p> <ul style="list-style-type: none"> <li>- crawling net: 50 mm</li> <li>- non movable net: 90 mm</li> <li>- movable net: 100 mm to Alzeibeidi fish</li> <li>- movable net: 80 mm to Aljabour fish</li> <li>- movable net: 40 mm to Almeed fish</li> </ul> <p><u>(Decree N° 7 of 1983 on minimum measurements of meshes to be used in fishing by fishing vessels in the territorial waters of Kuwait)</u></p> <p>3. Use of surrounding nets (Habla method) is prohibited <u>(Decree N° 8 of 1983 on prohibition of fishing by "Habla method")</u> - Limitation of fish size (minimum length)</p> <ul style="list-style-type: none"> <li>- meed: 14 cm.</li> <li>- zubaigy: 20 cm.</li> <li>- noeby: 27 cm.</li> <li>- chaam: 30 cm.</li> <li>- khopat: 35 cm.</li> <li>- nagror: 40 cm.</li> <li>- hamour: 45 cm.</li> </ul> <p><u>(Decree N° 9 of 1983 on the minimum sizes of fishes to be caught in the territorial waters of Kuwait)</u></p>

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FISHERIES MANAGEMENT

COUNTRY	MANAGEMENT OBJECTIVES AND PROCEDURES	SCHEMES FOR LIMITATIONS OF CATCH OR EFFORT	OTHER MANAGEMENT MEASURES
KUWAIT (Cont'd)			<ul style="list-style-type: none"> <li>- <u>Area restrictions</u> Fishing is prohibited within 3 miles from coasts for the Kuwaiti vessels. (Decree N° 11 of 1983 on <u>prohibition of fishing within 3 miles from the coasts of Kuwait</u>)</li> <li>- Fishing by big and more efficient fishing vessels in the territorial waters is prohibited. (Decree N° 5 of 1984)</li> <li>- Trawling in the territorial waters is prohibited (Decree N° 24 of 1985)</li> <li>- Closed seasons shrimp catching is prohibited during certain periods of the year (1 March through end July 1986) (Decree N° 5 of 1986)</li> </ul>
MADAGASCAR	<p>In order to assure a rational development of maritime fisheries in territorial waters, trawling is regulated by decision of the competent Minister after advice of a technical commission. [Décret N° 71-238 of 18 May 1971 réglementant l'exercice de la pêche par chalutage dans la mer territoriale (modifié), Art. 1-2]</p>	<p><u>Regulation of trawling</u> Licence required. [Décret N° 71-238 of 18 May 1971, Art. 1] Licence for trawlers over 25 HP issued by the competent Minister after advice of a Commission. (Id. Art. 2) The Commission establishes the number of licences. (Id. Art. 5)</p>	<p><u>Gear restrictions</u></p> <ul style="list-style-type: none"> <li>- Mesh size</li> <li>- fixed net: 25 mm.</li> <li>- trolling net: 25 mm.</li> <li>- trawl nets: 35 mm.</li> <li>- cast nets and seiners: 25 mm. (Décret of 5 June 1922 relative à la pêche, Art. 8, 10)</li> <li>- Orders regulate the fishing gears used for trawling after advice of</li> </ul>

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COUNTRY	MANAGEMENT OBJECTIVES AND PROCEDURES	SCHEMES FOR LIMITATIONS OF CATCH OR EFFORT	OTHER MANAGEMENT MEASURES
MADAGASCAR (Cont'd)		<p>Licence may be suspended by the competent Minister if it is not used during 6 months. (Id. Art. 8)</p> <p>In order to protect certain fishing areas, the Commission may propose to the competent Minister to limit the number of trawlers in an area. (Id. Art. 12)</p>	<p>the Commission. (Décret N° 71-238 of 18 May 1971, Art. 12)</p> <p>- Size fish fish (minimum length): 10 cm. measured from eye to the beginning of the tail.</p> <p>- oysters: 4 cm (diameter) (Décret of 5 June 1922, Art. 19)</p> <p>- lobster: more than 20 cm. (Arrêté of 14 January 1921 réglementant la pêche ... des langoustes)</p> <p>Catching of eggs and fry prohibited. (Décret of 5 June 1922, Art. 16)</p> <p>General</p> <p>- shrimp fishing by trawl may be authorized within a 2-mile limit from the coast. (Décret N° 71-238 of 18 May 1971, Art. 11)</p> <p>- Administrative authority orders determine fishing areas, closed seasons, gear restrictions. (Loi N° 66-007 of 7 July 1966 portant Code Maritime, Art. 5.1.02).</p>

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COUNTRY	MANAGEMENT OBJECTIVES AND PROCEDURES	SCHEMES FOR LIMITATIONS OF CATCH OR EFFORT	OTHER MANAGEMENT MEASURES
MALAYSIA	<p>Director General of Fisheries to prepare and keep under review fisheries plans based on the best scientific information available and designed to ensure optimum utilization of fishery resources, consistent with the avoidance of overfishing, and in accordance with the overall national plans and programmes. All development within fisheries industry to conform with the management and conservation policies described in the fisheries plan. (Fisheries Act 1985, S. 6)</p>	<p><u>General Licensing System</u></p> <ul style="list-style-type: none"> <li>- Licence required for vessels engaging in fishing. (Fisheries Act 1985, S.8)</li> <li>- Where a fisheries plan requires that no licence or permit be issued in respect of a new fishing vessel for a specific type of fisheries unless such new vessel is to replace a fishing vessel already issued with such licence or permit for such type of fisheries, the Director General of Fisheries is not to issue a licence or permit in respect of the new fishing vessel until the existing vessel is disposed of in accordance with his directions. (Id. S. 9)</li> <li>- The Director General of Fisheries may refuse to issue or re new or may cancel or suspend any licence where it is necessary to do so for the proper management of any particular fishery, in accordance with the applicable fisheries plan and with any directions issued by the Director General of Fisheries in the implementation of that plan. Appeal may be made to the Minister 14 days after the date</li> </ul>	<p><u>General</u></p> <p>The competent Minister may make regulations specifically or generally for the proper conservation, development and management of maritime and estuarine fishing and fisheries and in respect of related industries, for the proper conservation, development and management and regulation of turtles beyond the jurisdiction of any State in Malaysia. (Fisheries Act, 1985, S. 61)</p> <p><u>Marine Parks and Reserves</u></p> <ul style="list-style-type: none"> <li>- The competent Minister may establish any area or part of any area of the fisheries waters as a marine park or reserve and make regulations for its management. (Id. S. 41, 45)</li> </ul> <p><u>General Restrictions</u></p> <ul style="list-style-type: none"> <li>- Trawling</li> <li>- Beam trawl prohibited</li> <li>- Minimum mesh size of trawl net 38 mm.</li> <li>- Area restrictions (except in specified areas): <ul style="list-style-type: none"> <li>- trawler of 100 GRT and 200 HP restricted to beyond 12 miles;</li> <li>- trawler of 25 GRT and 60 HP restricted to beyond 7 miles;</li> </ul> </li> </ul>

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COUNTRY	MANAGEMENT OBJECTIVES AND PROCEDURES	SCHEMES FOR LIMITATIONS OF CATCH OR EFFORT	OTHER MANAGEMENT MEASURES
MALAYSIA (Cont'd)		<p>of such refusal, suspension or cancellation. After hearing the appeal, the Minister may make a final order thereon. Such order is to take into account any scheme for the limitation of fishing effort contained in fisheries plan. (Id. S. 13)</p> <p>- Horsepower, size or tonnage of a licensed fishing vessel or fishing appliance which is licensed to operate are not to be modified or changed without the written permission of the Director General of Fisheries. The Director General of Fisheries to refuse permission for a licensed fishing vessel or fishing appliance to be modified or changed unless it is necessary to do so for the proper management of any particular fishery. Licences or permits in respect of a fishing vessel, fishing stocks, fishing appliance, fish-aggregation device or marine culture systems are not transferable. (Id. S. 14)</p>	<p>- any powered trawler restricted to beyond 3 miles.</p> <p>- Trawling limited to period stated in licence;</p> <p>- Use of trawler less than 25 GRT or 60 HP limited to 6 a.m. to 6 p.m.</p> <p>[Fisheries (Maritime) Regulations, 1967 (as amended) Fifth Schedule]</p> <p>- Purse seining</p> <p>- Area restrictions on motorized vessels</p> <p>- less than 40 GRT beyond 5 miles</p> <p>- 40 GRT beyond 12 miles</p> <p>- all or partly foreign-owned beyond 30 miles</p> <p>- Purse-seining limited to period stated in licence.</p> <p>[Fisheries (Maritime) Regulations, 1967 (as amended) Sixth Schedule]</p> <p>- Moro Ami Nets used with engined boats to be used only in waters off the islands of the coast of any of the States of West Malaysia specified in the conditions of the licence.</p> <p>[Fisheries (Maritime) Regulations, 1967 (as amended) Seventh Schedule]</p> <p>- Push-net prohibited.</p> <p>[Fisheries (Prohibition of Methods of</p>

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COUNTRY	MANAGEMENT OBJECTIVES AND PROCEDURES	SCHEMES FOR LIMITATIONS OF CATCH OR EFFORT	OTHER MANAGEMENT MEASURES
MALAYSIA (Cont'd)		<ul style="list-style-type: none"><li>- The Director General of Fisheries may determine the number of licences to be issued in any year in respect of fishing stocks and fishing appliances. <u>[Fisheries (Maritime) Regulations, 1967 (as amended), Reg.7]</u> <u>Foreign Fishing Vessels</u></li><li>- Permit required for engaging in fishing. <u>(Fisheries Act 1985, S. 15)</u></li><li>- In considering an application for a permit, the Director General of Fisheries is to take account <u>inter-alia</u> of the needs of Malaysian fishermen and of the provisions of the fisheries plan. <u>(Id. S. 18)</u></li><li>- Permits may include different provisions relating to the limitation of catch and effort. <u>(Id. S. 19)</u></li><li>- The Director General of Fisheries may cancel or suspend any permit where necessary or expedient for the proper management of fisheries. In both cases, the decision may not be reviewed or called into question. <u>(Id. S. 21, 22, 23)</u></li></ul>	<u>Fishing) Regulations, 1971]</u> - Taking of cockles licensed and regulated. <u>[Fisheries (Cockle Conservation and Culture) Regulations, 1964]</u>

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COUNTRY	MANAGEMENT OBJECTIVES AND PROCEDURES	SCHEMES FOR LIMITATIONS OF CATCH OR EFFORT	OTHER MANAGEMENT MEASURES
MALDIVES	Total weight of the permitted catch within the exclusive economic zone is determined annually by the Ministry of Fisheries. [ <u>Regulations for Issuing the Licence to Fish in the EEZ of the Republic of Maldives, R. 3</u> ]	Annual catch permitted may vary from 3,000 to 15,000 tonnes per licensed operator. ( <u>Regulations for Issuing the Licence to Fish in the EEZ, Reg.3</u> ) Number of vessels determined on basis of permitted catch. ( <u>Id. Reg. 7</u> )	<ul style="list-style-type: none"> <li>- Foreign fishing limited to pole-and- line, longline and trolling. (<u>Regulations for Issuing the Licence to Fish in the EEZ, Reg. 5</u>)</li> <li>- Foreign fishing only authorized beyond 75 miles, in one or more sub-areas (<u>Id. Reg. 2</u>)</li> <li>- Bait-fishing reserved for traditional vessels. (<u>Id. Reg. 6</u>)</li> <li>- Prohibited to troll around floating objects or a school being fished by others fishing by picking up floating objects. (Law N° 21/78 of 24 April 1978)</li> <li>- Prohibited to fish with dynamite and generally with underwater guns. (<u>Law N° 23/78 of 24 April 1978</u>)</li> <li>- Catching of tortoises, turtles and lobsters regulated. (<u>Law N° 24/78 of 24 April 1978</u>)</li> <li>- Special regulations for atolls and Malé. (<u>Law N° 1/74, as amended; Law N° 22/78 of 24 April 1978</u>)</li> </ul>

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COUNTRY	MANAGEMENT OBJECTIVES AND PROCEDURES	SCHEMES FOR LIMITATIONS OF CATCH OR EFFORT	OTHER MANAGEMENT MEASURES
MAURITIUS	<p>The Fishery Advisory Board shall</p> <ul style="list-style-type: none"> <li>- advise the Minister on all matters of general policy relating to fisheries;</li> <li>- inquire and report to the Minister, on such specific matters relating to fisheries as the Minister may refer to it.</li> </ul> <p><u>(Fisheries Act, 1980, S. 35-36)</u></p>	<p>Net licence required. <u>(Fisheries Act, 1980, S. 12)</u></p> <p>Licence not transferable. <u>[Id. S. 3(4)]</u></p> <p>Number of large nets, canard nets and gill net licences limited by geographical area. <u>[Id. S. 3(6)]</u></p>	<p><u>General</u></p> <ul style="list-style-type: none"> <li>- No fishing with artificial light (with some exceptions) <u>(Fisheries Act, 1980, S. 18)</u></li> <li>- The use of explosives is prohibited. <u>(Id. S. 21)</u></li> <li>- Designation of fish landing stations. <u>(Id. S. 7)</u></li> <li>- Underwater fishing is prohibited (with some exceptions) <u>(Id. S. 22)</u></li> </ul> <p><u>Gear restrictions</u></p> <ul style="list-style-type: none"> <li>- Fishing is authorized only with certain nets (attached list) <u>(Id. S. 11)</u> <ul style="list-style-type: none"> <li>- Mesh size:</li> <li>- canard net: 9 cm.</li> <li>- cast net: 9 cm.</li> <li>- gill net: 11 cm.</li> <li>- large net: 9 cm.</li> <li>- basket trap: 4 cm. <u>(Id. S. 2)</u></li> <li>- Close periods</li> <li>- No fishing with a large net or canard net between sunset and sunrise. <u>[Id. S. 16(1)]</u></li> </ul> </li> <li>- No fishing with a large net or a gill net from 1 October to the last day of February. <u>[Id. S. 16(2)(a)]</u></li> </ul>

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FISHERIES MANAGEMENT

COUNTRY	MANAGEMENT OBJECTIVES AND PROCEDURES	SCHEMES FOR LIMITATIONS OF CATCH OR EFFORT	OTHER MANAGEMENT MEASURES
MAURITIUS (Cont'd)			<ul style="list-style-type: none"> <li>- No fishing with a canard net from 1 May to 31 July and from 1 October to the last day of February. [<u>Id. S. 16(2)(b)</u>]</li> <li>- No fishing gill net on Rodrigues. (<u>G.N. 83 of 1983</u>)</li> </ul> <p><u>Fish size (minimum length)</u></p> <ul style="list-style-type: none"> <li>- barbets, battardets, cordonniers and rougets': 20 cm.</li> <li>- carpes and crabs (carlet): 15 cm.</li> <li>- capitaines, dame berries, gueules pavées, licornes and mullets: 30cm.</li> <li>- oysters and mussels: 5 cm.</li> <li>- rock lobster: 10 cm. from the eye stalks to the end of thorax.</li> </ul> <p>(<u>Fisheries Regulations 1983, Fifth Schedule</u>)</p> <p><u>Reserved areas</u> Fishing is prohibited in reserved areas (S. 19) (<u>Fisheries Regulations 1980, S. 11</u>) Reserved areas prescribed. (<u>Fisheries Regulations 1983, Fifth Schedule; Fisheries (Reserved Areas) (Rodrigues) Regulations, 1984</u>)</p>

TABLE  
FISHERIES MANAGEMENT

COUNTRY	MANAGEMENT OBJECTIVES AND PROCEDURES	SCHEMES FOR LIMITATIONS OF CATCH OR EFFORT	OTHER MANAGEMENT MEASURES
MOZAMBIQUE		The number of motorized shrimp vessels is limited to 100, not exceeding 25 m. length. [ <u>Diploma Legislativo N° 50/71 of 29 May 1971, Art. 2 (1)</u> ].	The competent authority may prohibit or limit fishing definitively or temporarily in certain areas for conservation and management reasons. [ <u>Diploma Legislativo N° 50/71 of 29 May 1971 regulating shrimp fishing, Art. 1 (2)</u> ]. <u>Gear restrictions</u> <ul style="list-style-type: none"><li>- vessels:<ul style="list-style-type: none"><li>. for coastal fishing = not more than 32 meters length and not more than 500 horse power. (<u>Diploma Legislativo N° 65/71 of 15 June 1971 regulating maritime fishing, Art. 20</u>).</li><li>. for shrimping = not more than 25 meters length.</li><li>. for inshore shrimping = not more than 12 meters length. (<u>Diploma Legislativo N° 50/71 of 29 May 1971, Art. 5</u>).</li></ul></li><li>- mesh size between knots (fish)<ul style="list-style-type: none"><li>. beach seine = 19 mm</li><li>. danish seine = 19 mm</li><li>. trawl net = 30 mm</li></ul></li></ul> ( <u>Diploma Legislativo N° 65/71 of 15 June 1971, Art. 25</u> ).

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FISHERIES MANAGEMENT

COUNTRY	MANAGEMENT OBJECTIVES AND PROCEDURES	SCHEMES FOR LIMITATIONS OF CATCH OR EFFORT	OTHER MANAGEMENT MEASURES
MOZAMBIQUE (Cont'd)			<ul style="list-style-type: none"> <li>- mesh size between knots (shrimp)               <ul style="list-style-type: none"> <li>. beach seine = 16 mm</li> <li>. danish seine = 16 mm</li> <li>. trawl net = 19 mm</li> </ul> </li> </ul> <p><u>(Diploma Legislativo N° 50/71 of 29 May 1971, Art. 15).</u></p>
OMAN	<p>* The Council for living marine resources management:</p> <ul style="list-style-type: none"> <li>- propose policies which ensure the conservation, development and rational utilization of living resources and to supervise its implementation</li> <li>- propose programs for regulation of fishing</li> <li>- coordinate the activities of government and non government bodies concerned with living marine resources in order to guarantee the viability of aquatic resources and their rational utilization.</li> <li>- propose legislation <u>(Sultanic Decree N° 53/81 of 30 May 1981 promulgating the law on marine fisheries and conservation of living aquatic resources, Art. 3).</u></li> </ul>	<p>* Licence to specify quantity of catch <u>(Sultanic Decree N° 53/81 of 30 May 1981, Art. 7).</u></p> <ul style="list-style-type: none"> <li>- The competent authority shall determine the number of licences granted to fishing boats or fishermen. <u>(Id. Art. 11).</u></li> </ul>	<p>* <u>General</u></p> <p>Without specific permission it shall be unlawful to:</p> <ul style="list-style-type: none"> <li>- erect or build any barrier</li> <li>- utilize techniques of mass extermination of living resources such as explosives, poisonous substance, chemical materials, electrical means ...</li> <li>- utilize techniques methods and gear harmful to eggs and sprat of living marine resources</li> </ul> <p><u>(Sultanic Decree N° 53/81 of 30 May 1981, Art. 16).</u></p> <p>* All fishermen shall have to throw back into the water any living small fish. <u>(Ministerial Decree N° 3/82 of 26 January 1982 on the Executive Regulations for the Marine Fisheries and protection of living marine resources</u></p>

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FISHERIES MANAGEMENT

COUNTRY	MANAGEMENT OBJECTIVES AND PROCEDURES	SCHEMES FOR LIMITATIONS OF CATCH OR EFFORT	OTHER MANAGEMENT MEASURES
OMAN (Cont'd)	<p>* The Minister may consult his counterparts in other concerned countries on a joint plan for the exploitation and management of living marine resources in common areas (<u>Id. Art. 30</u>).</p> <p>Minister shall issue regulations for rational management and development of fisheries (<u>Id. Art. 4</u>).</p>		<p><u>law, Art. 12</u>).</p> <p>* - Fishing of living aquatic resources shall be prohibited during the period of spawning and fertilization of eggs.</p> <p>- catching turtles is prohibited during the period prescribed by the authorized agency.</p> <p>(<u>Id. Art. 13</u>).</p> <p>* The authorized Agency shall determine:</p> <ul style="list-style-type: none"> <li>- areas of seasonally prohibited fishing</li> <li>- closed seasons and prohibited fishing species</li> <li>- catch quotas</li> <li>- prohibited fishing gear and equipment</li> </ul> <p>[<u>Id. Art. 14 (a), (b), (d), (i)</u>].</p> <p>* Underwater fishing without licence is prohibited (<u>Id. Art. 15</u>).</p> <p>* Automatic fishing gear and seines shall not be used at depths of less than 40 meters (<u>Id. Art. 16</u>).</p> <ul style="list-style-type: none"> <li>- drifting gillnets (Kayal) shall not</li> </ul>

TABLE F  
FISHERIES MANAGEMENT

COUNTRY	MANAGEMENT OBJECTIVES AND PROCEDURES	SCHEMES FOR LIMITATIONS OF CATCH OR EFFORT	OTHER MANAGEMENT MEASURES
OMAN (Cont'd)			<p>be used at depths of less than 90 meters (<u>Id. Art. 17</u>)</p> <p>- fishing prohibited in prescribed zones (<u>Id. Art. 18-19</u>).</p>
PAKISTAN			<p><u>EEZ</u></p> <p>- using dynamite, explosive substance poison, lime or noxious material for fishing is prohibited.</p> <p><u>[Exclusive Fishery Zone (Regulation of fishing) Act, 1975, S. 5]</u></p> <p>- the Federal Government may, by notification make rules to determine:</p> <p>. the specifications of nets (<u>Id. S. 16</u>).</p> <p>. the size and quantity of fish to be caught (<u>Id.</u>).</p> <p>. closed seasons and prohibited areas (<u>Id. S. 6</u>).</p> <p><u>Territorial and internal waters</u></p> <p>* <u>Size of fish</u>                      <u>closed seasons</u></p> <p>-trout            9 inches      10 Oct./9 March</p> <p>-mahashair    12 inches    1 June/31 Aug.</p> <p>-rahu            12 inches    1 June/31 Aug.</p>

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FISHERIES MANAGEMENT

COUNTRY	MANAGEMENT OBJECTIVES AND PROCEDURES	SCHEMES FOR LIMITATIONS OF CATCH OR EFFORT	OTHER MANAGEMENT MEASURES
PAKISTAN (Cont'd)			<p>- mori      12 inches 1 June/31 Aug.                      - thaila    12 inches 1 June/31 Aug.</p> <p>(West Pakistan Fisheries Ordinance, 1961, First Schedule).</p> <p>*            <u>Lobsters</u>                      Catching of female lobsters loaded with eggs and lobsters of 15 cm (or under) is prohibited.                      If caught immediately released back into the sea alive. Measurement of lobsters: from the middle of curve between orbital spines to the tip of telson.  <u>[Exclusive Fishery Zone (Regulation of fishing) Rules, 1976, R. 14].</u></p> <p>*            <u>Shrimps</u>                      Catching of shrimp or prawns is prohibited from 1 June to 31 July  <u>[Exclusive Fishery Zone (Regulation of fishing) Rules, 1976, Form B, Para. 6 (ii)].</u></p>

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FISHERIES MANAGEMENT

COUNTRY	MANAGEMENT OBJECTIVES AND PROCEDURES	SCHEMES FOR LIMITATIONS OF CATCH OR EFFORT	OTHER MANAGEMENT MEASURES
QATAR	<p>The Fisheries Department and the Board of Living Aquatic Resources shall:</p> <ul style="list-style-type: none"> <li>- propose a general plan for the conservation, development, processing and rational exploitation of living aquatic resources</li> <li>- propose programs for the regulation of fishing</li> <li>- co-ordinate the activities of government bodies concerned with living aquatic resources</li> <li>- develop and modernize means and methods of fishing</li> <li>- propose legislation on living aquatic resources</li> </ul> <p><u>(Law N° 4 of 1983 on the exploitation and conservation of living aquatic resources in Qatar, Art. 3-4).</u></p> <p>The quantity of fish to be caught annually in the territorial waters of Qatar should be limited and distributed according to the four seasons with a view to conserving the fisheries resources and increasing reproduction in future <u>(Executive Regulations N° 2 of 1985 for the Law on the exploitation and conservation of living aquatic resources in the State of Qatar, Art. 26)</u></p>	<ul style="list-style-type: none"> <li>- No fishing vessel and no artisanal fisherman shall fish without a licence issued by the competent authority <u>(Art. 7, 8 and 14).</u></li> <li>- Licence to specify quantity of catch <u>(Law N° 4 of 1983, Art. 7, 14).</u></li> <li>- The Fisheries Department shall determine the number of licences granted to fishermen and fishing vessels <u>(Id. Art. 13).</u></li> </ul>	<ul style="list-style-type: none"> <li>* <u>General</u></li> <li>- Using methods such as poisons explosives, chemical substances, electrical means is prohibited <u>(Executive Regulations N° 2 of 1985, Art. 28).</u></li> <li>- The Fisheries Department shall determine: <ul style="list-style-type: none"> <li>- areas where fishing is prohibited during certain seasons</li> <li>- closed seasons</li> <li>- protected species <u>(Id. Art. 19)</u></li> </ul> </li> <li>* <u>Gear restrictions</u></li> <li>- Prohibition, without permission of the Fisheries Department to: <ul style="list-style-type: none"> <li>. use any kind of underwater fishing harpoon-guns</li> <li>. erect any barrier</li> <li>. use gill nets and other fixed fishing gear in shallow waters <u>(Id. Art. 21).</u></li> </ul> </li> <li>- Fishing trawlers shall not be used at depths under 25 meters <u>(Id. Art. 22).</u></li> <li>* <u>Fish size</u></li> <li>- Catching species of fishes under 15</li> </ul>

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FISHERIES MANAGEMENT

COUNTRY	MANAGEMENT OBJECTIVES AND PROCEDURES	SCHEMES FOR LIMITATIONS OF CATCH OR EFFORT	OTHER MANAGEMENT MEASURES
QATAR (Cont'd)	<p>Director of Fisheries may consult his counterparts in other countries on a joint plan for shared fisheries  <u>(Law N° 4 of 1983, Art. 28).</u></p>		<p>cm long is prohibited except those specified by the Fisheries Department <u>(Id. Art. 25).</u></p> <ul style="list-style-type: none"> <li>- Fish and shrimps smaller than the size prescribed by law shall be returned to water <u>(Id. Art. 17).</u></li> <li>* <u>Closed seasons</u> Fishing of living aquatic resources is prohibited during reproduction and spawning seasons <u>(Id. Art. 18).</u></li> <li>* <u>Mesh Size (minimum)</u></li> <li>- trammel nets = 80 mm (two exterior layers)</li> <li>- seines, floating net, bottom-set nets, fish barriers, drift nets and fyke nets = 40 cm</li> <li>- pelagic trawls = 20 cm</li> <li>- shrimp nets = 15 cm</li> </ul> <p><u>(Id. Art. 27)</u></p> <li>* <u>Aquatic turtles and marine birds Eggs</u> Fishing aquatic turtles and eggs of marine birds is prohibited without the approval of the Fisheries Department <u>(Id. Art. 50).</u></li>

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FISHERIES MANAGEMENT

COUNTRY	MANAGEMENT OBJECTIVES AND PROCEDURES	SCHEMES FOR LIMITATIONS OF CATCH OR EFFORT	OTHER MANAGEMENT MEASURES
SAUDI ARABIA	<p>* The Ministry of Agriculture and water shall regulate and supervise all fishing and diving operations for the exploitation and conservation of living aquatic resources in the territorial waters of the Kingdom and shall endeavour to develop them, provide their rational management and promote their activities (<u>Fishing Regulation, exploitation and conservation of living aquatic resources scheme, Art. 1</u>).</p>	<p>Ownership limited to one artisanal boat (except for present owner) (<u>Regulation on Fisheries in Saudi Arabia Part I, Reg. 10</u>) and one modern boat over 12 m. long (<u>Id. Part II</u>).</p>	<p>* <u>Fishing gear and techniques employed by artisanal fishermen</u> - Trawling is prohibited at depths less than 15 meters (<u>Regulations on Fisheries in Saudi Arabia, Part I, Reg. 1</u>). - Engine may not exceed 250 horse power (<u>Id. Reg. 2</u>). - Use of gill nets whose meshes are less than 2,5 inches is prohibited except for sardines: 1 inch for the two wings of the net . 0,5 inch for the body of the net and shrimp: 2,5 inches for the wings of the net . 1 inch for the body (<u>Id. Reg. 8</u>) * <u>Modern Fishing Boat</u> Fishing vessels may not exceed 15 meters in length and 250 horse-power (<u>Id. Part II</u>).</p>

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FISHERIES MANAGEMENT

COUNTRY	MANAGEMENT OBJECTIVES AND PROCEDURES	SCHEMES FOR LIMITATIONS OF CATCH OR EFFORT	OTHER MANAGEMENT MEASURES
SEYCHELLES	<p>* The Seychelles Fishing Authority - promote, organize and develop fishing, fishing industries and fishing resources in Seychelles - assist in the formulation of the national policy (<u>S. 6 Seychelles Fishing Authority (establishment) Act, 1984.</u> [The Seychelles Fishing Authority shall prepare and keep under review plans for the management and development of fisheries, and shall when practical consult with other States for harmonization of Fisheries plans (<u>Fisheries Act, 1986, S. 3</u>) (not yet in force) . ]</p>	<p>[Management measures may include schemes for limitation of entry (<u>Fisheries Act, 1986, S. 4</u>) (not yet in force). Fisheries plan shall indicate amount of fishing to be allocated to foreign vessels (<u>Id. S. 3</u>). Total amount of fishing allocated to foreign vessels (<u>Id. S. 3</u>). Total amount of fishing allocated by agreements may not exceed amount permitted by plan [<u>Id. S. 6 (2)</u>]. Licence conditions may include limits on catch (<u>Id. S. 12</u>).]</p>	<p>* <u>General</u> The Minister may determine: - fishing close seasons - areas of the EEZ in which fishing shall be reserved to local fishing vessels and local fishermen (<u>Control of foreign fishing vessels Decree, 1979 as amended, S. 19</u>). Fishing with unauthorized devices (such as explosives or poisonous substances) is prohibited [<u>Fisheries Act, Cap. 134, S. 11 (1)</u>]. Use of nets in fishing reserves is regulated (<u>Id. S. 7</u>). Catching of female crabe de carlet or camaron with adherent eggs is prohibited [<u>Id. S. 13 (1)</u>]. Catching of homard and langouste is prohibited [<u>Id. S. 13.A (1)</u>]. * <u>Fish size</u> For most species, the minimum length is 18 cm - oysters = 5 cm - crabe de carlet = 12 cm</p>

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FISHERIES MANAGEMENT

COUNTRY	MANAGEMENT OBJECTIVES AND PROCEDURES	SCHEMES FOR LIMITATIONS OF CATCH OR EFFORT	OTHER MANAGEMENT MEASURES
SEYCHELLES (Cont'd)			<p>- crabe de carlet (blue or green only) = 4 inches in width</p> <p>- camaron = 3,5 inches (<u>Id. Schedule</u>).</p> <p>Catching of marine mammals is prohibited without the permission of the President (<u>Marine mammals sanctuary Decree, 1979, S. 3</u>).</p> <p>Special regulations for marine shells (<u>Conservation of Marine Shells Act, 1981</u>), and turtles (<u>Turtles Act, Cap. 141</u>).</p>
SOMALIA	Ministry to ensure that modern fishing does not harm traditional fishing ( <u>Law N° 23 of 30 November 1985, Art. 11</u> )		Forbidden to use or possess articles which are harmful to fish or to sell fish taken thereby ( <u>Law N° 23 of 30 November 1985, Art. 5</u> )
SRI LANKA	The National Aquatic Resources Research and Development Agency shall: - provide advisory and consultancy services on scientific, technological and legal matters relating to the exploitation, management and development of aquatic resources.	Foreign licence condition include special provisions to assure the limitation of catch and effort Fisheries ( <u>Regulation of foreign fishing boats Act N° 59 of 1979, S. 8</u> ).	<p>* <u>General</u></p> <p>Fishing with poison, explosives or chemical substances is prohibited (<u>Fisheries Ordinance, Cap. 212, S. 14</u>).</p> <p>The Minister may make regulations to:</p> <p>- prohibit or restrict the taking of</p>

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FISHERIES MANAGEMENT

COUNTRY	MANAGEMENT OBJECTIVES AND PROCEDURES	SCHEMES FOR LIMITATIONS OF CATCH OR EFFORT	OTHER MANAGEMENT MEASURES
SRI LANKA (Cont'd)	- co-ordinate the activities of institutions engaged in the exploitation, planning, research, development, control and management of aquatic resources <u>(The National Aquatic Resources Research and Development Agency Act N° 54 of 1981, S. 4).</u>		<p>fish during certain periods or seasons</p> <ul style="list-style-type: none"> <li>- prohibit the use of any specified equipment</li> <li>- regulate the kind of fishing nets or prohibit use of certain fishing nets</li> <li>- prohibit the taking of fish of a smaller size. <u>[Id. S. 33 (i), (j), (1) and (p)].</u></li> <li>- Prescribe areas reserved for local fishing <u>[Fisheries (Regulation of Foreign Fishing Boats) Act N° 59 of 1979, S. 7 (1)].</u></li> <li>- Fishing activities are prohibited within 35 miles for foreign boats and 24 miles for joint venture boats <u>(Foreign Fishing Boats Regulations, 1981, Reg. 6).</u></li> <li>- Fishing of spiny lobster the carapace length of which is less than 8 cm or the tail length of which is less than 11,5 cm <u>[The Spiny Lobster and Prawn (Shrimp) Regulations, 1973, Reg. 2].</u></li> <li>- Fishing of spiny lobster in the soft shell stage is prohibited <u>[Id. Reg. 4 (1)].</u></li> <li>- Fishing of spiny lobster carrying external eggs is prohibited <u>[Id. Reg. 6 (1)].</u></li> </ul>

TABLE F  
FISHERIES MANAGEMENT

COUNTRY	MANAGEMENT OBJECTIVES AND PROCEDURES	SCHEMES FOR LIMITATIONS OF CATCH OR EFFORT	OTHER MANAGEMENT MEASURES
SUDAN	The local Authority may regulate the fishing activities for the safeguarding and development of the Fisheries of Sudan (The Marine Fisheries Ordinance, 1937, S. 9).		<p>* <u>General</u></p> <ul style="list-style-type: none"> <li>- use of explosives for taking fish is prohibited</li> </ul> <p><u>(The Marine Fisheries Regulations, Reg. 7).</u></p> <ul style="list-style-type: none"> <li>- The local Authority may:               <ul style="list-style-type: none"> <li>- restrict fishing in certain seasons .</li> <li>- prescribe fish size prohibit method of fishing</li> </ul> </li> </ul> <p><u>(The Marine Fisheries Ordinance 1937, Reg. 9)</u></p> <ul style="list-style-type: none"> <li>- For the better conservation and development of fisheries, the Minister of Animal Resources may declare any part of territorial waters to be a closed area</li> </ul> <p><u>(Id. S. 6).</u></p> <ul style="list-style-type: none"> <li>- No fish, less than 8 inches in length measured from nose to apex of caudal fin shall be taken from the sea except certain species</li> </ul> <p><u>(Regulations, Reg. 5).</u></p> <ul style="list-style-type: none"> <li>- Cast net mesh size:               <ul style="list-style-type: none"> <li>- for sardines 3/4 inches</li> <li>- for all other fish 1,5 inches</li> </ul> </li> </ul> <p><u>(The Marine Fisheries Regulations, Reg. 6).</u></p>

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FISHERIES MANAGEMENT

COUNTRY	MANAGEMENT OBJECTIVES AND PROCEDURES	SCHEMES FOR LIMITATIONS OF CATCH OR EFFORT	OTHER MANAGEMENT MEASURES
TANZANIA	The Minister may make regulations which, in his opinion, are necessary or expedient for the purpose of protecting, conserving, developing regulating and controlling the capture of fish <u>[The Fisheries Act, 1970, S. 7 (1)]</u>	The Minister may make regulations limiting or controlling the number and size of fishing vessels <u>[The Fisheries Act, 1970, S. 7 (2) (r)]</u> . - Licence conditions may include provisions limiting catch and <u>[The Fisheries (General) Regulations, 1973 as amended, Reg. 18 (2)]</u> .	* <u>General</u> The Minister may make regulations - providing for and regulating the description, specifications and form of nets to be used in fishing and the size of the meshes - providing for the protection of spawning areas - determining and imposing close periods <u>[The Fisheries Act, 1970, S. 7 (2) (e), (h) and (g)]</u> . - The Minister may impose restrictions and declare any area or waters to be a controlled area <u>(Id. S. 5)</u> . - Use of explosives, electrical device or any poisonous or noxious substance is prohibited <u>[The Fisheries (General) Regulations, 1973 as amended, Reg. 25]</u> . - Fishing in marine reserves is prohibited without authorization of the Director <u>[The Fisheries (marine reserves) Regulations, 1975, Reg. 3]</u> .

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COUNTRY	MANAGEMENT OBJECTIVES AND PROCEDURES	SCHEMES FOR LIMITATIONS OF CATCH OR EFFORT	OTHER MANAGEMENT MEASURES
THAILAND			<ul style="list-style-type: none"><li>- Placing poisonous or polluting substances in fishery waters is prohibited <u>(The Fisheries Act, 1947, as amended, S. 19).</u></li><li>- Use of explosives in fisheries is prohibited (except for scientific purposes) <u>(Id. S. 20).</u></li><li>- The Minister or provincial governor (with the approval of Minister) may regulate:<ul style="list-style-type: none"><li>- the size of mesh and dimension of every kind of fishing implement</li><li>- the methods of using every kind of equipment</li><li>- the spawning and breeding seasons</li><li>- the kind, size and maximum number of aquatic animals the fishing of which is authorized</li><li>- protected species</li></ul></li></ul> <u>(Id. S. 32).</u>
UNITED ARAB EMIRATES			Shrimp fishing and taking the fresh catch from the Gulf waters is prohibited from 1 April to the end of June. <u>(Decree of Council of Ministers N° 7/188 of 1982).</u>

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FISHERIES MANAGEMENT

COUNTRY	MANAGEMENT OBJECTIVES AND PROCEDURES	SCHEMES FOR LIMITATIONS OF CATCH OR EFFORT	OTHER MANAGEMENT MEASURES
YEMEN ARAB REPUBLIC	An administrative body may coordinate, regulate and develop fishing activities in the Republic ( <u>Fisheries Law N° 20 of 1978, Art. 2</u> ).		<ul style="list-style-type: none"> <li>- Fishing by use of explosives or other noxious substances is prohibited <u>[Fisheries Law N° 20 of 1978, Art. 6 (1)]</u>.</li> <li>- The Minister may declare any area within the fishing limits to be a prohibited area or a conservation zone</li> <li>- Fishing in such area or zone without permit issued by the Minister is prohibited <u>(Id. Art. 7)</u></li> <li>- Minister may issue necessary regulation <u>(Id. Art. 15)</u>.</li> </ul>
YEMEN DEMOCRATIC REPUBLIC			<ul style="list-style-type: none"> <li>- Use of destructive fishing methods such as poisons, explosives, noxious substances, electronic energy is prohibited <u>[Law N° 24 of 1979 concerning the organization of the catches of marine resources, their exploitation and protection, Art. 3 (1)]</u></li> <li>- Use of fishing methods and fishing materials which damage the marine resources and young fish is prohibited <u>[Id. Art. 3 (2)]</u>.</li> </ul>

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FISHERIES MANAGEMENT

COUNTRY	MANAGEMENT OBJECTIVES AND PROCEDURES	SCHEMES FOR LIMITATIONS OF CATCH OR EFFORT	OTHER MANAGEMENT MEASURES
YEMEN DEMOCRATIC REPUBLIC (Cont'd)			<ul style="list-style-type: none"><li>- The Minister will specify be resolution the timings places, methods and gear (<u>Id. Art. 11</u>).</li><li>- Determination of prohibited fishing methods or materials (<u>Id. Art. 13</u>).</li><li>- The Minister of Fish Wealth may issue regulations for the implementation of law (<u>Id. Art 23</u>).</li></ul>

TABLE G

PENALTIES FOR UNAUTHORIZED FISHING BY NATIONAL VESSELS

COUNTRY	FINES			IMPRISONMENT SECOND 'OFFENCE'	FORFEITURE		
	LEGISLATIVE AUTHORITY	'LOCAL CURRENCY'	EQUIV. IN US\$'		VESSEL	GEAR	CATCH
AUSTRALIA	Continental Shelf (Living Natural Resources) Act, 1968 S. 18	Up to A\$1 ,000	US\$ 645	NO	COURT	MAY	ORDER
	Fisheries Act 1952 S. 13	Up to A\$S 1,000	US\$ 645	NO	COURT	MAY	ORDER
BAHRAIN	Decree Promulgating Law N° 5 of 1981 on Fishing Regulation Art. 17	Up to 300 D.	US\$ 789	Up to 2 yrs.	COURT	MAY	ORDER
BANGLADESH	Marine Fisheries Ordinance, 1983	-	-	-	-	-	-
BURMA	NO	INFORMATION		-	-	-	-
COMOROS	-	-	-	-	-	-	-
DJIBOUTI	Law N° 52/AN- 78 of 9 January 1979 on the Territorial sea, Contiguous Zone, Maritime Fisheries and the Exercise of Fishing, Art 19	Unspecified fine (Amount to be fixed by decree)		-	-	-	-

TABLE G

PENALTIES FOR UNAUTHORIZED FISHING BY NATIONAL VESSELS

COUNTRY	FINES			IMPRISONMENT SECOND 'OFFENCE'	FORFEITURE		
	LEGISLATIVE AUTHORITY	'LOCAL CURRENCY'	EQUIV . IN US\$'		VESSEL	GEAR	CATCH
EGYPT	Act N° 124 of 1983 Promulgating the Act on Fishing, Aquatic Life and the Regulation of Fish Farms Art. 54	Up to £50 plus twice annual fee for period unlicensed	US\$ 37	Up to 3 mos.	COURT	MAY	ORDER
ETHIOPIA	Maritime Proclamation N° 137 of 1953 Art. 98	Unspecified			Regulations may provide for confiscation of fishing vessels - No such regulations made		
FRANCE DEPARTMENTS & DEP. TERRIT.	NO	INFORMATION					
INDIA (Kerala)	Governed by state laws Kerala Marine Fishing Regulations Act 1980 S.17	Up to R.5,000 US\$ 396 (for value of fish less than R1 000) US\$ 79 5xvalue of fish (for value of fish more than R1 000) US\$ 79 R. 5,000 US\$ 396 (where no fish involved)		NO	Adjudicating Officer may order		

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PENALTIES FOR UNAUTHORIZED FISHING BY NATIONAL VESSELS

COUNTRY	FINES			IMPRISONMENT SECOND 'OFFENCE'	FORFEITURE		
	LEGISLATIVE AUTHORITY	'LOCAL CURRENCY'	EQUIV. IN US\$'		VESSEL	GEAR	CATCH
INDONESIA	Law N° 9 of 1985 on Fisheries Art. 25 (Fishing in internal waters and territorial Sea)	Up to R. 50 000 000 Where motor vessel 30 GT or more)	US\$ 30,788	Up to 5 yrs	COURT	MAY	ORDER
		Up to R. 25 000 000 Where motor vessel less than 30 GT)	US\$ 15,394	Up to 2 yrs	COURT	MAY	ORDER
	Law N° 9 of 1985 on Fisheries Art. 30 and Law N° 5 of 1983 on the Indonesian EEZ, Art. 16 (Fishing in EEZ)	Up to R. 225 000 000	US\$ 138,547	NO	COURT	MAY	ORDER
IRAN	NO	INFORMATIO N					
IRAO	Law N° 48 of 1976 for Regulating and exploitation of Aquatic life and its protection, Art. 28	Up to ID 200	US\$ 645	Up to 9 mos.	COURT	MAY	ORDER
ISRAEL	NO	INFORMATIO N					

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PENALTIES FOR UNAUTHORIZED FISHING BY NATIONAL VESSELS

COUNTRY	FINES			IMPRISONMENT	SECOND OFFENCE	FORFEITURE		
	LEGISLATIVE AUTHORITY	'LOCAL CURRENCY'	EQUIV. IN US\$'			VESSEL	GEAR	CATCH
JORDAN	Law No 25 on the Organization of Fishing Art 11 Code of Agriculture, 1973 Art. 186	Up to D.10  D. 10 to 50	US\$ 29  US\$ 29 - 147	Up to 1 mo.		COURT	MAY (Art 14)	ORDER
KENYA	Fish Industry Act, 1968 S. 9 (Fishing in territorial waters) Fish Protection (Registration of Fishing Craft, Sea Fisheries) Rules (Registration of boats)	Up to KS 20,000  Up to KS 1,000	US\$ 1,242  US\$ 62	Up to 2 yrs.  In default of payment of fine Up to 3 mos.		COURT	MAY (S. 11)	ORDER
KUWAIT	Decree Promulgating Law N° 46 of 1980 on Conservation of Fisheries Resources, Art. 12	D. 50 - 500 plus double licence fee	US\$172-1,718	NO		COURT	MAY	ORDER
MADAGASCAR	Maritime Code N° 66-007 5 July 1966 Art. 7.7.02 (unauthorized trawling)	25.000 up to 250.000	US\$ 34 US\$ 336	10 days up to 6 mos.	Double max. fine (Art. 7.7.05)	COURT SHALL ORDER ON SECOND OFFENCE		

TABLE G

PENALTIES FOR UNAUTHORIZED FISHING BY NATIONAL VESSELS

COUNTRY	FINES			IMPRISONMENT	SECOND OFFENCE	FORFEITURE		
	LEGISLATIVE AUTHORITY	'LOCAL CURRENCY'	EQUIV. IN US\$'			VESSEL	GEAR	CATCH
MALAYSIA	Fisheries Act, 1985 S. 25	Up to R.50,000 (Owner/master)	US\$ 19,158	Up to 2 yrs.		COURT SHALL ORDER (S. 52)		
MALDIVES	-							
MAURITIUS	The Fisheries Act, 1980, S. 34	R. 500 up to R. 1,000 US\$ 76	US\$ 38	Up to 12 mos	Double fine 12 mos. up to 3 years	COURT MAY ORDER		
MOZAMBIOUE	-Diploma Legislative N° 65/71 15 June 1971 Art 59 – - Diploma Legislative N° 50/71 29 May 1971 Regulations on Shrimp Fishing, Art. 23	Up to E 50,000 Depending on seriousness of offence	US\$ 1,266	NO		CATCH FORFEITED (Art. 24)		
OMAN	Sultanic Decree N° 53/81 Promulgating the Law on Marine Fisheries and Aquatic Resources, Art 28	R. 60	US\$ 156		Double	COURT MAY ORDER (ON THIRD OFFENCE)		
PAKISTAN	Exclusive Fishery Zone (Regulation of Fishing) Act, 1975, S. 9	Up to R. 5,000	US\$ 296			COURT MAY ORDER		

TABLE G

PENALTIES FOR UNAUTHORIZED FISHING BY NATIONAL VESSELS

COUNTRY	FINES			IMPRISONMENT	SECOND OFFENCE	FORFEITURE		
	LEGISLATIVE AUTHORITY	'LOCAL CURRENCY'	EQUIV. IN US\$'			VESSEL	GEAR	CATCH
OATAR	Law N° 4 of 1983 on the Exploitation and Conservation of Living Aquatic Resources, Art. 26	Up to R. 2,000	US\$ 551	NO	Double	COURT MAY ORDER (ON THIRD OFFENCE)		
SAUDI ARABIA	Fishing Regulation, Exploitation and Conservation of Living Resources Scheme, Art. 13	Up to R.10,000	US\$ 2,667	Up to 6 mos.				
SEYCHELLES	Fisheries Act, CAP 134 S. 27	Up to R. 500	US\$ 84	Up to 2 mos.		COURT	MAY	ORDER
	[Fisheries Act 1986 S.24] [not yet in force]	R.10,000	US\$ 1,684	NO			COURT MAY ORDER [S. 25]	COURT SHALL ORDER
SOMALIA	NO	INFORMATION						
SRI LANKA	Fishery Ordinance CAP 212 S. 26	Up to R. 500	US\$ 18	Up to 6 mos.		COURT MAY ORDER (S. 30)		
SUDAN	Marine Fisheries Act 1937 S. 10 (Territorial waters)	S£ 50	US\$ 20	Up to 3 mos.		COURT	MAY	ORDER

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PENALTIES FOR UNAUTHORIZED FISHING BY NATIONAL VESSELS

COUNTRY	FINES			IMPRISONMENT	SECOND D 'OFFENCE'	FORFEITURE		
	LEGISLATIVE AUTHORITY	'LOCAL CURRENCY'	EQUIV. IN US\$'			VESSEL	GEAR	CATCH
TANZANIA	Fisheries (General) Regulations, 1973 R. 43	up to TS 10,000	US\$ 217	Up to 2 yrs.	Double fine			
THAILAND	Act Governing the Right to fish in Thai Fishery Waters, B.E 2482 (1939) S. 11	Up to B. 2,000	US\$ 77	Up to 1 yr.				
UNITED ARAB EMIRATES	NO	INFORMATION						
YEMEN (ARAB REPUBLIC)	Fisheries Law N° 20 1978 Art. 10	R. 10,000	US\$ 1,000	Up to 6 mos.		COURT	MAY	ORDER
YEMEN DEM. REPUBLIC	Law No 24 of 1979 Concerning the Organization of the Catches of Marine Resources, their Exploitation and Protection Art. 21	Up to D. 10	US\$ 29	Up to 3 yrs.		COURT	MAY	ORDER

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PENALTIES FOR UNAUTHORIZED FOREIGN FISHING

COUNTRY	FINES			IMPRISONMENT	SECOND OFFENCE	FORFEITURE		
	LEGISLATIVE AUTHORITY	LOCAL CURRENCY	EQUIV. IN US\$			VESSEL	GEAR	CATCH
AUSTRALIA	Fisheries Act, 1952 S. 13AB, 13B	Not exceeding A\$ 5,000 (summary conviction*)	US\$ 3,226	NO		COURT MAY ORDER (S. 13C)		
		A\$ 250,000 (indictment)	US\$ 161,290					
		Continental Shelf (Living Natural Resources) Act, 1968, S 18	Up to A\$1,000 (Summary)	US\$ 645	upto 6 mos.			
		A\$1,000 up to A\$10,000 On indictment	US\$ 645 US\$ 6,452	upto 1 yr.				
BAHRAIN	Decree Promulgating Law N° 5 of 1981 on Fishing Regulation Art. 17	300 Dinars	US\$ 789	upto 2 yr.		COURT	MAY	ORDER
BANGLADESH	Marine Fisheries Ordinance, 1983	100,000 taka	US\$ 3,341	upto 3 yr.		COURT	MAY	ORDER
BURMA	Territorial Sea and Mari- time Zones Law 1977 S. 21	Unspecified		upto 10 yr.		COURT	MAY	ORDER

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PENALTIES FOR UNAUTHORIZED FOREIGN FISHING

COUNTRY	FINES			IMPRISONMENT	SECOND OFFENCE	FORFEITURE		
	LEGISLATIVE AUTHORITY	'LOCAL CURRENCY'	EQUIV. IN US\$'			VESSEL	GEAR	CATCH
COMOROS	Law N° 82-015, 13 August 1982, concerning the activity of foreign fishing vessels in the Comores maritime zones, Art. 14	FCFA 10,000,000 - 80,000,000	US\$ 30,120 to 240,964	NO	Double	COURT MAY ORDER	COURT SHALL ORDER	
DJIBOUTI	Law N° 52/AN/78 of 9 Jan 1979, Art. 19	Fines fixed by decree		NO				
EGYPT	Act N° 124 of 1983 Promulgating the Act on Fishing, Aquatic Life and the Regulation of Fish Farms Art. 53	£5,000-10,000	US\$ 3,704 – US\$ 7,407	NO		COURT MAY ORDER		
ETHIOPIA	Maritime Proclamation N° 137 of 1953 Art. 98	Unspecified				Regulations may provide for confiscation of fishing vessels using means of fishing prohibited by the regulations (No regulations yet made)		
FRANCE DEPARTMENTS & DEP. TERRIT.	Decree of 9 Jan. 1852 on Marine Fishing Operations (as amended) Art. 10	FF. 50,000 – FF. 500,000	US\$ 7,530 75,301	NO	Double Art.11	COURT MAY ORDER		

TABLE H  
PENALTIES FOR UNAUTHORIZED FOREIGN FISHING

COUNTRY	FINES			IMPRISONMENT	SECOND OFFENCE	FORFEITURE		
	LEGISLATIVE AUTHORITY	'LOCAL CURRENCY'	EQUIV. IN US\$'			VESSEL	GEAR	CATCH
INDIA	Maritime Zones of India (Regulation of Fishing by Foreign vessels) Act, 1981, S. 10	R.1,000,000 (EEZ offences)	US\$ 79,114	NO		COURT MAY ORDER (S. 13)		
		R.1,500,000 (Offences in territ. sea)	US\$ 118,670	EEZ offences Up to 3 yrs. (Offences in territ. sea)				
INDONESIA	Law N° 5 of 1983 on the Indonesian EEZ, Art. 16 (Fishing in EEZ)	R. 225,000,000	US\$ 138,567	NO		COURT	MAY	ORDER
		R. 50,000,000 Where motor vessel 30 GT or more)	US\$ 30,788	Up to 5 yrs.		COURT	MAY	ORDER
		R. 25,000,000 Where motor vessel less than 30 GT)	US\$ 15,394	Up to 2 yrs		COURT	MAY	ORDER
IRAN	NO	INFORMATION						
IRAQ	Law N° 48 of 1976 for Regulating and exploitation of Aquatic life and its protection, Art. 28	Up to ID 200	US\$ 645	Up to 9 mos.		COURT MAY ORDER ON SECOND OFFENCE		COURT MAY ORDER
ISRAEL	NO	INFORMATION						

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PENALTIES FOR UNAUTHORIZED FOREIGN FISHING

COUNTRY	FINES			IMPRISONMENT	SECOND OFFENCE	FORFEITURE		
	LEGISLATIVE AUTHORITY	'LOCAL CURRENCY'	EQUIV. IN US\$'			VESSEL	GEAR	CATCH
JORDAN	Law N° 25 on the Organization of Fishing Art 11	Up to D.10	US\$ 29	Up to 1 mo.		COURT MAY ORDER (Art 13)		
	Code of Agriculture, 1973	D. 10 to 50 Art. 186	US\$ 29 - 147					
KENYA	Fish Industry Act, 1968 S. 9 (Fishing in territorial waters)	Up to KS 20,000	US\$ 1,242	Up to 2 yrs.		COURT SHALL ORDER (S. 11)		
KUWAIT	Decree Promulgating Law N°46 of 1980 on Conservation of Fisheries Resources, Art. 12	D 50- 500 plus double licence fee	US\$ 172- 1,718	NO		COURT	MAY	ORDER
MADAGASCAR	Maritime Code N° 66-007 5 July 1966 Art. 7.7.07	F. 250,000 up to F. 2,500,000	US\$ 336 to US\$ 3,356	10 days up to 6 mos.	Double max. fine (Art. 7.7.05)	COURT SHALL ORDER (ON SECOND OFFENCE)		
MALAYSIA	Fisheries Act, 1985 S. 25	R. 1,000,000 (Owner/master)	US\$ 383,142	NO		COURT SHALL ORDER (S. 52)		
		R. 100,000 (Crew members)	US\$ 38,314					

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PENALTIES FOR UNAUTHORIZED FOREIGN FISHING

COUNTRY	FINES			IMPRISONMENT	SECOND OFFENCE	FORFEITURE		
	LEGISLATIVE AUTHORITY	'LOCAL CURRENCY'	EQUIV. IN US\$'			VESSEL	GEAR	CATCH
MALDIVES	Regulations for issuing the licence to fish in the EEZ of the Republic of Maldives, S. 16	Unspecified fine		-		-		
MAURITIUS	Maritime Zones Act, 1977 S. 12 (new legislation under consideration)	200,000 rupees	US\$ 15 175	Up to 5 yrs.		COURT	MAY	ORDER
MOZAMBIOUE	Law N° 8/78 of 22 April 1978, Art. 8	Esc. 750,000 – Esc.10,000,000	US\$ 18,987 -253,165	NO		COURT MAY ORDER Fine not paid within 15 days COURT SHALL ORDER For offences in territorial sea and second offences		
OMAN	Sultanic Decree N° 53/81 Promulgating the Law on Marine Fisheries and Aquatic Resources, Art 28	R. 60	US\$ 156	NO	Double	COURT MAY ORDER ON THIRD OFFENCE		
PAKISTAN	Exclusive Fishery Zone (Regulation of Fishing) Act, 1975, S. 9	R. 5,000	US\$ 296	NO				COURT MAY ORDER

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PENALTIES FOR UNAUTHORIZED FOREIGN FISHING

COUNTRY	FINES			IMPRISONMENT	SECOND OFFENCE	FORFEITURE		
	LEGISLATIVE AUTHORITY	'LOCAL CURRENCY'	EQUIV. IN US\$'			VESSEL	GEAR	CATCH
QATAR	Law N° 4 of 1983 on the Exploitation and Conservation of Living Aquatic Resources, Art. 26	2,000 Riyals	US\$ 551	NO	Double	COURT MAY ORDER (ON THIRD OFFENCE)		
SAUDI ARABIA	Fishing Regulation, Exploitation and Conservation of Living Resources Scheme, Art. 13	10,000 Riyals	US\$ 2,667	Up to 6 mos.				
SEYCHELLES	Control of Foreign Fish-Regulating and exploiting Vessels Decree, 1979 S. 12	750,000 Rupees	US\$ 126,263	NO		COURT MAY ORDER COURT MAY ORDER (ON THIRD OFFENCE) (S. 16)	COURT SHALL ORDER	
	[Fisheries Act 1986 S.24] [not yet in force]	10,000 Rupees	US\$ 1,684	NO		COURT MAY ORDER [S. 25]	COURT SHALL ORDER	
SOMALIA	Law on Somali Territorial Sea and Ports, 1972, Art. 5	5 000 Som Shs. to 100 000	US\$ 60 US\$ 1,196	No master liable criminal prosecution 2nd. offence	Double +master liable criminal offence	COURT MAY ORDER ON SECOND OFFENCE)		
SRI LANKA	Fisheries (Regulation of Foreign Fishing Boats) Act, 1979 S. 15	1,500,000 Rs.	US\$ 53,022	NO		COURT SHALL ORDER (S. 18)		

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PENALTIES FOR UNAUTHORIZED FOREIGN FISHING

COUNTRY	FINES			IMPRISONMENT	SECOND 'OFFENCE'	FORFEITURE		
	LEGISLATIVE AUTHORITY	'LOCAL CURRENCY'	EQUIV. IN US\$'			VESSEL	GEAR	CATCH
SUDAN	Marine Fisheries Act, 1937, S. 10	£S. 50	US\$ 20	Up to 3 mos.		COURT	MAY	ORDER
TANZANIA	Fisheries (General) Regulations, 1973, R. 44	TS. 10,000 - TS. 15,000	US\$ 217 US\$ 326	2 - 3 yrs.	S 15,000-20,000	COURT SHALL ORDER		
THAILAND	Act Governing the Right to Fish in Thai Fishery Waters 1939, BE 2482 S 11	2,000 Baht	US\$ 77	up to 1 yr.		COURT	MAY (S. 10)	ORDER
UNITED ARAB EMIRATES	NO	INFORMATION						
YEMEN (ARAB REPUBLIC)	Fisheries Law N° 20 1978 Art. 10	10,000 Riyals US\$ 1,000		up to 6 mos.		COURT	MAY	ORDER
YEMEN PEOPLES DEM. REP.	Act N° 45 of 1977 concerning the Territorial Sea, Exclusive Economic Zone, Continental Shelf and Other Marine Areas Art. 21	10,000 Dinars US\$ 29,155		Up to 3 yrs		COURT	MAY	ORDER

TABLE I

PENALTIES FOR VIOLATION OF CONSERVATION MEASURES (NATIONAL AND FOREIGN VESSELS)

COUNTRY	FINES			IMPRISONMENT	SECOND 'OFFENCE'	FORFEITURE		
	LEGISLATIVE AUTHORITY	'LOCAL CURRENCY'	EQUIV. IN US\$'			VESSEL	GEAR	CATCH
AUSTRALIA	Fisheries Act, 1952 S. 8 and 13	AS 1 000	US\$ 645	NO		COURT	MAY (S. 13C)	ORDER
		Where use of foreign boat						
		AS 5,000 (Summary)	US\$ 3,226					
		AS 50 000 (Indictment)	US\$ 32,258					
		AS 2,000 to AS 10,000 (Crew members)	US\$ 1,290 US\$ 6,4520					
BAHRAIN	Decree Promulgating Law N° 5 of 1981 on Fishing Regulation Art. 17	Unspecified fine		Unspecified term		COURT	MAY (S. 13C)	ORDER
BANGLADESH	Marine Fisheries Ordinance, 1983	-						
	Mesh sizes S. 27	T. 100,000	US\$ 3,341					
	Use of explosives S. 26	T. 100,000	US\$ 3,341					
	Breach of Rules S. 55	T. 50,000	US\$ 1,671					
BURMA	NO	INFORMATION				COURT MAY ORDER [S. 25]		COURT SHALL ORDER

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PENALTIES FOR VIOLATION OF CONSERVATION MEASURES (NATIONAL AND FOREIGN VESSELS)

COUNTRY	FINES			IMPRISONMENT	SECOND 'OFFENCE'	FORFEITURE		
	LEGISLATIVE AUTHORITY	'LOCAL CURRENCY'	EQUIV. IN US\$'			VESSEL	GEAR	CATCH
COMOROS	Law N° 82-015, 13 August 1982, concerning the act - ivity of foreign fishing vessels in the Comores maritime zones, Art. 14 (Foreign vessels - Contra vention licence conditions	FCFA 10,000,000 80,000,000	US\$ 30,120 US\$ 240,964	NO	Double		COURT MAY ORDER	
DJIBOUTI	Decree N° 80-062/PR/MCTT 25 May 1980 on the Protection of fauna and the sea bottom. Art. 12	F. 300,000 to F. 2,000,000	US\$ 1,695 US\$ 11,299	NO	Fine + prison 3mo -1 year		COURT MAY ORDER	
EGYPT	Act N° 124 of 1983 Promulgating the Act on Fishing, Aquatic Life and the Regulation of Fish Farms Art. 55	£50 - £100	US\$ 37 - 74	3-6 mo	Double		COURT MAY ORDER (ON SECOND OFFENCE)	
ETHIOPIA	Maritime Proclamation N° 137 of 1953, Art. 98	Unspecified					Regulations may provide for confiscation of fishing vessels using means of fishing prohibited by the regulations (No regulations yet made)	

TABLE I

PENALTIES FOR VIOLATION OF CONSERVATION MEASURES (NATIONAL AND FOREIGN VESSELS)

COUNTRY	LEGISLATIVE AUTHORITY	FINES		IMPRISONMENT	SECOND 'OFFENCE'	FORFEITURE		
		'LOCAL CURRENCY'	EQUIV. IN US\$'			VESSEL	GEAR	CATCH
FRANCE DEPARTMENTS & DEP. TERRIT	Decree of 9 Jan. 1852 on Marine Fishing Operations (as amended) Art. 6 Art. 10 (Foreign vessels breach licence conditions)	FF. 3,000 -	US\$ 452	NO	DOUBLE			COURT MAY ORDER
		FF. 150,000	US\$ 22,590					
FRANCE DEPARTMENTS & DEP. TERRIT	Decree of 9 Jan. 1852 on Marine Fishing Operations (as amended) Art. 6 Art. 10 (Foreign vessels breach licence conditions)	FF. 50,000 -	US\$ 7,530	NO	DOUBLE			COURT MAY ORDER
		FF. 500,000	US\$ 75,301					
INDIA e.g (Kerala)	Maritime Zones of India (Regulation of Fishing by Foreign Vessels) Act, 1981, S. 11  Fishing by national vessels in state waters regulated by state laws  Kerala Marine Fishing Regulations Act 1980 S.17	- R.1,000,000 (foreign fishing vessels)	US\$ 79,114	NO		COURT	MAY	ORDER
		(for value of fish less than R.1,000)	US\$ 79					
		5xvalue of fish (for value of fish more than R.1,000)	US\$ 79					
		R. 5,000 (where no fish involved)	US\$ 396					

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PENALTIES FOR VIOLATION OF CONSERVATION MEASURES (NATIONAL AND FOREIGN VESSELS)

COUNTRY	FINES			IMPRISONMENT	SECOND 'OFFENCE'	FORFEITURE		
	LEGISLATIVE AUTHORITY	'LOCAL CURRENCY'	EQUIV. IN US\$'			VESSEL	GEAR	CATCH
INDONESIA	Law N° 9 of 1985 on Fisheries Art. 27  (Fishing in internal waters and territorial Sea)	Up to R. 25 000 000	US\$ 15,394	NO		COURT	MAY	ORDER
	Law N° 9 of 1985 on Fisheries Art. 30 and Law N° 5 of 1983 on the Indonesian EEZ, Art. 16 (Fishing in EEZ)	Up to R. 225 000 000	US\$ 138,547			COURT	MAY	ORDER
IRAN	NO	INFORMATION						
IRAQ	Law N° 48 of 1976 for Regulating and exploitation of Aquatic life and its protection, Art. 28	Up to ID 200	US\$ 645	Up to 9 mos.		COURT MAY ORDER ON SECOND OFFENCE		COURT MAY ORDER
ISRAEL	NO	INFORMATION						
ORDAN	Law N° 25 on the Organization of Fishing Art 11	Up to D.10	US\$ 29	Up to 1 mo.		COURT	MAY (Art 14)	ORDER
	Code of Agriculture, 1973 Art. 186	D. 10 to 50	US\$ 29 - 147					

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PENALTIES FOR VIOLATION OF CONSERVATION MEASURES (NATIONAL AND FOREIGN VESSELS)

COUNTRY	FINES			IMPRISONMENT	SECOND 'OFFENCE'	FORFEITURE		
	LEGISLATIVE AUTHORITY	'LOCAL CURRENCY'	EQUIV. IN US\$'			VESSEL	GEAR	CATCH
KENYA	Fish Industry Act, 1968 S. 8	Up to KS 10,000	US\$ 621	Up to 1 yr				COURT MAY ORDER (S. 11)
KUWAIT	Decree Promulgating Law N° 46 of 1980 on Conservation of Fisheries Resources, Art. 12	D. 50 - 500 plus double licence fee	US\$172-1,718	NO		COURT	MAY	ORDER
MADAGASCAR	Maritime Code N° 66-007 5 July 1966 Art. 7.7.02 " "Art. 7.7.03	25,000 up to 250,000 FCFA trawl offences 25,000 up to 125,000 FCFA other offences	US\$ 34 US\$ 336 US\$ 34 US\$ 168	10 days up to 6 mos. 10 days up to 3 mos	Double max. fine (Art. 7.7.05)	COURT SHALL ORDER ON SECOND OFFENCE		
MALAYSIA	Fisheries Act, 1985 S. 19 (Breach of licence conditions - foreign vessels) Up to R. 5,000 US\$ 1,916 Fisheries (Maritime) Regs 1967	Up to 1 Up to R 100,000 (Owner/master) (Crew members) Up to R. 1,000	US\$ 38,314  US\$ 383	NO  Up to 1 year		COURT SHALL ORDER (S. 52)		
MALDIVES	-							

TABLE I

PENALTIES FOR VIOLATION OF CONSERVATION MEASURES (NATIONAL AND FOREIGN VESSELS)

COUNTRY	FINES			IMPRISONMENT	SECOND 'OFFENCE'	FORFEITURE		
	LEGISLATIVE AUTHORITY	'LOCAL CURRENCY'	EQUIV. IN US\$'			VESSEL	GEAR	CATCH
MAURITIUS	The Fisheries Act, 1980, S. 34	R. 500 up to R. 1,000	US\$ 38 US\$ 76	Up to 12 mos	Double fine 12 mos. up to 3 years	COURT	MAY	ORDER
MOZAMBIQUE	-Diploma Legislativo N° 65/71 15 June 1971, Regulation on Marine Fisheries Art 59, 60 and 62	Up to E 50,000 According to seriousness of offence. (Closed areas, seasons, gear restrictions) Up to E.30,000 other offences Up to E 50,000 According to seriousness of offence. Esc. 250,000 - 5,000,000 According to seriousness of offence.	US\$ 1,266  US\$ 759  US\$ 1,266	NO				COURT MAY ORDER (Art. 24)
	-Diploma Legislativo N° 50/71 29 May 1971 Regulations on Shrimp Fishing, Art. 23 -Law N 8/78 of 22 April 1978, Art. 10 (Offences by foreign vessels)		US\$6,329 US\$126,582	NO				CATCH FORFEITED  COURT MAY ORDER Fine not paid within 15 days

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PENALTIES FOR VIOLATION OF CONSERVATION MEASURES (NATIONAL AND FOREIGN VESSELS)

COUNTRY	FINES			IMPRISONMENT	SECOND 'OFFENCE'	FORFEITURE		
	LEGISLATIVE AUTHORITY	'LOCAL CURRENCY'	EQUIV. IN US\$'			VESSEL	GEAR	CATCH
OMAN	Sultanic Decree N° 53/81 Promulgating the Law on Marine Fisheries and Aquatic Resources, Art 27	Up to R. 30	US\$ 78	NO	Double + suspension/cancellation licence			
PAKISTAN	Exclusive Fishery Zone (Regulation of Fishing) Act, 1975, S. 9 (Exclusive Fishing Zone)	Up to R. 5,000	US\$ 296	NO				COURT MAY ORDER
	West Pakistan Fisheries Ordinance, 1961 S. 17 (Offences in territ. sea up to 1 marine league)	Up to R. 100 Up to R. 500 (for certain offences)	US\$ 6 US\$ 30	Up to 3 mos. (for certain offences)				COURT MAY ORDER (S. 20)
QATAR	Law N° A of 1983 on the Exploitation and Conservation of Living Aquatic Resources, Art. 26	Up to R. 2,000	US\$ 551	NO	Double + suspension/cancellation licence on 3rd offence			COURT MAY ORDER (ON THIRD OFFENCE)

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PENALTIES FOR VIOLATION OF CONSERVATION MEASURES (NATIONAL AND FOREIGN VESSELS)

COUNTRY	LEGISLATIVE AUTHORITY	FINES		IMPRISONMENT	SECOND 'OFFENCE'	FORFEITURE		
		'LOCAL CURRENCY'	EQUIV. IN US\$'			VESSEL	GEAR	CATCH
SAUDI ARABIA	Fishing Regulation, Exploitation and Conservation of Living Resources Scheme, Art. 13	Up to R.10,000	US\$ 2,667	Up to 6 mos.				
SFYCHELLES	Fisheries Act, CAP 134 S. 27	Up to R. 250	US\$ 42	Up to 2 mos.				COURT MAY ORDER
	Control of Foreign Fishing Vessels Decree, 1979 S. 12 (Breach licence conditions)	Up to R. 500 for certain offences	US\$ 84					
	[Fisheries Act 1986 S.24] [not yet in force]	Up to R 750,000	US\$ 126,262	NO				COURT MAY ORDER COURT MAY ORDER ON SECOND OFFENCE (S. 16)
		Up to R.10,000	US\$ 1,684	NO				COURT MAY ORDER COURT SHALL ORDER [S. 25]
SOMALIA	[Fishery Law N° 23 of 30 November 1985, Art. 12]	Up to S. Sh. 50,000,000	US\$ 5,981,000	Up to 10 yrs				COURT MAY ORDER (Art. 14)
SRI LANKA	Fishery Ordinance CAP 212 S. 26	Up to R. 500	US\$ 18	Up to 6 mos. for certain offences				COURT MAY ORDER (Art. 18)
	Fisheries (Regulation of Foreign Fishing Boats) Act, 1979 S. 16 (Breach of licence conditions)	Up to R 750,000	US\$ 26,511					

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PENALTIES FOR VIOLATION OF CONSERVATION MEASURES (NATIONAL AND FOREIGN VESSELS)

COUNTRY	FINES			IMPRISONMENT	SECOND 'OFFENCE'	FORFEITURE		
	LEGISLATIVE AUTHORITY	'LOCAL CURRENCY'	EQUIV. IN US\$'			VESSEL	GEAR	CATCH
SUDAN	Marine Fisheries Regulations, 1960, S. 8	Up to S£ 10	US\$ 4	Up to 3 mos.		COURT	MAY	ORDER
TANZANIA	Fisheries (General) Regulations, 1973 R. 43	up to TS 10,000	US\$ 217	Up to 2 yrs	Double fine and/or 5 yrs			
THAILAND	Fisheries Act, 1947 B.E. 2490 S. 65	B. 5,000 up to B. 100,000	US\$ 193 US\$ 3,854	Up to 1 yr		COURT	MAY (S. 69)	ORDER
UNITED ARAB EMIRATES	NO	INFORMATION						
YEMEN (ARAB REPUBLIC)	Fisheries Law N° 20 1978 Art. 10	Up to R.10,000	US\$ 1,000	Up to 6 mos.		COURT	MAY	ORDER
YEMEN PEOPLES DEM. REP	Law N° 24 of 1979 Concerning the Organization of the Catches of Marine Resources, their Exploitation and Protection Art. 21	Up to D. 10	US\$ 29	Up to 3 yrs		COURT	MAY	ORDER

PART THREE  
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  - (b) Fishing Industry Research Act 1956
  - (c) Whale Protection Act 1980
  - (d) Antarctic Marine Living Resources Conservation Act 1981
  - (e) Fish (Export Inspection Charge) Act 1981
  - (f) Fish (Export Inspection Charge) Collection Act 1981
  - (g) Torres Strait Treaty (Miscellaneous Amendments) Act 1984
  - (h) Torres Strait Fisheries Act 1984

NOTE: Texts of Legislation reproduced in Regional Compendium of Fisheries Legislation (Western Pacific Region), FAO Legislative Study No. 35, FAO, Rome 1984

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5. STATE LEGISLATION (Titles Only)

(a) New South Wales

- (i) Fisheries and Oyster Farms Act 1935
- (ii) Fisheries and Oyster Farms (General) Regulations

(b) Victoria

- (i) Fisheries Act 1968

(c) Queensland

- (i) Fisheries Act 1976
- (ii) Fisheries Regulations 1977
- (iii) Fishing Industry Organization and Marketing Regulations 1983

(d) South Australia

- (i) Fisheries Act 1982
- (ii) Fisheries (General) Regulations 1984
- (iii) Fisheries (Exotic Fish Farming and Fish Diseases) Regulations 1984

(e) Western Australia

- (i) Fisheries Act 1905-1980
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(f) Tasmania

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\* Text not available



1. LIMITS OF NATIONAL JURISDICTION

Territorial Waters Jurisdiction Act, 1878

An Act to regulate the law relating to the Trial of Offences committed on the Sea within a certain distance of the Coast of Her Majesty's Dominions.

Whereas the rightful jurisdiction of Her Majesty, her heirs and successors, extends and has always extended over the open seas adjacent to the coasts of the United Kingdom and of all other parts of Her Majesty's dominions to such a distance as is necessary for the defence and the security of such dominions;

And whereas it is expedient that all offences committed on the open sea within a certain distance of the coasts of the United Kingdom and of all other parts of Her Majesty's dominions, by whomsoever committed, should be dealt with according to law:

...

2. - Amendment of law as to jurisdiction of the Admiral. - An offence committed by a person, whether he is or is not a subject of Her Majesty, on the open sea within the territorial waters of Her Majesty's dominions, in an offence within the jurisdiction of the Admiral, although it may have been committed on board or by means of a foreign ship, and the person who committed such offence may be arrested, tried, and punished accordingly.

3. - Restriction on institution of proceedings for punishment of offence. - Proceedings for the trial and punishment of a person who is not a subject of Her Majesty, and who is charged with any such offence as is declared by this Act to be within the jurisdiction of the Admiral, shall not be instituted in any court of the United Kingdom, except with the consent of one of Her Majesty's Principal Secretaries of State, and on his certificate that the institution of such proceedings is in his opinion expedient, and shall not be instituted in any of the dominions of Her Majesty out of the United Kingdom, except with the leave of the Governor of the part of the dominions in which such proceedings are proposed to be instituted, and on his certificate that it is expedient that such proceedings should be instituted.

4. - Provisions as to procedure. - On the trial of any person who is not a subject of Her Majesty for an offence declared by this Act to be within the jurisdiction of the Admiral, it shall not be necessary to aver in any indictment or information on such trial that such consent or certificate of the Secretary of State or Governor as is required by this Act has been given, and the fact of the same having been given shall be presumed unless disputed by the defendant at the trial; and the production of a document purporting to be signed by one of Her Majesty's Principal Secretaries of State as respects the United Kingdom, and by the Governor as respects any other part of Her Majesty's dominions, and containing such consent and certificate, shall be sufficient evidence for all the purposes of this Act of the consent and certificate required by this Act.

Proceedings before a justice of the peace or other magistrate previous to the committal of an offender for trial or to the determination of the justice or magistrate that the offender is to be put upon his trial shall not be deemed proceedings for the trial of the offence committed by such offender for the purposes of the said consent and certificate under this Act.

5. - Saving as to jurisdiction. - Nothing in this Act contained shall be construed to be in derogation of any rightful jurisdiction of Her Majesty, her heirs or successors, under the law of nations, or to affect or prejudice any jurisdiction conferred by Act of Parliament or now by law existing in relation to foreign ships or in relation to persons on board such ships.

6. - Saving as to piracy. - This Act shall not prejudice or affect the trial in manner heretofore in use of any act of piracy as defined by the law of nations, or affect or prejudice any law relating thereto; and where any act of piracy as defined by the law of nations is also any such offence as is declared by this Act to be within the jurisdiction of the Admiral, such offence may be tried in pursuance of any other Act of Parliament, law, or custom relating thereto.

7. - Interpretation. - In this Act, unless there is something inconsistent in the context, the following expressions shall respectively have the meanings hereinafter assigned to the; (that is to say,)

"The jurisdiction of the Admiral", as used in this Act, includes the jurisdiction of the Admiralty of England and Ireland, or either of such jurisdictions as used in any Act of Parliament; and for the purpose of arresting any person charged with an offence declared by this Act to be within the jurisdiction of the Admiral, the territorial waters adjacent to the United Kingdom, or any other part of Her Majesty's dominions, shall be deemed to be within the jurisdiction of any judge, magistrate, or officer having power within such United Kingdom, or other part of Her Majesty's dominions, to issue warrants for arresting or to arrest persons charged with offences committed within the jurisdiction of such judge, magistrate, or officer;

"United Kingdom" includes the Isle of Man, the Channel Islands, and other adjacent islands;

"The territorial waters of Her Majesty's dominions", in reference to the sea, means such part of the sea adjacent to the coast of the United Kingdom, or the coast of some other part of Her Majesty's dominions, as is deemed by international law to be within the territorial sovereignty of Her Majesty; and for the purpose of any offence declared by this Act to be within the jurisdiction of the Admiral, any part of the open sea within one marine league of the coast measured from low-water mark shall be deemed to be open sea within the territorial waters of Her Majesty's dominions;

BAH 3

"Governor", as respects India, means the Governor General ...; (and as respects a British possession which) consists of several constituent colonies, means the Governor General of the whole possession or the Governor of any of the constituent colonies; and as respects any other British possession, means the officer for the time being administering the government of such possession; also any person acting for or in the capacity of Governor shall be included under the term "Governor";

"Offence" as used in this Act means an act neglect or default of such a description as would, if committed within the body of a country in England, be punishable on indictment according to the law of England for the time being in force;

"Ship" includes every description of ship, boat, or other floating craft;

"Foreign ship" means any ship which is not a British ship.

2. BASIC FISHERIES LEGISLATION

Decree Promulgating Law N° 5 of 1981 on Fishing Regulation

Article 1. - In these Articles the following words and terms have the meaning hereby assigned to them:

- (a) Authorized official - Any official delegated by the decision of the Minister of Commerce and Agriculture to inspect fishing vessels and fish barriers, and control violations of the provisions of this Law and make reports on violations committed.
- (b) Fishing vessel - Any vessel or boat registered in the State of Bahrain for catching or selling fish.
- (c) Registration certificate - Registration certificate issued by Vessel Registration Office under the provisions of the present Law.
- (d) Fishing vessel proprietor - Anyone who provides a registered vessel for catching or selling fish for his account whether the vessel pertains to him or under lease, for this purpose, with his approval.
- (e) Fish - Any aquatic living organisms whether it is a fish, oyster, crustacean, sea-turtle, aquatic mammals, marine vegetation or coral deposit.
- (f) Fishing gear - Any equipment of technique employed for fishing.
- (g) Fishing ground - Territorial waters of the State of Bahrain.
- (h) Fishing zone - The aquatic area within the territorial waters where fishing is practiced.
- (i) Licence - Fishing licence issued by the Fisheries Resources Department of the Ministry of Commerce and Agriculture under the provisions of the present Law.

Article 2. - In addition to the registration of vessels at the port of Salman in compliance with the provisions of the Decree promulgating Law N° 14 of 1978 on the registration of vessels and specification of their safety conditions, which stipulate the registration of vessels at port authorities, and the Decree promulgating Law N° 20 of 1979 on the registration and safety conditions of small vessels, fishing vessels should also be registered at the Fisheries Resources Department of the Ministry of Commerce and Agriculture without any fees under the regulations issued by the Minister of Commerce and Agriculture. The registration cited in the previous paragraph does not render unnecessary obtaining the licence mentioned under Article 3 of the present Law.

BAH 5

Article 3. - With the exception of the following crafts (boats and vessels) it shall be unlawful to fish within the fishing ground - whether by fish barriers or vessels - without a licence issued by the Fisheries Resources Department of the Ministry of Commerce and Agriculture:

- (a) small vessels without inboard engines;
- (b) small boats that are part of bigger vessels or ships, and which could be hoisted on board the vessel they belong to;
- (c) other vessels used for commercial or excursion purposes.

It shall be prohibited for these vessels to use fishing trawls set abaft.

Article 4. - Fishing licences shall be issued only to vessels registered, in the State of Bahrain, for fishing. Vessels not registered in Bahrain and not flying its flag may be granted licence by the Minister of Commerce and Agriculture to fish in the fishing zones provided they are registered in their respective countries for the purpose of catching fish.

Article 5. - The Fisheries Resources Department shall keep two registers: one for fishing licences of vessels and the other one for licences for the erection and use of fish barriers. Likewise, relevant forms shall be prepared to obtain or renew these licences. The Minister of Commerce and Agriculture shall issue necessary regulations for keeping the said two registers.

Article 6. - The proprietor of fishing vessels or fish barriers shall apply to the Fisheries Resources Department to obtain a fishing licence using relevant forms. The application for fishing vessel licences should contain the following particulars:

- (a) name of the proprietor, his nationality and address in Bahrain;
- (b) name of the vessel and port registration number;
- (c) the harbour where the vessel usually is stationed;
- (d) other particulars concerning the fishing vessel required by the Fisheries Resources Department.

True copy of the vessel's registration certificate and its lease contract - if it is chartered - shall be attached to the application form. The application for licences for the erection or use of fish barriers should contain the following particulars:

- (a) name of the proprietor of the fish barrier and the name of the person using the barrier (if there is one);
- (b) location and limits of the barrier.

To the application shall be attached a written consent of the proprietor of the location where the barrier is to be erected.

BAH 6

Article 7. - The licences, issued under the provisions of the present Law, shall be valid for one year and a half for vessels and one year for barriers.

Article 8. - Renewal applications for fishing vessels or fish barriers should be addressed to the Fisheries Resources Department on the relevant forms, and should be forwarded, in the manner described in the previous Article, fifteen days at most before the expiry of the licence, or else the licence shall be null and void.

Article 9. - Fees for issuing fishing licences or their renewal shall be determined by the Minister of Commerce and Agriculture after obtaining the approval of the Council of Ministers. Licences shall not be issued or renewed before paying the established fees.

Article 10. - The Fisheries Resources Department may refuse to grant fishing licences to the proprietor of vessels or barriers if it finds out that the use of vessels could be dangerous or harmful to fisheries resources, or the use of fish barriers has a negative effect on other barriers located in the same area, or on the fisheries resources on the whole. The Fisheries Department may also refuse to renew licences, abrogate or withdraw them for a period it deems fit for reasons concerning the fishing interests. The parties concerned may complain against Fisheries Department's decision on the said matters to the competent court within fifteen days from the date of receiving notification to this effect.

Article 11. - Licences shall be issued in the name of the proprietor of the fishing vessel or fish barrier. They may be abrogated in the following cases:

- (a) if the ownership of the vessel or barrier is transferred from the licensee to a non-Bahraini citizen unless the Fisheries Resources Department had agreed to such a transfer in accordance with the application of the transferee under the provisions of the present Law;
- (b) if the vessel registration is cancelled;
- (c) if the particulars of the vessel or fish barrier have been altered and do not agree with those in the registers unless the proprietor of the vessel or the barrier had notified the Fisheries Department in writing of these changes within thirty days from the date of their occurrence.

Article 12. - When requested the master of the vessel, proprietor of the barrier or the person responsible for its use show the fishing licence to coast guards and other authorized officials.

Article 13. - Proprietor of the vessel, or barrier or the person responsible for their use shall:

- (a) not cause any damage to fish barriers and fishing gear used in fishing zones;

- (b) furnish the Fisheries Resources Department with information on the vessel or barrier.

Article 14. - It shall be absolutely unlawful to catch fish in the fishing area using explosives or poisonous or lethal substances harmful to the fish or public health, or any other devices or gear that are harmful to the fisheries resources. Likewise, it shall be prohibited to do any digging or filling works in the fishing zones that may cause harm to the fisheries resources unless the Fisheries Resources Department agrees to it.

Article 15. - The Minister of Commerce and Agriculture shall issue regulations for the enforcement of the provisions of the present Law, particularly the following:

- (a) prohibit catching fish within any area of the fishing zone;
- (b) prohibit the use of any vessel, barrier, gear or technique that could be harmful to the fisheries resources;
- (c) specify the types of nets used for fishing, and the minimum measurements of meshes;
- (d) lay down rules and procedures for the inspection of the places where fresh or processed fish are preserved, stored or sold, with a view to confiscating such catch as unfit for human consumption and destroying it under the provisions of the Public Health Law;
- (e) exempt any body or party from the provisions of this Law when it is officially charged to carry out researches or experiments on the development of fisheries resources or such matters as their conservation;
- (f) enforce fishing vessels to display identification numbers and signs, and to comply with other requirements such as the form, viability, safety, size and other special specifications for the preservation of the catch;
- (g) regulate any other matters concerning the conservation of the fish stock and preserve it within the fishing ground;
- (h) statistics and data concerning fisheries resources.

Article 16. - Coastal guards and authorized officials may inspect fishing vessels and fishing zones to ascertain the enforcement of the provisions of this Law and its regulations. They may check fishing licences to ascertain any violations of this Law and its regulations and put them in writing. They may accompany the vessel with its onboard fishing gear and catch to the nearest port, or arrest the offender to deliver him to the nearest police station.

Article 17. - (1) Anyone violating the provisions of Article 14 of this Law shall be punishable by imprisonment and a fine or either of the two penalties and the confiscation of his equipment and gear.

(2) Any other violations of the provisions of this Law and its regulations shall be punished by imprisonment up to two years and a fine to the amount of three-hundred Dinars or either of the two penalties. The vessel, catch or fishing gear of the offender may be confiscated and the barrier be dismantled at the expense of the offender.

Article 18. - Any other regulations contradicting this Law shall be abrogated.

Article 19. - The Ministers concerned shall implement the articles of this Law which shall be effective one month after its publication in the Official Gazette.

3. REGULATIONS

- (b) Decree N° 14 of 1981 on Registration of Licences for Erection of Fishing Barriers:  
Form for Obtaining and Renewing these Licences and Fees to be collected

Article 1. - A special register shall be kept at the Fisheries Resources Department for the registration of licences for the erection and use of fish barriers.

Article 2. - The application for a licence for the erection and use of fish barriers shall be submitted to the Fisheries Resources Department, Ministry of Commerce and Agriculture, by the proprietor of the barrier on the attached form.

Article 3. - Applications for licences and their renewal shall be registered in a special book under consecutive serial numbers according to their dates of submission. The applicant shall be given a receipt with the following particulars:

- (a) consecutive serial number of the application;
- (b) date of submitting the application;
- (c) name of the applicant.

Article 4. - A separate page shall be assigned to each licence mentioned under Article 1, and the page for registering licences shall contain the following:

- (a) name of the fish barrier, its location and boundary and code number;
- (b) name of the proprietor of the barrier, his passport number and address;
- (c) number and date of the fish barrier licence;
- (d) licence renewal date and its validity;
- (e) number and date of the title deeds;
- (f) name of the person utilizing the fish barrier (if there exists one), his address and passport number.

Article 5. - A fee of one Dinar shall be paid to the account of the Fisheries Resources Department against the granting or the renewal of the licence for erecting and utilizing a fish barrier.

Article 6. - Owners of the present fish barriers shall be granted a grace period of two months from the effective date of this Decree to obtain licences for the erection and utilization of their barriers.

BAH 10

Article 7. - Any barrier without a licence for its erection or utilization under the provisions of this Decree shall be dismantled.

Article 8. - Any violation of the provisions of this Decree shall be punishable by the penalties specified under Article 17 of the Law N° 5 of 1981 on the Regulation of Fishing.

BAH 11

Form attached to Decree N° 14 of 1981

Application Form for the Erection of Fish Barriers

Date .....

Name of the applicant .....

Passport or identity card N° .....

Address and telephone N° .....

Name of the fish barrier .....

Location of the barrier .....

Boundary ..... (north) .....

(east) .....

(south) .....

(west) .....

Name of the original proprietor .....

Passport or identity card N° .....

Address and telephone N° .....

With this application shall be attached the proprietor's written approval and copy of the title deed if the barrier is not registered in the registers of the Fisheries Resources Department.

The boundary should be well defined on the back of this application form.

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Applicant's signature

BAH 12

(d) Decree N° 16 of 1981 on Registration of Fishing Vessels at Fisheries Resources Department

Article 1. - Proprietors of the fishing vessels, subject to the provisions of Law N° 5 of 1981 should apply, prior to obtaining fishing licences, for the registration of the vessels, free of change fees, at the Fisheries Resources Department. Ministry of Commerce and Agriculture.

Article 2. - Proprietors of the fishing vessels referred to under Article 1 of this Decree should have these vessels registered at the Fisheries Resources Department whether or not subject to the provisions of the Law on the registration and safety conditions (Law N° 14 of 1978) and the provisions of the Law N° 20 of 1979 on the registration and safety conditions of small vessels.

Article 3. - The application form (as attached with this Decree) for vessel registration mentioned under Article 1 shall be submitted to the Fisheries Resources Department.

Article 4. - A registration book shall be kept at the Fisheries Resources Department known as "fishing vessel register" whose pages shall be numbered. Each vessel shall be registered on a separate page with all the particulars of the vessel as described on the registration form.

Article 5. - Proprietors of the operating fishing vessels shall be granted a grace period of two months from the effective date of the present Decree to have their vessels registered in conformity with the provisions of this Decree.

Article 6. - Any violation of the provisions of this Decree shall be subject to the penalties under Article 17 of the Law N° 5 of 1981 on the Regulation of Fishing.

Article 7. - This Decree shall be published in the Official Gazette and shall be effective on the first day of corresponding to 1, 1982.

Form Attached with Decree N° 16 of 1981

Application for the Registration of Fishing Vessels

Please enter the fishing vessel on the register of the Fisheries Resources Department in conformity with the particulars mentioned hereunder. Copy of the vessel,s registration certificate issued by the Ports Authority is attached herewith.

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Proprietor's signature

Name of the proprietor .....

Nationality/passport or identity card N° .....

Address and telephone N° .....

Name of the vessel .....

Registration N° .....

Type and year of make .....

Place of make .....

Length of the base .....

Horse power of the engine .....

Type of the engine .....

Name of the harbour where the vessel is usually stationed .....

Certificate and documents attached with the application

- 1 .....
- 2 .....

BAH 14

- (e) Decree N° 17 of 1981 on Registration of Fishing Vessels Licences, the Form for Obtaining and Renewing these Licences and Fees to be Collected

Article 1. - A registration book shall be kept at the Fisheries Resources Department as "register of fishing vessel licences".

Article 2. - The proprietor of the vessel shall apply for a fishing vessel licence to the Fisheries Resources Department on the attached form.

Article 3. - Applications for such licences or their renewal shall be registered on a special book under consecutive serial numbers according to their dates of submission.

The applicant shall be given a receipt containing the following particulars:

- (a) serial number of the application;
- (b) submission date of the application;
- (c) name of the applicant.

Article 4. - A separate page shall be assigned to each licence in the register mentioned under Article 1, and it shall contain the following particulars:

- (a) name of the vessel, its registration number as well as its specifications at the Port Authority and Fisheries Resources Department;
- (b) name, address and passport number of the proprietor;
- (c) number and date of the fishing vessel licence;
- (d) the renewal date of the licence and duration;
- (e) name of the person (if there is one) using the vessel and his passport number.

Article 5. - A charge of fifteen Dinars shall be paid to the account of the Fisheries Resources Department for obtaining a fishing vessel licence. A charge of ten Dinars shall be paid for its renewal.

Article 6. - Proprietors of the operating fishing vessels shall be granted a grace period of two months from the effective date of this Decree to obtain a fishing licence under the provisions of this Decree.

Article 7. - Anyone violating the provisions of this Decree shall be subject to the penalties under Article 17 of Law N° 5 of 1981 on the Regulation of Fishing.

Article 8. - This Decree shall be published in the Official Gazette and shall enter into force therewith.

BAH 15

Form attached to Decree N° 17 of 1981

Application for Fishing Vessels

Date .....

Name of the proprietor .....

Full address and telephone N° .....

Passport or identity card N° .....

Name of the vessel .....

Registration number at Ports Authority .....

Registration number at Fisheries Resources Department .....

Name of the harbour where the vessel is usually stationed .....

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Applicant's signature



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\* Title only.



1. LIMITS OF NATIONAL JURISDICTION

(a) Territorial Waters and Maritime Zones Act, 1974

ACT No. XXVI OF 1974

1. - Short title. - This Act may be called the Territorial Waters and Maritime Zones Act, 1974.

2. - Definitions. - In this Act, unless there is anything repugnant to the subject or context:

- (a) "conservation zone" means a conservation zone established under section 6;
- (b) "contiguous zone" means the zone of the high seas declared by section 4 to be the contiguous zone of Bangladesh;
- (c) "continental shelf" means the continental shelf of Bangladesh referred to in section 7;
- (d) "economic zone" means the zone of the high seas declared under section 5 to be the economic zone of Bangladesh;
- (e) "territorial waters" means the limits of sea declared under section 3 to be the territorial waters of Bangladesh.

3. - Territorial waters. - (1) The Government may, by notification in the official Gazette, declare the limits of the sea beyond the land territory and internal waters of Bangladesh, which shall be the territorial waters of Bangladesh specifying in the notification the baseline

- (a) from which such limits shall be measured; and
- (b) the waters on the landward side of which shall form part of the internal waters of Bangladesh.

(2) Where a single island, rock or a composite group thereof constituting the part of the territory of Bangladesh is situated seawards from the main coast or baseline, territorial waters shall extend to the limits declared by notification under sub-section (1) measured from the low waterline along the coast of such island, rock or composite group.

(3) The Sovereignty of the Republic extends to the territorial waters as well as to the air space over and the bed and subsoil of such waters.

(4) No foreign ship shall, unless it enjoys the right of innocent passage, pass through the territorial waters.

BAN 2

(5) Foreign ship having the right of innocent passage through the territorial waters shall, while exercising such right, observe the laws and rules in force in Bangladesh.

(6) The Government may, by notification in the official Gazette, suspend, in the specified areas of the territorial waters, the innocent passage of any ship if it is of opinion that such suspension is necessary for the security of the Republic.

(7) No foreign warship shall pass through the territorial waters except with the previous permission of the Government.

(8) The Government may take such steps as may be necessary:

- (a) to prevent the passage through the territorial waters of any foreign ship having no right of innocent passage;
- (b) to prevent and punish the contravention of any law or rule in force in Bangladesh by any foreign ship exercising the right of innocent passage;
- (c) to prevent the passage of any foreign warship without previous permission of Government; and
- (d) to prevent and punish any activity which is prejudicial to the security or interest of the Republic.

Explanation - In this section "warship" includes any surface or sub-surface vessel or craft which is or may be used for the purpose of naval warfare.

4. - Contiguous zone. - (1) The zone of the high seas contiguous to the territorial waters and extending seawards to a line six nautical miles measured from the outer limits of the territorial waters is hereby declared to be the contiguous zone of Bangladesh.

(2) The Government may exercise such powers and take such measures in or in respect of the contiguous zone as it may consider necessary to prevent and punish the contravention of, and attempt to contravene, any law or regulation in force in Bangladesh relating to:

- (a) the security of the Republic;
- (b) the immigration and sanitation; and
- (c) customs and other fiscal matters.

5. - Economic zone. - (1) The Government may, by notification in the official Gazette, declare any zone of the high seas adjacent to the territorial waters to be the economic zone of Bangladesh specifying therein the limits of such zone.

BAN 3

(2) All natural resources within the economic zone, both living and non-living, on or under the seabed and subsoil or on the water surface or within the water column shall vest exclusively in the Republic.

(3) Nothing in sub-section (2) shall be deemed to affect fishing within the economic zone by a citizen of Bangladesh who uses for the purpose vessels which are not mechanically propelled.

6. - Conservation zone. - The Government may, with a view to the maintenance of the productivity of the living resources of the sea, by notification in the official Gazette, establish conservation zones in such areas of the sea adjacent to the territorial waters as may be specified in the notification and may take such conservation measures in any zone so established as it may deem appropriate for the purpose including measures to protect the living resources of the sea from indiscriminate exploitation, depletion or destruction.

7. - Continental shelf. - (1) The continental shelf of Bangladesh comprises:

- (a) the seabed and subsoil of the submarine areas adjacent to the coast of Bangladesh but beyond the limits of the territorial waters up to the outer limits of the continental margin bordering on the ocean basin or abyssal floor; and
- (b) the seabed and subsoil of the analogous submarine areas adjacent to the coasts of any island, rock or any composite group thereof constituting part of the territory of Bangladesh.

(2) Subject to sub-section (1), the Government may, by notification in the official Gazette, specify the limits thereof.

(3) No person shall, except under and in accordance with the terms of, a licence or permission granted by Government explore or exploit any resources of the continental shelf or carry out any search or excavation or conduct any research within the limits of the continental shelf:

Provided that no such licence or permission shall be necessary for fishing by a citizen of Bangladesh who uses for the purpose vessels which are not mechanically propelled.

Explanation - Resources of the continental shelf include mineral and other non-living resources together with living organisms belonging to sedentary species, that is to say, organisms which at the harvestable stage, either are immobile on or under the seabed or are unable to move except in constant physical contact with the seabed or the subsoil.

(4) The Government may construct, maintain or operate within the continental shelf installations and other devices necessary for the exploration and exploitation of its resources.

8. - Control of pollution. - The Government may, with a view to preventing and controlling marine pollution and preserving the quality and ecological balance in the marine environment in the high seas adjacent to the territorial waters, take such measures as it may deem appropriate for the purpose.

9. - Power to make rules. - (1) The Government may make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide

- (a) for the regulation of the conduct of any person in or upon the territorial waters, contiguous zone, economic zone, conservation zone and continental shelf;
- (b) for measures to protect, use and exploit the resources of the economic zone;
- (c) for conservation measures to protect the living resources of the sea;
- (d) for measures regulating the exploration and exploitation of resources within the continental shelf;
- (e) for measures designed to prevent and control of marine pollution of the high seas.

(3) In making any rule under this section the Government may provide that a contravention of the rule shall be punishable with imprisonment which may extend to one year or with fine which may extend to five thousand takas.

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(b) Notification of Foreign Affairs Ministry of April 13, 1974

No. LT-1/3/74. - In exercise of the powers conferred by sub-section (1) of section 3 of the Territorial Waters and Maritime Zones Act, 1974 (Act No. XXVI of 1974), and in supersession of any previous declaration on the subject, the Government is pleased to declare that the limits of the sea specified in paragraph 2 beyond the land territory and internal waters of Bangladesh shall be the territorial waters of Bangladesh.

2. - The limits of the sea referred to in paragraph 1 shall be twelve nautical miles measured seaward and the baselines set out in paragraph 3 so that each point of the outer limit of the sea to the nearest point inward on the baselines is twelve nautical miles.

3. - The baselines from which territorial waters shall be measured seaward are the straight lines linking successively the baseline points set out below:

Baseline Point	Geographical co-ordinates baseline point	
	Latitude	Longitude
No. 1	21°12' 00"N.	89 °06'45"E.
No. 2	21°12' 00"N.	89 °16'00"E.
No. 3	21°29'00"N.	89°36'00"E.
No. 4	21°21'00"N.	89°55'00"E.
No. 5	21°11'00"N.	90°33'00"E.
No. 6	21°07'30"N.	91°06'00"E.
No. 7	21°10'00"N.	91°56'00"E.
No. 8	20°21'45"N.	92°17'30"E.

No. LT-1/3/74. - In exercise of the powers conferred by sub-section (1) of section 5 of the Territorial Waters and Maritime Zones Act, 1974 (Act No. XXVI of 1974), the Government is pleased to declare that the Zone of the high seas extending to 200 nautical miles measured from the baselines shall be the economic zone of Bangladesh.

2. BASIC FISHERIES LEGISLATION

- (a) Marine Fisheries Ordinance, 1983

PART I - PRELIMINARY

1. - Short title and commencement. - (1) This Ordinance may be called the Marine Fisheries Ordinance, 1983.

(2) It shall come into force on such date as the Government may, by notification in the official Gazette, appoint.

2. - Definitions. - In this Ordinance, unless there is anything repugnant in the subject or context:

- (a) "Bangladesh fisheries Waters" means the territorial waters and economic zone of Bangladesh as declared by the Government under the Territorial Waters and Maritime Zones Act, 1974 (XXVI of 1974), and any other marine waters over which has, or claims to have, jurisdiction under law with respect to the management, conservation and development of the marine living resources;
- (b) "Director" means the person appointed as such under section 4;
- (c) "fish" means any aquatic animal, whether piscine or not, and includes any shellfish, crustacean, turtle or aquatic mammal, and the young, fry, eggs and spawn thereof;
- (d) "fishery" means one or more stocks of fish that can be treated as a unit for the purposes of conservation and management;
- (e) "fishing" means catching, taking or killing fish by any method, and includes attempting to catch, take or kill fish by any method;
- (f) "fishing vessel" means any vessel used for fishing or for processing carriage or storage of fish, and includes any vessel used in support of, or ancillary to, fishing operation but does not include any vessel carrying fish as part of a general cargo unless that vessel is engaged in operations in support of, or ancillary to, fishing operations;
- (g) "foreign fishing vessel" means any fishing vessel other than a local fishing vessel;
- (h) "licence" means a licence issued in accordance with the provisions of this Ordinance or the rules made thereunder;

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- (i) "local fishing vessel" means any fishing vessel
  - (i) wholly owned by one or more persons who are citizens of Bangladesh; or
  - (ii) wholly owned by any company, society or other association of persons established under the law of Bangladesh of which at least 51 percent of the shares are held by citizens of Bangladesh and includes any fishing vessel registered in Bangladesh and operating under Bangladesh flag under joint venture or any other approved arrangements; or
  - (iii) wholly owned by the Government or by a statutory corporation established under a law of Bangladesh;
- (j) "prescribed" means prescribed by rules made under this Ordinance;
- (k) "skipper", in relation to a fishing vessel, means the person for the time being having command or charge of the vessel.

3. - Provisions regarding non-mechanised local fishing vessels and local fishing vessels with limited horsepower. - (1) The Government may, by notification in the official Gazette, exempt, subject to such conditions, if any, as may be specified therein, any local fishing vessel or class of vessels from the provisions of Part III for such period as may be specified in the notification.

(2) The Government may, by notification in the official Gazette, declare zone in which only non-mechanized local fishing vessels or mechanized local fishing vessels of such tonnage as the Government may, by notification in the official Gazette, determine may engage in fishing operation or in which fishing operations by other fishing vessels may be restricted.

PART II - ADMINISTRATION

4. - Government may appoint Director and other fisheries officers. - The Government may appoint a person to be the Director and such other fisheries officers as may be necessary for the purposes of implementing the provisions of this Ordinance and the rules made thereunder.

5. - Director responsible for management, etc. - The Director shall have responsibility for the management, conservation, supervision and development of marine fisheries and the implementation of the objectives of this Ordinance.

6. - Delegation of powers. - (1) The Government may delegate all of its power under this Ordinance or the rules made thereunder other than making of rules to the Director.

(2) The Director may likewise delegate all or any of his powers under this Ordinance or the rules made thereunder, not being a power delegated to him by the Government under sub-section (1) to fisheries officers appointed by the Government under section 4.

7. - Types, classes and numbers of fishing vessels. - Having regard to the requirement of fisheries management and development plans, the Government may, by notification in the official Gazette, specify types, classes and number of fishing vessels that can be deployed in the Bangladesh fisheries waters:

Provided that the Government may exempt fishing vessels already permitted to operate prior to the coming into force of this Ordinance.

### PART III - GENERAL PROVISIONS GOVERNING LICENCES

8. - Director to issue licences. - The Director shall be responsible for issuing licences in respect of all marine fishing in the Bangladesh fisheries waters.

9. - Applications for licences. - (1) Applications for licences or for the renewal thereof shall be made in such form and on payment of such fees as may be prescribed.

(2) The amount of fee may be determined in lump sum or calculated on the basis of size or capacity of the vessel or vessels, if operating as a team, or on any other basis.

10. - Validity of licences. - Any licence issued in accordance with the provisions of this Ordinance or the rules made thereunder shall be valid for a period of not more than one year.

11. Licences not transferable except with written permission. - No licence shall be transferable except with the written permission of the Director endorsed upon such licence.

12. - When licence held by any local fishing vessel ceases to be valid. -Where any local fishing vessel ceases at any time to be a local fishing vessel, any licence issued to such fishing vessel shall cease to be valid forthwith.

13. - Matters for which licence is valid. - Each licence shall be valid only with respect to the species of fish and the type of fishing gear or the method of fishing or the location specified in the licence.

14. - Duty to provide information regarding catches. - The holder of any licence shall keep detailed information of catches as well as sales in such form as may be prescribed and a copy of this information shall be furnished to the Director.

15. - Fishing vessels not to interfere with navigation. - No fishing vessel shall be operated so as to interfere with navigational aids or with shipping in established shipping routes.

16. - Licence to be subject to certain conditions. - (1) Each licence shall be subject to such conditions as may be specified in this Ordinance and in any rules made thereunder, and as may be otherwise endorsed upon such licence by the Director.

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(2) In particular, and without limiting the generality of the foregoing sub-section, the Director may attach all or any of the following terms and conditions to any licence, namely:

- (a) the areas within which, and the period during which, fishing is authorized;
- (b) the species, size, sex, age and quantities of fish that may be caught or taken;
- (c) the methods by which fish may be caught or taken;
- (d) the types, size and amount of fishing gear that may be used by the fishing vessel;
- (e) statistical and other information required to be given by the skipper to the Government, including statistics relating to catch and effort and also reports as to the position of the vessels;
- (f) the keeping on board the fishing vessel the licence issued in respect of it;
- (g) the marking of the fishing vessel and other means for its identification;
- (h) such other matters as the Director may consider necessary or expedient for the management, conservation and development of fisheries resources of Bangladesh.

(3) In addition to the terms and conditions which may be imposed on any licence under sub-section (2), the Director may make applicable to foreign fishing vessels all or any of the following terms and conditions, namely:

- (a) entry by foreign fishing vessels into Bangladesh ports for the inspection of its catch which is subject to customs formalities and for any other purpose;
- (b) the specification of points of entry into, and departure from, the Bangladesh fisheries waters;
- (c) the protection of local fisheries;
- (d) the execution of bonds or other forms of security for the duration of the licence;
- (e) the reporting of the position by the foreign fishing vessel while within, or about to enter, the Bangladesh fisheries waters;
- (f) the directions and instructions given by the authorized officers from the Government ships or aircrafts to the foreign fishing vessel that shall be complied with by the skipper;

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- (g) the installation and maintenance in working order of a transponder or other equipment on the foreign fishing vessel for the identification and location of the vessel and of adequate navigational equipment to enable its position to be fixed from the vessel;
- (h) the carriage on board the foreign fishing vessels of specified communication equipment specified nautical charts, nautical publications and nautical instruments;
- (i) the placing of observers on the foreign fishing vessel and the reimbursement to the Government of the costs of doing so;
- (j) the training of citizens of Bangladesh in the methods of fishing employed by the foreign fishing vessel and the transfer to Bangladesh of technology relating to fisheries;
- (k) the conduct by the fishing vessel of specified programmes of fisheries research.

PART IV - LOCAL MARINE FISHING OPERATIONS

17. - Local fishing vessels to be registered. - No licence shall be issued in respect of a local fishing vessel that is required to be registered under any law for the time being in force unless the vessel has been registered.

18. - Local fishing vessels to hold valid certificate of inspection. - No licence shall be issued in respect of a local fishing vessel that is required to hold a valid certificate of inspection under any law for the time being in force unless such a certificate is issued in respect of that vessel.

19. - Grounds for refusing to issue licences, etc., to local fishing vessels.- The Director may, by order in writing, refuse to issue a licence in respect of a local fishing vessel, or he may likewise suspend, cancel or refuse to renew any licence that has been issued in respect of a local fishing vessel, where he is satisfied that

- (a) it is necessary to do so in order to allow for the proper management, conservation and development of any particular fishery in accordance with any fisheries management, conservation and development plan; or
- (b) it is otherwise in the best interest of marine fisheries industry to do so; or
- (c) the vessel in respect of which the licence has been used in contravention of the provisions of this Ordinance or of any rules made thereunder or of any conditions of the licence; or
- (d) the person applying for or holding the licence is unfit to hold a licence.

PART V - FOREIGN MARINE FISHING OPERATIONS

20. - No entry for foreign fishing vessels in Bangladesh fisheries waters except with licence. - No foreign fishing vessel shall, without a licence,

- (a) enter the Bangladesh fisheries waters except for any purpose set out in section 21; or
- (b) within the Bangladesh fisheries waters:
  - (i) fish or attempt to fish; or
  - (ii) load, unload or tranship any fish; or
  - (iii) load or unload any fuel supplies.

21. - Entry by unlicensed foreign fishing vessels into Bangladesh Fisheries waters. - (1) Subject to the provisions of sub-section (2), a foreign fishing vessel may enter the Bangladesh fisheries waters without a licence for the purpose of

- (a) passage through such waters in the course of a voyage to destination outside such waters;
- (b) averting imminent danger where the vessel is in distress, to the safety of the vessel or of its crew; or
- (c) rendering assistance to persons, ships or aircraft in danger or distress; or
- (d) obtaining emergency medical assistance for a member of the crew; or
- (e) for any other purpose recognized by international law.

(2) Any foreign fishing vessel entering the Bangladesh fisheries waters for any purpose set out in sub-section (1) shall

- (a) observe such rules as may be prescribed; and
- (b) return outside such waters as soon as the prupose for which it entered has been fulfilled.

22. Foreign fishing vessels liable to fine and forfeiture in found in Bangladesh fisheries waters illegally. - (1) Where any foreign vessel enters the Bangladesh fisheries waters except in accordance with section 21 or except in accordance with the terms of a licence, the skipper, owner and charterer, if any, of such vessel shall be guilty of an offence and shall be liable to rigorous imprisonment for a term not exceeding three years and to a fine not exceeding taka one lakh.

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(2) Any foreign vessel entering Bangladesh fisheries waters except in accordance with section 21 or except in accordance with the terms of a licence shall be deemed to be forfeited to the Government.

23. - Foreign fishing vessels to observe navigation, customs laws, etc. - No licence shall relieve any foreign fishing vessel or its skipper or crew of any obligation or requirement imposed by law concerning navigation, customs, taxes, immigration, health, certificate of seaworthiness and safety or other matters.

24. - Grounds for refusing to issue licence, etc., to foreign fishing vessels. - (1) The Director may, by order in writing, refuse to issue a licence in respect of a foreign fishing vessel on any ground that he thinks fit.

(2) The director may, by order in writing, suspend, cancel or refuse to renew any licence that has been issued in respect of a foreign fishing vessel, where he is satisfied that

- (a) it is necessary to do so in order to allow for the proper management conservation and development of any particular fishery in accordance with any fisheries management, conservation and development plan;
- (b) it is otherwise in the best interests of marine fisheries industry to do so; or
- (c) the vessel in respect of which the licence has been issued has been used in contravention of the provisions of this Ordinance or of any rules made thereunder, or of any conditions of the licence.
- (d) the person holding the licence is unfit to hold a licence.

PART VI - APPEAL

25. - Appeal. - (1) Any citizen of Bangladesh aggrieved by an order of refusal by the Director to grant a licence or any person aggrieved by an order of cancellation or suspension of his licence may, within thirty days from the date of receipt of the order of refusal, cancellation or suspension, prefer an appeal against such refusal, cancellation or suspension.

(2) Any person filing an appeal shall be entitled to appoint a representative or legal practitioner of his choice for the purpose of making an appeal.

(3) Where the decision appealed against has been made by the Director, the appeal shall lie to the Government; and where the decision appealed against has been made by a fisheries officer appointed under section 4, the appeal shall lie to the Director.

PART VII - PROHIBITED FISHING METHODS

26. - Use of explosives, etc. - (1) Any person, other than a person authorized in writing by the Director, who in the Bangladesh fisheries waters,

- (a) uses, or attempts to use, any explosive, poison or other noxious substances for the purpose of killing, stunning, disabling or catching fish, or in any other way rendering such fish more easily caught; or
- (b) carries, or has in his possession or control, any explosive, poison or other noxious substances with the intention of using such explosive, poison or other noxious substance for any of the purposes referred to in clause (a); or
- (c) uses, or attempts to use, any prohibited methods of fishing as may be prescribed, or carries, or has in his possession or control, on board any vessel, any fishing gear prohibited under any rule made under this Ordinance; or
- (d) Knowing, or having reasonable cause to believe, that any fish has been caught or taken in contravention of the provisions of this section or any rules made under this Ordinance, receives, or is found in possession of, such fish without lawful excuse,

shall be guilty of an offence and shall be liable to a fine not exceeding taka one lakh or fifteen times the value of the fish, whichever is greater.

(2) Any explosive, poison or other noxious substance or fishing gear referred to in sub-section (1) found on board any vessel shall be presumed to be intended for the purposes referred to in that sub-section unless the contrary is proved.

27. - Small meshes, etc. - Any person who uses or has in his possession or has on board any vessel within the Bangladesh fisheries waters any fishing net which has a mesh size specified for that type of net or any other nets or fishing gear or fishing appliances that have been prohibited under any rules made under this Ordinance shall be guilty of an offence and shall be liable to a fine not exceeding taka one lakh.

PART VIII - MARINE RESERVES

28. - Government may declare marine reserves. - The Government may, by notification in the official Gazette, declare any area of the Bangladesh fisheries waters and, as appropriate, any adjacent or surrounding land, to be a marine reserve where it considers that special measures are necessary

- (a) to afford special protection to the aquatic flora and fauna of such areas and to protect and preserve the natural breeding grounds and habitats of aquatic life, with particular regard to flora and fauna in danger of extinction; or

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- (b) to allow for the natural regeneration of aquatic life in areas where such life has been depleted; or
- (c) to promote scientific study and research in respect of such areas; or
- (d) to preserve and enhance the natural beauty of such areas.

29. - Fishing, dredging, etc., prohibited in marine reserves. - (1) Any person who, in any marine reserves declared under section 28, without permission granted under this section:

- (a) fishes or attempts to fish; or
- (b) dredges, extracts sand or gravel, discharges or deposits waste or any other polluting matter, or in any other way disturbs, alters or destroys fish or their natural breeding grounds or habitats; or
- (c) constructs or erects any buildings or other structures on or over any land or waters within such reserve,

shall be guilty of an offence and shall be liable to a fine not exceeding taka one lakh.

(2) The Director may give permission to do any of the things prohibited under this section where the doing of such things may be required for the proper management of the reserve or for any of the purposes referred to in section 28.

30. - Government may permit scientific research. - The Government may, in writing and subject to such terms and conditions, if any, as may be specified therein, exempt from all or any of the provisions of this Ordinance or the rules made thereunder any vessel or person undertaking research into marine fisheries or other marine living resources in the Bangladesh fisheries waters.

#### PART IX - POWERS OF AUTHORIZED OFFICERS

31. - Authorized officers. - (1) The officers of the Directorate of Fisheries not below the rank of Assistant Inspector of Marine Fisheries, members of the Bangladesh Navy not below the rank of petty officer, any officer of customs and any other person or class of persons appointed by the Government shall be authorized officers for the purposes of this Ordinance and the rules made thereunder.

(2) The Government shall, by notification in the Official Gazette, publish the name or designation of any person or class of persons appointed under sub-section (1).

32. - An authorized officer may stop, examine, etc., any fishing vessel. - For the purpose of enforcing the provisions of this Ordinance and the rules made thereunder, any authorised officer may, without a warrant,

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- (a) stop and board any fishing vessel within the Bangladesh fisheries waters and make any examination concerning that vessel, its equipments, fishing gear, nets, fishing appliances, crew or fish carried on board that vessel; or
- (b) stop and inspect any vehicle transporting fish; or
- (c) require any person to produce any licence or other document required under this Ordinance or any rules made thereunder for examination and, if necessary, for taking copies thereof.

33. - Authorized officer may enter premises, seize vessels, etc., without warrant. - (1) Any authorized officer, where he has reasonable grounds to believe that an offence has been committed against any provisions of this Ordinance or any rules made thereunder, may, without a warrant,

- (a) enter and search any premises, other than premises used exclusively as a dwelling house, in which he has reason to believe that such offence has been committed or fish caught or taken in contravention of such provisions are being stored; or
- (b) take samples of any fish found in any vessel or vehicle inspected under section 32 or any premises searched under clause (a); or
- (c) arrest any person whom he has reason to believe has committed such offence; or
- (d) seize any vessel (including its furniture, appurtenances, stores and cargo), vehicle, fishing gear, nets or other fishing appliances which he has reason to believe has been used in the commission of an offence or in respect of which the offence has been committed; or
- (e) seize any fish which he has reason to believe has been caught in the commission of an offence, or is possessed in contravention of the provisions of this Ordinance or any rules made thereunder; or
- (f) seize any explosive, poison or other noxious substances which he has reason to believe has been used or is possessed in contravention of the provisions of section 26.

(2) A written receipt shall be given for any article or thing seized under sub-section (1) and the grounds for such seizure shall be stated in such receipt.

34. - Power to stop vessels. - Where it becomes necessary for an authorized officer to stop any vessel for the purpose of enforcing the provisions of this Ordinance and the rules made thereunder, it shall be lawful for any vessel or aircraft under the command of an authorized officer to summon such vessel to stop by means of an international signal, code or other recognised means, and

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if it fails to do so, the vessel may be pursued even beyond the Bangladesh fisheries waters and if after a gun is fired as a warning to the vessel to stop, and if it fails to stop after such a warning, it may be fired upon.

35. - Vessel and crew to be taken to nearest port. - Any vessel seized under the provisions of this Ordinance and the crew thereof shall be taken to the nearest port and dealt with in accordance with the provisions of this Ordinance.

36. - Persons arrested without warrant to be taken to police station. - Any person arrested without a warrant for the purposes of enforcing the provisions of this Ordinance and the rules made thereunder shall be taken to a police station forthwith or, as soon as possible, after arriving at a port and shall be dealt with in accordance with the provisions of the Code of Criminal Procedure, 1898 (Act V of 1898).

37. - Authorized officer not to enter dwelling houses without warrant. - No authorized officer shall enter premises used solely as a dwelling house for the purposes of enforcing the provisions of this Ordinance and the rules made thereunder except when authorised to do so by a warrant.

38. - Perishables may be sold by Director. - Any fish or other article of a perishable nature seized under the provisions of this Ordinance may, on the direction of the Director, be sold and the proceeds of sale shall be held by the Director and dealt with in accordance with the provisions of this Ordinance.

39. - Authorized officers required to produce identification. - Any authorized officer when acting under the provisions of this Ordinance or any rules made thereunder shall, on demand, produce to any person against whom he is taking action such identification or written authority as may be reasonably sufficient to show that he is an authorized officer for the purposes of this Ordinance.

40. - No action against authorized officer for acts done in good faith. - No action shall be brought against any authorised officer or any person requested by him to assist him in respect of anything done or omitted to be done by such person in good faith in the execution or perporated execution of his powers and duties under this Ordinance and the rules made thereunder.

PART X - OFFENCES AND LEGAL PROCEDURES

41. - Obstruction of authorized officer, etc. - Any person who wilfully obstructs any authorized officer in the exercise of any of the powers conferred on him by or under this Ordinance shall be guilty of an offence and shall be liable to imprisonment for a term not exceeding three years, or to a fine not exceeding taka one lakh, or to both.

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42. - Wilful damage of fishing vessels, etc. - Any person who wilfully and unlawfully damages or destroys any fishing vessels, fishing stakes, fishing gear or fishing appliances shall be guilty of an offence and shall be liable to imprisonment for a term not exceeding three years, or to a fine not exceeding taka one lakh, or to both.

4.3 - Contravention of conditions of licence. - Any person who contravenes any condition of any licence shall be guilty of an offence and shall be liable to imprisonment for a term not exceeding three years, or to a fine not exceeding taka one lakh, or to both.

44. - Destruction to avoid seizure or detection. - Any person who destroys or abandons any fish, fishing gear or fishing appliances, explosives, poison or other noxious substances or any other thing with intent to avoid their seizure or the detection of any offence against the provisions of this Ordinance or any rules made thereunder shall be guilty of an offence and shall be liable to imprisonment for a term not exceeding three years, or to a fine not exceeding taka one lakh, or to both.

45. - Failure to mark vessel. - Any person who owns or operates a fishing vessel in the Bangladesh fisheries waters which is not marked in the prescribed manner shall be guilty of an offence and shall be liable to a fine not exceeding taka twenty-five thousand.

46. - Skipper liable for offences committed by persons on board the vessel. - Where an offence against any provisions of this Ordinance or any rules made thereunder has been committed by any person belonging to or on board a fishing vessel, the skipper of such vessel shall also be guilty of such offence and shall be liable to a fine not exceeding taka five thousand.

47. - Compounding of offences. - Any authorized officer may compound any offence against the provisions of this Ordinance or any rules made thereunder for a sum of money not less than one-tenth of the maximum fine provided for such offence provided that in no case shall the sum be less than taka five thousand.

48. - Forfeiture of vessels etc., seized. - (1) Any vessel, fishing gear or fishing appliances, explosives, poison or other noxious substance or apparatus seized under sub-section (1) of section 33 or the proceeds of sale under section 38 shall, subject to the provisions of sub-section (3),

- (a) if a prosecution is to be brought under this Ordinance, be held in such custody as may be prescribed pending the outcome of such prosecution; or
- (b) if no prosecution is to be brought under this Ordinance, be held in the custody as aforesaid for a period of one month at the end of which period they shall be deemed to be forfeited to the Government unless, during such period, any written claim is received from the skipper, owner or charterer, if any, contesting such forfeiture.

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(2) Where any written claim contesting forfeiture is received under clause (b) of subsection (1), either

- (a) the subject matter of the claim shall be released and delivered to the claimant forthwith; or
- (b) the claim shall be referred to the Court for its decision.

(3) Notwithstanding anything contained in this section, the Court may order the release of any fishing vessel, fishing gear or fishing appliances seized under section 33 on receipt of a satisfactory bond or other security from any person claiming such property.

49. - Court may order forfeiture in addition to any other penalty imposed. - Where any person is convicted of an offence against any provision of this Ordinance or any rules made thereunder, or where the Court finds that an offence has been committed against any provision of this Ordinance or any rules made thereunder, or where the Court finds that an offence has been committed against any provision of this Ordinance or any rules made thereunder, the Court, in addition to any other penalty imposed,

- (a) may order that any fishing vessel (including its furniture, appurtenances, stores and cargo), fishing gear, nets or other fishing appliances used in the commission of such offence shall be forfeited to the Government or that the licence shall be suspended for such period of time as the Court may think fit or be cancelled; and
- (b) shall order that any fish caught in the commission of such offence or the proceeds of sale of any such fish under section 38 and any explosives, poison or other noxious substances used in the commission of such offence shall be forfeited to the Government.

50. - Vessels, etc., forfeited may be disposed of by the Government. - Any vessel (including its furniture, appurtenances, stores and cargo), fishing gear, nets or other fishing appliances, explosives, poison or other noxious substances, and any fish or proceeds of the sale of fish deemed or ordered to be forfeited to the Government under section 48 or 49 shall be disposed of in such manner as the Government may think fit.

51. - Fish found on board a fishing vessel committing an offence presumed to be caught illegally. - All fish found on board any fishing vessel which has been used in the commission of an offence against any provisions of this Ordinance or any rules made thereunder shall, unless the contrary is proved, be presumed to have been caught illegally in the Bangladesh fisheries waters.

52. - Offences triable as if committed within limits of local jurisdiction. - Any offence against any of the provisions of this Ordinance or any rules made thereunder committed within the Bangladesh fisheries waters by any person shall be guilty of an offence under this Ordinance and shall be triable in any Court of Bangladesh as if such offence had been committed in any place in Bangladesh within the local limits of the jurisdiction of such Court.

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53. - Service of documents. - Where, for the purposes of this Ordinance or any rules made thereunder, any document is to be served on any person, that document may be served

- (a) in any case, by delivering a copy thereof personally to the person to be served; or
- (b) if the document is to be served on the skipper or on a person on board a fishing vessel, by leaving the same for him on board that vessel with the skipper or the person who is, or appears to be, in command or charge of the vessel for the time being; or
- (c) by affixing a copy of the document to any conspicuous part of his residence; or
- (d) sending it by registered post acknowledgement due addressed to his last known place of abode.

54. - Special powers for Magistrates. - Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (Act V of 1898), and Magistrate of the first class especially empowered by the Government in this behalf may pass a sentence of fine exceeding taka ten thousand for an offence under this Ordinance and the rules made thereunder.

PART XI - RULES

55. - Power to make rules. - (1) The Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Ordinance.

(2) In particular, and without limiting the generality of the foregoing power, rules may be made with respect to all or any of the following matters, namely:

- (a) the licensing, regulation and management of any particular marine fishery;
- (b) the determination of the carrying capacity of vessels;
- (c) the type and size of air-conditioning appliances to be fitted in vessels;
- (d) establishing the closed seasons for all areas or species of fish or for designated areas or species;
- (e) the limitations on the amount, size and weight of fish caught and retained or traded;
- (f) determining the minimum mesh sizes;
- (g) determining the prohibited fishing areas for all fish or for certain species of fish, or for certain methods of fishing;

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- (h) determining certain prohibited methods of fishing;
- (i) the amount of fish that may be caught incidentally when fishing for a species for which a licence has been issued;
- (j) regulating or prohibiting the creation, maintenance, working repair and lighting of fishing stakes in the Bangladesh fisheries waters;
- (k) organising and regulating sport fishing in the Bangladesh fisheries waters;
- (l) the conditions to be observed by the fishing vessels while within the Bangladesh fisheries waters and to regulate the conduct of fishing operations generally;
- (m) the nationality and educational qualifications of persons permitted to be employed or carried in fishing vessels;
- (n) providing for the execution of bonds and other forms of security for the fulfilment of any obligations attaching to a licence;
- (o) providing for points of entry, exit and transit through the Bangladesh fisheries waters by any fishing vessel licenced to fish by virtue of the provisions of this Ordinance;
- (p) providing for the appointment by the owner of a foreign fishing vessel of a legal representative in Bangladesh for the purpose of accepting responsibility for any matters arising under the provisions of this Ordinance;
- (q) the stowing of fishing gear by foreign fishing vessels while in transit through the Bangladesh fisheries waters;
- (r) providing for rewards for reporting the presence of unlicenced foreign fishing vessels operating in the Bangladesh fisheries waters;
- (s) the conditions and procedures of application for any licences, certificates or other documents required under this Ordinance or any rules made thereunder, their form and the amount of fees and deposits payable therefor;
- (t) the collection of statistics and to require any person engaged in marine fishing, marketing, processing or marine fish culture, including any fish dealer, to supply such information as may be necessary for the effective management and development of marine fisheries;
- (u) the procedures to be followed in making appeals against a refusal to issue, cancellation, non-renewal or suspension of licences under section 25;

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- (v) setting up of an Advisory Committee for the purpose advising the Government in the administration of this Ordinance;
  - (w) any other matter required or authorized to be prescribed under this Ordinance.
- (3) The rules made under this section may provide that the breach of any of the provisions thereof shall constitute an offence and may provide for penalties by way of fine not exceeding taka fifty thousand.

(b) The Bangladesh Merchant Shipping Ordinance, 1983

PART IX - FISHING AND SAILING VESSELS

Chapter 32 - FISHING VESSELS

386. - Application of Chapter. - This Chapter applies to power driven sea-going fishing vessels only.

387. - Ascertainment of tonnage. - For the purpose of this Chapter, the tonnage of fishing vessels shall be such as may be ascertained, in accordance with the rules made for the ascertainment of tonnage under Part II.

388. - Registration of fishing vessels. - (1) Every fishing vessel to which this Chapter applies shall be registered in accordance with the provisions of this section.

(2) A fishing vessel registered at any time before the commencement of this Chapter at any port in Bangladesh under any law for the time being in force shall, for a period of six months from such commencement or for such further period as may be specified in this behalf by the Government, be deemed to be registered under this Chapter and be recognised as fishing vessel registered in Bangladesh and, if she is not registered under this Chapter within such period, shall be liable to be forfeited to the Government.

(3) The owner of every fishing vessel shall make an application in the prescribed form to the Registrar for the grant to him of a Certificate of Registry in respect of the vessel, and shall cause the tonnage of the vessel to be ascertained in the prescribed manner.

(4) The Registrar may make such inquiry as he thinks fit with respect to the particulars contained in the application, and shall enter in a register, to be called the Fishing Vessels Register, the following particulars in respect of the vessel, namely:

- (a) the name of the vessel, the place where she was built, and the port to which she belongs;
- (b) her tonnage ascertained as aforesaid;
- (c) type of engines;
- (d) the name, occupation and address of the owner;
- (e) the letter and number assigned to the vessel;
- (f) the mortgages, if any, effected by the owner in respect of the vessel;
- (g) such other particulars as may be prescribed.

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(5) After the particulars in respect of the vessel have been entered in the Fishing Vessels Register under sub-section (4), the Registrar shall grant to the applicant a Certificate of Registry in the prescribed form on payment of a fee according to such scale as may be prescribed having regard to the tonnage of the vessel.

(6) A fishing vessel which is required to be registered under this Chapter but is not so registered shall be the Principal Officer, Surveyor or Collector of Customs until the Certificate of Registry is produced.

(7) The owner or master or skipper of every fishing vessel which is required to be registered under this Chapter but has not been so registered shall be liable to pay a fine which may extend to twenty thousand taka.

389. - Effect of registration of fishing vessels. - (1) In all proceedings under this Ordinance against the owner or skipper of, or any person belonging to, any vessel entered in the Fishing Vessels Register, or for the recovery of damages for injury done by such vessel, the Register shall be conclusive evidence that the person entered therein at any date as owner of the vessel was at that date the owner thereof, and that the vessel is a Bangladesh sea-going fishing vessel.

(2) This section shall not prevent any proceedings being instituted against any person not so entered who is beneficially interested in the vessel nor shall it affect the rights of the owners among themselves if there be more than one owner, or the rights of any owner entered in the Register, against any person not so entered who is beneficially interested in the vessel.

(3) Save as aforesaid, entry in the Fishing Vessels Register shall not confer, take away, or affect any title to or interest in any such vessel.

391. - Change of name. - A change of name of a fishing vessel registered under section 388 shall not be effected except in accordance with the rules made for change of name under Part II, and when so effected, shall be entered in the Fishing Vessels Register.

392. - Change of ownership. - (1) No person shall transfer or acquire any fishing vessel registered under this Chapter or any interest therein without the previous approval in writing of the Government or an officer authorised by it in this behalf; and any transaction effected in contravention of this section shall be void.

(2) Every change of ownership shall be reported, jointly by the registered owner and the new owner, to the Registrar in the prescribed form, and the Registrar shall make such inquiry as he thinks fit with respect to the change of ownership, and shall thereupon enter the name of the new owner in the Fishing Vessels Register and endorse the Certificate of Registry accordingly.

(3) Whoever contravenes any of the provisions of this section, shall for each offence, be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to ten thousand taka or with both.

393. - Mortgages of fishing vessels. - (1) Every mortgage of a fishing vessel or of any interest therein effected after the commencement of this Chapter shall be registered with the Registrar.

- (2) Every mortgage of a fishing vessel or any interest therein effected before the commencement of this Chapter shall, if subsisting at such commencement, be registered with the Registrar within three months thereof unless it is earlier discharged.
- (3) The Registrar shall enter every such mortgage in the Fishing Vessels Register in the order in which it is registered with him.
- (4) If there are more mortgages than one recorded in respect of the same fishing vessel or interest therein, the mortgages shall, notwithstanding any express, implied or constructive notice, have priority according to the date on which each mortgage is registered with the Registrar and not according to the date of each mortgage itself:

Provided that nothing contained in this sub-section shall affect the relative priorities as they existed immediately before the commencement of this Chapter as between mortgages of the same vessel or interest therein effected before such commencement which are registered in accordance with the provisions of sub-section (2).

394. - Registration of alterations. - (1) When a fishing vessel is so altered as not to correspond with the particulars relating to her entered in the Certificate of Registry, the owner of such vessels shall make a report of such alteration to the Registrar of the port where the vessel is registered, and the Registrar shall either cause the alteration to be registered, or direct that the vessel be registered anew, in accordance with such rules as may be made in this behalf.

(2) If the owner fails to comply with the provisions of this section, he shall be punishable with fine which may extend to five thousand taka.

395. - Transfer of registry. - The registry of a fishing vessel may be transferred from one port to another in Bangladesh on the application of the owner of the vessel in accordance with such rules as may be made in this behalf.

396. - Entries in Register relating to vessel lost, etc. - (1) If a fishing vessel is lost, destroyed or rendered permanently unfit for service, the owner of such vessel shall, with the least practicable delay, report the fact to the Registrar of the port where the vessel is registered, and also forward to him along with the report the Certificate of Registry in respect of the vessel; and thereupon the Registrar shall make an entry to that effect in the Fishing Vessels Register and upon the making of such entry, the entries in the Register relating to the registration of the vessel shall be considered as closed, except so far as they relate to any unsatisfied mortgage entered therein.

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(2) If the owner fails to comply with any of the provisions of this section, he shall, for each offence, be punishable with fine which may extend to four thousand taka.

397. - Certificate of inspection. - (1) No fishing vessel shall proceed to sea unless a Certificate of Inspection applicable to the intended voyage is in force.

(2) A Certificate of Inspection in respect of a fishing vessel shall specify:

- (a) the name and tonnage of the vessel;
- (b) the name, occupation and address of the owner;
- (c) the name of the skipper and engine driver;
- (d) the type of engine;
- (e) the minimum number of crew that may be carried;
- (f) the limits within which the vessel may be used for purposes of fishing;
- (g) the particulars of life-saving and the appliances, and lights and shapes, and the means of making fog and distress signals carried on board,

and shall contain a statement to the effect that her hull, machinery and equipment are in good condition.

(3) A Certificate of Inspection shall be in force for one year or for such shorter period as may be specified therein.

(4) The Collector of Customs shall not grant a port-clearance until after the production of a Certificate of Inspection in respect of the vessel.

(5) Where at any time after the issue of a Certificate of Inspection in respect of a fishing vessel, the Government has reason to believe that the vessel is not fit to proceed to sea, or that the vessel has undergone material alteration or has met with an accident, it may, after giving the owner an opportunity of making a representation, cancel such certificate.

(6) A fresh Certificate of Inspection shall not be issued until the requirements of section 394 have been satisfied, nor unless the vessel has been inspected and the authority making the inspection is satisfied that the vessel is fit to proceed to sea.

398. - Fraudulent use of Certificate of Registry or Certificate of Inspection, etc. - (1) No person shall use or attempt to use the Certificate of Registry or the Certificate of Inspection granted in respect of a fishing vessel for any purpose other than the lawful navigation of the vessel.

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(2) No person shall use or attempt to use for the navigation of a fishing vessel a certificate of Registry or a Certificate of Inspection not granted in respect of that vessel.

(3) No person who has in his possession or under his control the Certificate of Registry or the Certificate of Inspection of a fishing vessel shall refuse or fail, without reasonable cause, to deliver such certificate on demand to the owner of the vessel.

(4) If any person contravenes any of the provisions of this section, he shall, for each offence, be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to ten thousand taka or with both.

399. - Life-saving appliances, etc. - Every fishing vessel shall be provided with such life-saving and fire appliances as may be required by rules made for the provisions of such appliances under Part VI, and shall be equipped with lights and shapes and the means of a making fog signals in accordance with the Collision Regulations.

400. - Skippers and engine drivers to be duly certificated. - (1) No fishing vessel shall proceed to sea unless the skipper and the engine driver are duly certificated by the Government, nor shall any person not so certificated accept any such employment in respect of any such vessel:

Provided that a fishing vessel not less than seventy five gross registered ton shall carry at least one skipper, one second-hand and two engine drivers who are duly certificated by the Government.

(2) The Government may make rules providing for:

- (a) the manner in which and the conditions upon which such certificates shall be granted;
- (b) the suspension and cancellation of such certificate;
- (c) the inquiries and investigation into the conduct of the holders of such certificates.

(3) Any person who:

- (a) having been engaged as a skipper, second-hand or engine driver goes to sea as such without being duly certificated, or
- (b) employs a person in contravention of sub-section (1), without ascertaining that the person is duly certificated, shall, for each offence, be punishable with fine which may extend to five thousand taka.

401. - Statement relating to crew to be maintained. - (1) Every owner or skipper of a sea-going fishing vessel shall maintain or cause to be maintained in the prescribed form a statement of the crew of the vessel.

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(2) Every change of crew of the vessel shall be entered in the statement maintained under sub-section (1).

(3) A copy of such statement and of every change therein shall be communicated as soon as possible to the Registrar of the port where the vessel is registered.

(4) If the owner or skipper falls to comply with any of the provisions of this section, he shall, for each offence, be punishable with fine which may extend to five thousand taka.

402. - Power to exempt. - The Government may, by notification in the Official Gazette, exempt any type of fishing vessel from the requirements of any of the provisions of this Chapter.

403. - Power to make rules. - (1) The Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Chapter.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:

- (a) the form in which application for Certificates of Registry shall be made and the particulars which such applications should contain;
- (b) the form in which Certificates of Registry and Certificates of Inspection may be issued;
- (c) the issue of duplicate copies of Certificates of Registry and Certificates of Inspection when the originals are destroyed, lost, mislaid, mutilated or defaced;
- (d) The manner in which and the time within which reports for the registration of alterations of the Certificate of Registry shall be made, the endorsement of the particulars of alteration on such certificates, the grant of provisional certificates where vessels are directed to be registered anew, the period for which provisional certificates shall be valid and all other matters ancillary to the registration of alterations;
- (e) the form and manner in which applications for the transfer of registry from one port to another in Bangladesh shall be made and the procedure to be followed by the Registrar in connection with such transfer;
- (f) the form and manner in which change of ownership is to be reported and the procedure to be followed in connection with such change;
- (g) the construction, equipment, machinery and other matters relating to the safety of the vessel;

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- (h) the fees which may be levied for the issue or re-issue of Certificates of Registry or Certificates of Inspection and for any other purpose of this Chapter; and
- (i) any other matter which is to be or may be prescribed under this Chapter.

(c) East Bengal Protection and Conservation of Fish Act, 1950

1. - Short title, extent and commencement. - (1) This Act may be called the East Bengal Protection and Conservation of Fish Act, 1950.

(2) It extends to the whole of East Bengal.

(3) It shall come into force on such date as the Provincial Government may, by notification in the Official Gazette, appoint.

2. - Definitions. - In this Act, unless there is anything repugnant in the subject or context,

(1) "fish" includes a shell fish and a fish at all stages in its life history.

(2) "Fishery-officer" means any person whom the Provincial Government or any officer empowered by the Provincial Government in this behalf, may appoint to carry out all or any of the purposes of this Act or to do anything required by this Act or any rule made thereunder to be done by such officer:

Provided that no police-officer shall be so empowered;

(3) "fixed engine" means any net, cage, trap or other contrivance for catching fish, fixed in the earth or made stationary in any other way; and

(4) "private water" means a piece of water

(a) which is primarily used for domestic purposes, and

(b) which is the exclusive property of any person, or in which any person has for the time being any exclusive right of fishery whether as owner or lessee, or any other capacity but does not include any river, canal, khal, beel or any piece of water which ordinarily has direct communication with any river, canal, khal or beel.

3. - (1) The Provincial Government may make rules for the purposes hereinafter in this section mentioned.

(2) The Provincial Government may, by notification, apply such rules or any of them to any waters, provided that no such rules shall apply to any private water except with the consent in writing of the owner thereof and of all persons having for the time being any right of fishery therein.

(3) Such rules may

(a) prohibit or regulate all or any of the following matters, that is to say:

(i) the erection and use of fixed engines;

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- (ii) the construction, temporary or permanent, of weirs, dams, bunds, embankments and other structures;
- (b) prohibit the destruction of, or any attempt to destroy, fishes by explosives, gun, bow and arrow in inland water or within coastal territorial waters;
- (c) prohibit the destruction of, or any attempt to destroy, fishes by the poisoning of waters or the depletion of fisheries by pollution by trade effluents or otherwise;
- (d) prescribe the seasons during which the killing or catching of fishes of any prescribed species shall be prohibited;
- (e) prescribe a minimum size below which no fish of any prescribed species shall be killed or sold; and
- (f) prohibit all fishing in all waters or in any specified waters for a specified period:

Provided that the Provincial Government may for the purpose of pisciculture permit the catching of fishes in any closed season or in any prohibited water or below the prescribed minimum size and disposal thereof subject to the condition of the licence issued for the purpose.

(4) In making any rule under this section the Provincial Government may provide for:

- (a) the seizure, removal and forfeiture of any fixed engine or any other contrivance erected or used for fishing in contravention of the rules:

Provided that no fishing net shall be seized or forfeited unless the offence has been committed more than once; and

- (b) the forfeiture of any fishes taken by means of any such fixed engine or any other contrivance.

(5) The power to make rules is subject to the condition of previous publication; and the date to be specified under clause (3) of section 24 of the Bengal General Clauses Act, 1899, shall not be less than two months from the date on which the draft of the proposed rules was published.

(6) All such rules shall be published in the Official Gazette and shall, unless some later date is appointed, come into force on the date of such publication.

4. - Power to prohibit sale of fish. - The Provincial Government may, by notification, prohibit for a specified period the offering or exposing or possession for sale or barter of fishes below the prescribed size of any prescribed species throughout the Province of East Bengal or any Part thereof.

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5. - Penalties. - (1) The breach of any rule made under section 3 or of any prohibition notified under section 4, shall be punishable with simple imprisonment for a term which may extend to one month, or with fine which may extend to one hundred rupees, or with both.

(2) Whoever, having been convicted of an offence under this Act or any rule made thereunder, is again convicted thereunder, shall, on every subsequent conviction, be punishable with fine which may extend to two hundred rupees, or with simple imprisonment which may extend to two months, or with both.

6. - Arrest without warrant for offence under the Act. - (1) Any person, specially empowered by the Provincial Government in this behalf, may arrest without warrant any person committing a breach of any rule under section 3 or any prohibition notified under section 4:

- (a) if the name and address of the person are unknown to him, and
- (b) if the person declines to give his name and address or if there is reason to doubt the accuracy of the name and address, if given.

(2) A person arrested under this section may be detained until his name and address have been correctly ascertained:

Provided that no person so arrested shall be detained longer than may be necessary for bringing him before a Magistrate or to the nearest police-station according to the provisions of the Code of Criminal Procedure, 1898 (Act V of 1898).

(3) Notwithstanding anything contained in the Code of Criminal Procedure, 1898, it will be lawful for the officer in charge of a police-station to detain a person produced before him under the preceding sub-section till he is produced before the Magistrate.

(4) All Fishery-officers empowered by the Provincial Government shall have the same powers of search and investigation in respect of an offence under this Act as a police-officer of the rank of Sub-Inspector.

7. - Cognizance of offences. - (1) No court inferior to that of a Magistrate of the second class shall try any offence under this Act.

(2) No court shall take cognizance of any offence under this Act, except on the complaint of a fishery-officer or of a police-officer not below the rank of Sub-Inspector or of any other person or class of persons authorised by the Provincial Government in this behalf.

8. - Officers to be deemed public servants. - All persons empowered to perform any functions under this Act shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code (Act XLV of 1860).

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9. - Indemnity. - No suit, prosecution or other legal proceeding shall lie against any person empowered to perform any function under this Act for anything which is in good faith done or intended to be done under this Act.

10. - Repeal of Act IV of 1897. - The Indian Fisheries Act, 1897, in its application to East Bengal is hereby repealed (Act IV of 1897).

3. REGULATIONS

(a) Marine Fisheries Rules, 1983

1. - Short title. - These rules may be called the Marine Fisheries Rules, 1983.

2. - Definition. - In these rules, unless there is anything repugnant in the subject or context, "Ordinance" means the Marine Fisheries Ordinance, 1983 (XXXV of 1983).

3. - Application for licence. - An application for licence in respect of either a local or a foreign fishing vessel shall be in writing by the owner of the fishing vessel in respect of which the licence is sought and shall contain the following information, namely:

- (a) the name and description of the fishing vessel, its equipment, and crew complement;
- (b) the home port of the fishing vessel;
- (c) the name of the owner and skipper with full particulars;
- (d) the side number of the fishing vessel, its radio frequencies, call sign and signal letters, if any;
- (e) a description of the proposed fishing operations or related activities including:
  - (i) the species to be fished;
  - (ii) the method of fishing and type and dimensions of gear to be used;
  - (iii) the area or areas to be fished;
  - (iv) the amount of fish to be caught;
  - (v) of time for which the licence is sought;
  - (vi) the place in which the fish is to be landed or processed, and a description of the ultimate destination and use of the fish; and
  - (vii) a description of support operations, and the name and licence number (if any) of fishing vessels in support of which related activities are to be carried out;
- (f) a description of any joint venture or other contractual arrangement with foreign or local business interests that have been or are proposed in connection with the fishing operations for which the licence is sought;

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- (g) a brief description of any related fishing operations sought to be undertaken in Bangladesh fisheries waters by other vessels belonging to, or under the control of, the fishing vessel owner;
- (h) such other information as may be required by the Director in clarification or amplification of the information given by the applicant.

4. - Licence applications in respect of foreign fishing vessels. - An application for a licence in respect of fishing to be conducted by a foreign fishing vessel in Bangladesh Fisheries waters, in addition to the information required under rule 3, shall contain the following information, namely:

- (a) the flag state of the fishing vessel;
- (b) the name and address of the authorized local agent appointment by the owner to represent him in all dealings with officials of the Government, and evidence of the extent to which the local agent is authorized to undertake legal and financial obligations on behalf of the owner.

5. - Form of licence. - Every licence required under the Ordinance shall be in the appropriate form set out in the Schedule to these rules.

6. - Fee. - Every application for a licence shall be accompanied by a Treasury Challan showing the payment of the fees mentioned in the table below:

Where the carrying capacity of a fishing vessel	
(a) does not exceed 250 tons	taka 750
(b) exceeds 250 tons but does not exceed 350 tons	taka 1.000
(c) exceeds 350 tons but does not exceed 450 tons	taka 2.000
(d) exceeds 450 tons but does not exceed 600 tons	taka 5.000
(e) exceeds 600 tons	taka 10.000

7. - Conditions applicable to all licences. - Any licence issued under the Ordinance shall be subject to the following conditions, namely:

- (a) the licence shall be valid only for such activities, for such period, for such area or areas and such conditions as are specified in the licence;
- (b) All relevant laws and rules regarding the conservation and management of fisheries in Bangladesh shall be complied with;

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- (c) only such species of fish shall be fished in such quantities, using such methods of fishing and such fishing gear as are authorized in the licence;
- (d) no by-catch shall exceed such percentage as may be specified in the licence;
- (e) the skipper shall cause written records to be maintained on a daily basis of the fishing effort and catch of the fishing vessel in the form specified by the Director;
- (f) the written records required to be maintained under clause (e) shall be transmitted by the skipper to the Director monthly, or at the request of the Director or any other officer authorized under this Ordinance or of any person authorized by him in this behalf or of any authorized officer, at any time during the term of the licence;
- (g) any fishing vessel licensed in accordance with the provisions of the Ordinance and these rules shall display the identification mark assigned to the vessel which shall be clearly visible from the air and from the sea.

8. - Conditions applicable to licences for foreign fishing vessels. - A foreign fishing vessel in respect of which a licence has been issued, in addition to the conditions set out in rule 7, shall be subject to the following conditions, namely:

- (a) the owner of the fishing vessel shall appoint and maintain a local representative who shall be a person resident in Bangladesh and shall have a permanent office or establishment in Bangladesh and who shall be authorized to accept legal and financial responsibility on behalf of the owner in respect of the operations undertaken by the vessel and to accept service of any notice, summons or other document on behalf of the owner in any legal proceedings arising out of the conduct of the fishing operations or related activities by the vessel;
- (b) the owner of the vessel or the local representative shall, if required by the Director, execute a bond in an amount and form satisfactory to the Director, to guarantee performance of the obligations under the licence;
- (c) the skipper or the local representative shall notify the Director of the estimated time and location of entry of the fishing vessel into Bangladesh fisheries waters not less than 24 hours prior to such entry, and shall at the same time notify the Director of
  - (i) the approximate fishing plan or schedule of activities to be carried out under the licence;
  - (ii) the date of arrival of the vessel at Chittagong or Khulna for initial inspection;

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- (d) after entry into Bangladesh fisheries waters, the fishing vessel shall proceed directly and immediately to Chittagong or Khulna for initial inspection by an authorized officer and shall not be used for fishing or related activities in such area until such time as such inspection has been carried out;
- (e) any transshipment of fish must be done in Chittagong or Khulna under the control of an authorized officer unless otherwise authorized in the licence, or otherwise authorized in writing by the Director;
- (f) the skipper shall, if required by the licence, cause radio reports to be made weekly to the Director or to the person authorized by the Director to receive such reports and such reports shall contain the following information, namely:
  - (i) the name of the fishing vessel;
  - (ii) the licence number;
  - (iii) the precise geographical position of the fishing vessel in terms of longitude and latitude;
  - (iv) the quantity in kilograms of each species of fish caught in the Bangladesh fisheries waters;
  - (v) the quantity in kilograms of each species of fish caught since the last report or the last inspection by an authorized officer;
  - (vi) the quantity in kilograms of each species of fish transferred, if such transfer is authorized, to other vessels since the last report or the last inspection made by an authorized officer;
- (g) the skipper shall bring the fishing vessel into any Bangladesh port specified by the Director for inspection at any time when required to do so by the Director or by persons authorized by him;
- (h) the fishing vessel shall at all times while in Bangladesh fisheries waters fly the flag of its flag states;
- (i) the skipper shall permit an observer or observers designated in writing by the Director to go on board and remain on board the vessel for any or all of the period of validity of the licence and shall
  - (i) provide the observer or observers with food and accommodation while on board equivalent to that given to an officer;
  - (ii) cooperate fully with each observer in the performance of his duties; and
  - (iii) arrange for the observer or observers to send or receive messages by way of radio telegraph or radiotelephone facilities on board the vessel;

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- (j) the skipper shall at all times while in Bangladesh fisheries waters comply with any directions or instructions given to him by any authorized officer, and in particular, shall bring the vessel to a halt when requested to do so and shall permit and facilitate any authorized officer to board the fishing vessel and shall cooperate with such officer in any inspection carried out by him;
- (k) the fishing vessel shall have on board at all times while in Bangladesh fisheries waters such communications and position-fixing equipment as may be specified in the licence;
- (l) the skipper or the local representative shall notify the Director or person authorized by him, of the estimated time and location of the departure of the vessel from Bangladesh fisheries waters not less than 48 hours prior to such departure, and shall at the same time notify him of the following:
  - (i) the expected date of arrival of the fishing vessel in Chittagong or Khulna for final inspection, and
  - (ii) the species of fish on board the vessel, and the quantity and condition of each species;
- (m) the fishing vessel shall, before leaving Bangladesh fisheries waters, proceed to a place specified by the Director or by a person authorized by him for final inspection by an authorized officer;
- (n) the fishing vessel shall, after final inspection, depart directly from the Bangladesh fisheries waters and shall not be used for fishing or related activities in the Bangladesh fisheries waters;
- (o) the fishing vessel shall maintain, make or issue in the English language any records, reports or notifications required to be maintained, made or issued under this rule;
- (p) the fishing vessel shall use in every communication by radio, flag or light between any licensed vessel in the Bangladesh fisheries waters and any Government authority, the signals specified in the "International Code of Signals" published by the Inter-Governmental Maritime Consultative Organization Marine Safety Committee.

9. - Signals. - (1) For the purpose of clause (p) of rule 8:

- (a) the signal to be used for requiring a foreign fishing vessel to bring you is the International Code of Signals, Signal "L".
- (b) the signal to be used for requiring a foreign fishing vessel to bring to be boarded, is the International Code of Signals, Signal "SQ.3".

(2) Signals may be given by flag, signal lamp, loudspeaker, horn, siren, message, block, whistle or radio.

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10. - Manner of stowage of gear. - Any foreign fishing vessel that is not licensed to operate in Bangladesh fisheries waters or being licensed is not authorized to engage in fishing shall, while within such waters, stow its fishing gear in accordance with the following provisions;

- (a) all fishing gear shall be carried wholly inboard and shall be stowed below deck or otherwise removed from the place where it is normally used for fishing and placed where it cannot be readily used for fishing;
- (b) all nets, trawl boards and weights shall be disconnected from their towing or hauling wires, ropes or rigid frames; and
- (c) all fishing gear carried on deck shall be secured to same part of the superstructure of the vessel.

11. - Expiry of licence. - Except as otherwise stated in the licence, every licence shall expire on the thirty first day of December in the year in respect of which it was issued.

12. - Director to fix up the carrying capacity of fishing vessel. - The Director shall, while issuing licence to any fishing vessel either local or foreign, fix up the carrying capacity of the vessel and no fishing vessel shall be issued a licence which has less than 150 tons of carrying capacity:

Provided that this rule shall not apply to the fishing vessels with less than 150 tons of carrying capacity existing on the date of coming into force of the Ordinance and permitted to operate in the Bangladesh fisheries waters.

13. - Director to determine the type, refrigeration appliance in the fishing vessel. - The Director shall, while issuing licence, determine the type and refrigeration appliances to be fitted in the fishing vessel considering the size and capacity of the vessel:

Provided that this rule shall not apply to the fishing vessels with less than 150 tons of carrying capacity existing on the date of coming into force of this Ordinance and permitted to operate in the Bangladesh fisheries waters.

14. - Mesh size. - All licenced fishing vessels shall use nets of mesh size of the following dimensions:

- (a) for shrimp trawl net (Boom) with low opening, the minimum mesh size shall be 45 mm at the cod end;
- (b) for fish trawl net, mesh size at the cod end shall be 60 mm;
- (c) for large mesh drift net (LMD), the minimum mesh size shall be 200 mm;
- (d) for small mesh drift net (SMD), the minimum mesh size shall be 100 mm;

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(e) for set bag net (Behundi net), the minimum mesh size at the cod end shall be 30 mm.

15. - Area for fishing. - (1) Area for fishing with the set bag nets is earmarked up to 40 meters of depth of marine water at its highest tide.

(2) Area for fishing using hooks and lines are earmarked up to 40 meters of depth of marine water at its highest tide.

(3) Area for fishing with drift net (Bhasajal) for fishing ilish (Hilsha) and like fish are earmarked up to the depth of 40 meters of marine waters at its highest tide.

(4) Area for fishing with drift net (Bara vasajal-Lakhyajal) are earmarked up to the depth of 40 meters of marine water at its highest tide.

(5) Area for fishing with trawlers are earmarked for operation beyond 40 meters of marine waters at its highest tide.

16. - Prohibited methods of fishing. - The prohibited methods of fishing are:

(a) fishing with any gear having mesh size smaller than the mesh size specified in rule 14;

(b) fishing with any kind of explosives, poison and other noxious substances;

(c) fishing with electrocuting the marine species of any type.

17. - Requirements for fishing in the Bangladesh fisheries waters.

(1) All fishing vessels shall:

(a) have licence for fishing in the Bangladesh fisheries waters;

(b) possess valid required certificates;

(c) display nationality sign through flag and suitable markings on the visible part of the vessel.

(2) A foreign fishing vessel shall fly courtesy flag, that is, the national flag of Bangladesh so long it remains in the territorial waters and Economic Zone of Bangladesh.

18. - The owner, skipper or charterer of any fishing vessel licences for fishing in the Bangladesh fisheries waters shall employ at least 3 Bangladesh fishermen trained from the Marine Fisheries Training Academy, Chittagong.



LOCAL FISHING VESSEL LICENCE

LICENCE NO. ....

ISSUED TO .....  
(full name)

ADDRESS .....

NAME AND ADDRESS OF OWNERS OF VESSEL IF DIFFERENT FROM ABOVE .....  
.....

NAME OF VESSEL ..... FISHING VESSEL IDENTIFICATION MARK .....

PORT OF REGISTRY (if any) ..... REGISTRATION NO. (if any) .....

RADIO CALL SIGN (if any) ..... FREQUENCY .....

DIMENSIONS OF VESSEL –

LENGTH.....TONNAGE .....

METHOD OF PROPULSION -

INBOARD ENGINES, NO. OF .....HORSE POWER .....

OUTBOARD ENGINES, HORSE POWER .....

TYPE OF FISHING EQUIPMENT .....

AREAS TO BE FISHED .....

SPECIES OF FISH TO BE TAKEN .....

FISH TO BE LANDED AT .....

FEE PAID .....

THIS LICENCE IS VALID FOR THE PERIOD COMMENCING .....

UNTIL .....

DATE OF ISSUE .....

.....  
SIGNATURE OF ISSUING OFFICER

THIS LICENCE IS TRANTED SUBJECT TO THE FOLLOWING CONDITIONS

1. THE HOLDER SHALL COMPLY WITH AND ENSURE THAT THE VESSEL IS USED IN CONFORMITY WITH THE PROVISIONS OF THE MARINE FISHERIES ORDINANCE, 1983 AND RULES MADE THEREUNDER.

FOREIGN FISHING VESSEL LICENCE NO. ....

---

ISSUED TO .....

ADDRESS .....

NAME AND ADDRESS OF OWNER OF VESSEL IF DIFFERENT FROM ABOVE .....

.....

NAME AND ADDRESS OF AGENT OR OTHER LEGAL REPRESENTATIVE IN BANGLADESH .....

.....

NAME AND ADDRESS OF MASTER OF VESSEL .....

.....

---

NAME OF VESSEL .....

TYPE OF VESSEL .....

PORT AND COUNTRY OF REGISTRY .....

REGISTRATION NUMBER .....

FISHING VESSEL IDENTIFICATION MARK .....

LENGTH ..... REGISTERED NET TONNAGE .....

ENGINE HORSE POWER .....

RADIO CALL SIGN ..... FREQUENCY .....

---

THIS VESSEL, DETAILS OF WHICH APPEAR ABOVE, IS HEREBY AUTHORIZED TO DO SUCH OF THE FOLLOWING AS MAY BE INDICATED ON THIS LICENCE:

---

PART I - AUTHORIZATION TO FISH WITHIN BANGLADESH FISHERIES WATERS

DESCRIPTION OF FISHING OPERATIONS AUTHORIZED .....

.....

AREAS TO BE FISHED .....

.....

SPECIES OF FISH TO BE TAKEN .....

.....

AUTHORIZED LANDING PLACES .....

.....

SPECIAL CONDITIONS .....

---

THIS LICENCE IS VALID FOR THE PERIOD COMMENCING .....

UNTIL .....DATE OF ISSUE .....

FEES PAID .....

.....

SIGNATURE OF ISSUING OFFICER

---

THIS PERMIT IS GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

1. THE HOLDER SHALL COMPLY WITH AND ENSURE THAT THE VESSEL IS USED IN CONFORMITY WITH THE PROVISIONS OF THE MARINE FISHERIES ORDINANCE, 1983 AND ANY RULES MADE THEREUNDER.

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CATCH RECORD FORM

as required under section 14 of the  
Marine Fisheries Ordinance, 1983

Catch Record of Vessel "....." No.....  
Trip No .....From ..... 19 .. to .....19..  
with .....Net(s) (State type gear used)

Trawl/haul/  
gear set No. (1) (2) (3) (4) (5) (6) (7) (8) (9) (10) (11) (12) (13) (14) Total

Depth (metres)

Time started (State AM/PM)

Time finished (or 24 hr. clock)

Area of catch (No. on chart)

Catch (Kg. estimated):

Shrimp:	Brown	
	White	P. indicus
	Pink	P. Semisulcatus
	Tiger	P. monodon
	Other	
Fish	Shark	Carcharhinus
	Sawfish	Pristis
	Skates + rays	Raja, etc.
	Indian Salmon	Polynemus
	Silver Pomfret	Sromateus
	Other Pomfret	S-spp
	Eel	Muraenesox
	Grunter	Pomadasys
	Croaker (Jewfish)	Otolithoides
	Black/Silver (Jewfish)	Johnius
	Bhetki	Lates
	Snapper	Lutianus
	Catfish	Tachysurus
	Mackerel	Rastrelliger
	Yellowtail	Caranx
	Butterfish	Psenes
	Ribbonfish	Trichiurus
	Hilsa	Hilsa
	Mullet	Mugil
	Bombay Duck	Harpodon

Fish (state principal fish)

"miscellaneous" fish

catches: aquid, etc. (state)

crabe, etc. (state)

Totals by order of the Chief Martial law Administrator



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1. LIMITS OF NATIONAL JURISDICTION

Territorial Sea and Maritime Zones Law, 1977

CHAPTER I - TITLE AND DEFINITIONS

1.- This Law may be called the Territorial Sea and Maritime Zones Law.

2. - The following expressions contained in this Law shall have the following meanings:

- (a) "Burma" means the Socialist Republic of the Union of Burma;
- (b) "Council of Ministers" means the Council of Ministers of Burma;
- (c) "Baselines" means the baselines specified in the Annex to this Law.

CHAPTER II - TERRITORIAL SEA

3. - The territorial sea of Burma extends seawards to a distance of twelve nautical miles from the baselines.

4.- The sovereignty of Burma extends to the territorial sea, to its bed and subsoil and to the air space over the territorial sea.

5.- Subject to the provisions of this Law, ships of all States other than warships shall enjoy the right of innocent passage through the territorial sea. Passage shall be deemed to be innocent so long as it is not prejudicial to the peace, good order or security of Burma.

6.- During passage through the territorial sea:

- (a) foreign ship shall observe the existing laws and rules of Burma;
- (b) foreign fishing vessel shall keep its fishing gear and equipment in a secured position for sea. Such a vessel shall traverse the territorial sea by the shortest way without stopping or anchoring, except by reason of force majeure;
- (c) no foreign research ship shall undertake any research activity without the prior express permission of the Council of Ministers.

7. - Proof of innocence of passage shall be furnished by the foreign ship exercising the right of innocent passage when called for by the competent authorities of Burma.

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8. - The Council of Ministers may suspend temporarily, in specified areas of the territorial sea, the innocent passage of foreign ships if it considers that such suspension is necessary to safeguard the peace, good order or security of Burma.

9. - (a) No foreign warship shall pass through the territorial sea without the prior express permission of the Council of Ministers.

(b) A foreign warship entering the territorial sea without the prior express permission of the Council of Ministers shall be required to leave the area immediately.

(c) During passage through the territorial sea, foreign submarines and other underwater vehicles shall navigate on the surface of the sea and show their flag.

CHAPTER III - CONTIGUOUS ZONE

10. - The contiguous zone of Burma is an area beyond and adjacent to the territorial sea and extends to a distance of twenty-four nautical miles from the baselines.

11. - In the contiguous zone Burma exercises such control as it may consider necessary to: safeguard the security of Burma; prevent and punish infringement of its customs, fiscal, immigration or sanitary regulations within its territory or territorial sea.

CHAPTER IV - CONTINENTAL SHELF

12.- The continental shelf of Burma comprises the seabed and subsoil of the submarine areas that extend beyond the territorial sea throughout the natural prolongation of its land territory to the outer edge of the continental margin, or to a distance of two hundred nautical miles from the baselines where the outer edge of the continental margin does not extend up to that distance.

13. - Burma exercises exclusive sovereign rights in respect of its continental shelf.

14. - Without prejudice to the generality of the provisions of section 13, Burma has in the continental shelf:

(a) sovereign rights for the purposes of exploration, exploitation, conservation and management of its natural resources, both living and non-living;

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- (b) exclusive rights and jurisdiction for the construction, maintenance or operation of artificial islands, off-shore terminals, installations and other structures and devices necessary for the exploration and exploitation of its natural resources, both living and non-living, or for the convenience of shipping or for any other purpose;
  - (c) exclusive jurisdiction to authorize, regulate and control scientific research;
  - (d) exclusive jurisdiction to preserve and protect the marine environment and to prevent and control marine pollution; and
  - (e) such other rights as are recognized from time to time by international law.
15. - (a) The natural resources of the continental shelf include vegetable organisms and living organisms belonging to sedentary species, that is to say, organisms which, at the harvestable stage, either are immobile on or under the seabed or are unable to move except in constant physical contact with the seabed or the subsoil.
- (b) Where the Council of Ministers considers that a marine organism of any kind is part of the living natural resources of the continental shelf, it may, by notification in the official Gazette, declare that organism to be part of the living natural resources of the continental shelf.
16. - No one shall, without the prior express permission of the Council of Ministers, carry out in the continental shelf, any of the following:
- (a) exploration;
  - (b) exploitation of the natural resources, both living and non-living;
  - (c) research;
  - (d) search, excavation, drilling; or
  - (e) construction, maintenance or operation of any artificial island, off-shore terminal, installation or other structure or device.

CHAPTER V - EXCLUSIVE ECONOMIC ZONE

17. - The exclusive economic zone of Burma is an area beyond and adjacent to the territorial sea and extends to a distance of two hundred nautical miles from the baselines.

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18. - Burma has in the exclusive economic zone:
- (a) sovereign rights for the purposes of exploration, exploitation, conservation and management of its natural resources, both living and non-living, as well as for producing energy from water and winds;
  - (b) exclusive rights and jurisdiction for the construction, maintenance or operation of artificial islands, off-shore terminals, installations and other structures and devices necessary for the exploration and exploitation of its natural resources, both living and non-living, or for the convenience of shipping or for any other purpose;
  - (c) exclusive jurisdiction to authorize, regulate and control scientific research;
  - (d) exclusive jurisdiction to preserve and protect the marine environment and to prevent and control marine pollution; and
  - (e) such other rights as are recognized from time to time by international law.

19. - Subject to the exercise by Burma of its rights:

- (a) ships of all States shall enjoy the right of freedom of navigation within the exclusive economic zone;
- (b) aircraft of all States shall enjoy freedom of overflight within the air space over the zone.

20. - No one shall conduct any activity in the exclusive economic zone in relation to exploration, exploitation or research, without the prior express permission of the Council of Ministers:

Provided that, nothing in this section shall apply to fishing in accordance with law by a citizen of Burma.

#### CHAPTER VI - OFFENCES AND PENALTIES

21. - Whoever contravenes or attempts to contravene or abets the contravention of any provision of this Law or of any rule made thereunder shall be punishable with imprisonment which may extend to ten years, or with fine, or with both:

Provided that, the provisions of this section shall not preclude the right to take action under any other existing law.

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22. - Any ship other than a warship which is involved in the contravention of any provision of this Law punishable under section 21 shall be liable to confiscation together with its equipment and instruments as well as everything aboard that ship.

23. - There shall be no prosecution under this Law without the prior sanction of the Council of Ministers.

CHAPTER VII - MISCELLANEOUS

24. - For the purpose of successfully implementing the provisions of this Law, the Council of Ministers may promulgate such regulations, bye-laws, orders, directives and procedures as may be necessary.

25. - Nothing in this Law shall affect the right of hot pursuit that may be exercised by Burma against any offender for any offence committed in the territorial sea, the contiguous zone, the continental shelf or the exclusive economic zone.

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ANNEX

For the purpose of this Law, the low-water lines as marked on large-scale charts officially recognized by Burma shall be the baselines for measuring the breadth of the territorial sea, the contiguous zone, the continental shelf and the exclusive economic zone of Burma:

Provided that, where by reason of the geographical conditions prevailing on the coasts of Burma or of the economic requirements of the coastal regions straight baselines have been drawn between fixed points on the mainland, on islands or rocks, measurement shall be made from such baselines. The fixed points between which such straight baselines shall be drawn are indicated in detail in the following schedule:

SCHEDULE

1. Arakan Coas

(a) Southern Point of MAYU ISLAND	Lat Long	20° 11' 49" N 92° 32' 19" E
(b) BORONGA POINT	Lat Long	19° 48' 30" N 93° 01' 42" E
(c) SOUTH TERRIBLES	Lat Long	19° 22' 56" N 93° 16' 20" E
(d) Western Point of HENRY ROCKS	Lat Long	18° 51' 48" N 93° 26' 15" E
(e) Western Point of NERBUDDA ISLAND	Lat Long	18° 20' 50" N 93° 56' 25" E
(f) ST. JOHN'S or CHURCH ROCKS	Lat Long	17° 27' 39" N 94° 19' 46" E
(g) NORTH WEST GROUP	Lat Long	16° 55' 28" N 94° 12' 45" E
(h) KORONGE ISLAND	Lat Long	16° 31' 20" N 94° 14' 21" E
(i) SOUTH ROCK	Lat Long	16° 18' 55" N 94° 11' 20" E
(j) BLACK ROCK	Lat Long	16° 11' 50" N 94° 10' 50" E
(k) ALGUADA REEF (PATHEIN LIGHT)	Lat Long	15° 42' 13" N 94° 12' 06" E

2-	Gulf	Lat	15° 42' 13" N
		Long	94° 12' 06" E
	(a) of Martaban		
	ALGUADA REEF		
	(PATHEIN LIGHT)		
	(b) Western Point of LONG	Lat	14° 24' 15" N
	ISLAND	Long	97° 46' 02" E
3.	Tenasserim Coast		
	(a) Western Point of LONG	Lat	14° 24' 15" N
	ISLAND	Long	97° 46' 02" E
	(b) NORTH ISLAND	Lat	14° 09' 00" N
		Long	97° 46' 54" E
	(c) WEST CANISTER	Lat	12° 30' 30" N
	ISLAND	Long	97° 47' 42" E
	(d) Northern Point of	Lat	12° 30' 30" N
	SAURIM ISLAND	Long	97° 47' 42" E
	(e) Western Point of H.	Lat	12° 03' 03" N
	PRINCEP ISLAND	Long	97° 38' 00" E
	(f) GREAT WESTERN	Lat	11° 47' 15" N
	TORRES	Long	97° 26' 15" E
	(g) North Western Point of NORTH	Lat	10° 38' 15" N
	TWIN	Long	97° 41' 45" E
	(h) Western Point of	Lat	10° 28' 12" N
	SOUTH TWIN	Long	97° 40' 45" E
	(i) WESTERN	Lat	09° 51' 24" N
	ROCKY ISLAND	Long	97° 52' 18" E
	(j) HAYCOCK ISLAND	Lat	09° 40' 45" N
		Long	97° 54' 30" E



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1. LIMITES NATIONALES DE JURIDICTION

Loi N° 82-005 du 28 juillet 1982 relative à la délimitation des zones maritimes de la République Fédérale Islamique des Comores

TITRE I - LE REGIME JURIDIQUE DES EAUX ARCHIPELAGIQUES DE L'ESPACE AERIEN  
SUSJACENT AUX EAUX ARCHIPELAGIQUES DES COMORES ET DE LEURS  
FONDS MARINS ET DE LEUR SOUS-SOL

Article 1. - La souveraineté de l'Etat Comorien s'étend aux eaux englobées par les lignes de base, qui sont dites eaux archipelagiques, indépendamment de leur profondeur ou de la distance qui les sépare de la côte.

L'Etat Comorien étend sa souveraineté à l'espace aérien susjacent aux eaux archipelagiques aux fonds marins et au sous-sol correspondants, et aux ressources qu'ils contiennent.

Article 2. - Le droit de passage inoffensif dans les eaux archipelagiques des Comores doit être respecté. Les Comores peuvent aussi suspendre temporairement dans leurs eaux l'exercice du droit de passage inoffensif si cette suspension est indispensable à la protection de leur sécurité.

TITRE II - LE REGIME JURIDIQUE DE LA MER TERRITORIALE DES COMORES

Article 3. - Limite de la Mer Territoriale des Comores. - Les Comores limitent leur Mer Territoriale à 12 milles marins à partir de lignes de base. La limite intérieure de la mer territoriale est constituée par une ligne dont chaque point est à distance égale à la largeur de la mer territoriale du point le plus proche de la ligne de base.

Article 4. - Droit, juridiction et obligations des Comores dans la Mer Territoriale. - La souveraineté des Comores s'étend, au-delà de leur territoire et de leurs eaux intérieures ou archipelagiques, à une zone de mer adjacente désignée sous le nom de mer territoriale.

Cette souveraineté s'étend à l'espace aérien au-dessus de la mer territoriale ainsi qu'au fond et au sous-sol de cette mer.

Article 5. - Droit de passage inoffensif dans la Mer Territoriale. - Les navires de tous les Etats, côtiers ou non littoraux, jouissent du droit de passage inoffensif dans la mer territoriale des Comores, c'est-à-dire que le passage doit être continu et rapide sans porter atteinte à la paix et au bon ordre ou à la sécurité des Comores. L'exercice du droit de passage inoffensif peut être réglementé ou suspendu par décret conformément au droit International. Dans les eaux territoriales des Comores, les sous-marins doivent se tenir en surface et hisser leur pavillon.

TITRE III - REGIME JURIDIQUE DE LA ZONE ECONOMIQUE EXCLUSIVE DES COMORES

Article 6. - Limite de la zone économique exclusive des Comores. - La zone économique exclusive est délimitée d'un côté par la limite extérieure de la mer territoriale et de l'autre par une ligne dont chaque point est éloigné d'une distance de deux cent milles du point le plus proche de la ligne de base ou équidistant des lignes de base des côtes Comoriennes et de celles des côtes des pays étrangers qui leur font face sauf convention particulière.

Article 7. - Droits, juridiction et obligations des Comores dans la zone économique exclusive. - Dans leur zone économique exclusive, les Comores ont:

(a) des droits souverains aux fins de l'exploration et de l'exploitation, de la conservation et de la gestion des ressources naturelles, biologiques ou non biologiques, du fond des mers et de son sous-sol et des eaux susjacentes ainsi qu'en ce qui concerne d'autres activités tendant à l'exploration et à l'exploitation de la zone à des fins économiques, comme la production d'énergie à partir de l'eau, des courants et des vents.

(b) les Comores ont la juridiction en ce qui concerne:

- la recherche scientifique marine
- la préservation du milieu marin
- la prévention de la pollution de la mer

Les recherches scientifiques ou techniques sont subordonnées à l'octroi d'une licence délivrée par l'Etat Comorien.

(c) tous les Comoriens peuvent pêcher librement dans la zone économique exclusive des Comores.

Article 8. - Droits et obligations des autres Etats dans la zone Economique exclusive des Comores

(a) Dans la zone économique exclusive des Comores, tous les Etats jouissent de la liberté de navigation et de survol, et de la liberté de poser des câbles et des pipelines sous-marins à condition que ces libertés soient compatibles avec les dispositions de la convention sur le droit de la mer (pas de menace contre la paix).

(b) Les Etats tiers doivent tenir compte des droits et des obligations des Comores et respecter les lois et règlements édictés par celles-ci conformément aux règles du droit international.

(c) La juridiction: Dans le cas où un conflit surgit entre les intérêts des Comores et ceux d'un ou plusieurs autres Etats, ce conflit devra être résolu sur la base de l'équité, compte tenu de l'importance que les intérêts en cause présentent pour les parties respectives et pour l'ensemble de la communauté internationale.

Article 9. - Conservation des ressources biologiques dans la zone économique exclusive des Comores

- (a) Des décrets déterminent les prises autorisées des ressources biologiques et minéralogiques dans leur zone économique exclusive.
- (b) Les Comores, par des mesures appropriées de gestion et de conservation, veillent à ce que le maintien des ressources biologiques de la zone économique exclusive ne soit pas menacé par la surexploitation.  
Selon le cas, les Comores veillent à ce que les organisations sous-régionales, régionales et mondiales concernées ne soient pas menacées par la surexploitation.
- (c) Les Comores déterminent leur capacité de récolter les ressources biologiques et minéralogiques de la zone. Si elles n'ont pas la capacité de récolter la totalité des prises autorisées, elles les accordent à d'autres Etats, par voie d'accords.

Article 10. - Les infractions aux dispositions de la présente loi et à celles des règlements pris pour son application seront passibles d'une amende de 10 millions à 80.000.000 CFA et à une saisie conservatoire du navire, ou de l'une de ces deux peines seulement.

Article 11. - La loi N° 71-1060 du 24 Décembre 1971 relative à la délimitation des eaux territoriales françaises est abrogée aux Comores.

L'ordonnance N° 78-003/DPM du 20 juillet 1978 précisant les limites des eaux territoriales comoriennes est abrogée.

Article 12. - La présente loi sera exécutée comme loi de l'Etat.

2. DISPOSITIONS DE VALEUR LEGISLATIVE INTERESSANT LA PECHE MARITIME

Loi N° 82-015 du 13 août 1982 relative à l'activité des navires de pêche étranger dans les zones maritimes Comoriennes.

TITRE I - CONDITIONS DE L'ACTIVITE DES NAVIRES DE PECHE ETRANGERS DANS LES ZONES MARITIMES COMORIENNES

Article 1. - Au sens de la présente loi et des règlements pris pour son application, seront considérés comme des navires de pêche tous les navires ou embarcations que leurs aménagements destinent à la pêche et aux activités annexes de celle-ci, ou encore qui sont utilisés pour pêcher ou traiter le produit des pêches.

Les navires de pêche qui ne sont pas locaux seront considérés comme étrangers.

Les navires de pêches locaux sont ceux qui, de nationalité comorienne, appartiennent en pleine propriété:

1. à un ou plusieurs ressortissants des Comores;
2. à une personne morale, compagnie, société, ou association constituée conformément à la législation comorienne et dont plus de la moitié au moins des actions ou parts sociales sont détenues par des ressortissants des Comores, des personnes morales comoriennes, ou l'Etat Comorien;
3. à l'Etat des Comores.

Article 2. - Aucun navire de pêche étranger ne saurait être utilisé pour pêcher dans les limites de la mer territoriale des Comores telle que définie à l'article 1er de la loi N° 82-05 du 28 juillet 1982 relative aux zones maritimes comoriennes.

Article 3. - Aucun navire de pêche ne saurait être utilisé pour pêcher ou remplir une activité annexe de la pêche dans les limites de la zone économique exclusive des Comores telle que définie à l'article 7 de la loi précitée N° 82-05 du 28 juillet 1982 relative aux zones maritimes comoriennes si ce n'est en vertu et dans les termes d'une licence délivrée pour ce navire par le Ministre chargé des pêches.

Article 4. - Lorsqu'un navire de pêche étranger ne faisant pas l'objet d'une licence de pêche pénètre dans les zones maritimes placées sous la juridiction des Comores et pendant tout le temps qu'il reste dans celles-ci, son matériel de pêche doit se trouver constamment de la façon suivante:

1. Le matériel de pêche doit être arrimé à l'intérieur, sous le pont, et d'une manière générale retiré de l'endroit où il se trouve normalement en usage aux fins de pêche pour être placé en un lieu où il ne saurait être facilement utilisé à ces mêmes fins;

COM 5

2. Tous les filets, chaluts et poids doivent être défaits de leurs câbles de remorque ou de halage, de leurs cordages ou de leurs cadres fixes;
3. Les engins de pêche susceptibles d'être détachés du pont doivent être fixés à une partie quelconque de la superstructure du bâtiment.

Article 5. - Le Ministre chargé des pêches peut délivrer au propriétaire, à l'affréteur ou au sous-affréteur d'un navire de pêche étranger une licence pour pêcher dans les limites de la zone économique exclusive, pendant la durée de validité prévue par la licence.

Lorsqu'il octroie une licence au titre du présent article, le Ministre chargé des pêches doit l'assortir des prescriptions ayant notamment pour objet l'ensemble ou certaines des matières suivantes:

- (a) les zones dans les limites desquelles le navire est autorisé à pêcher;
- (b) la ou les périodes pendant lesquelles le navire est autorisé à pêcher;
- (c) les poissons et produits de la mer pouvant être pris par espèces, tailles, sexes, âge et volumes de prises;
- (d) les méthodes dont il peut être fait usage pour prendre le poisson et autres produits de la mer;
- (e) le matériel de pêche pouvant être utilisé par un navire de pêche étranger par types, dimensions et quantités;
- (f) l'utilisation, le transfert, le transbordement, le débarquement et le traitement du poisson ou autres produits de la mer pris;
- (g) l'entrée du navire de pêche étranger dans le port Comorien aux fins d'inspection des prises ou pour tout autre motif;
- (h) les renseignements statistiques et autres que le navire est tenu de communiquer à l'Administration comorienne compétente, notamment les données sur les prises et l'effort de pêche, ainsi que les rapports relatifs à la position du navire;
- (i) la mise en oeuvre de programmes déterminés de recherche sur les pêches;
- (j) l'enseignement aux ressortissants comoriens des méthodes de pêche dont fait usage le navire ainsi que le transfert de technologies aux Comores en matière de pêche;
- (k) l'obligation faite au navire de conserver à bord sa licence de pêche;

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- (l) le marquage du navire ainsi que les autres moyens d'identification qu'il devra comporter;
- (m) les directives, instructions et autres exigences que le navire devra respecter lorsqu'elles lui seront adressées par des navires ou aéronefs comoriens;
- (n) le placement d'observateurs comoriens à bord du navire et les conditions matérielles de leur prise en charge;
- (o) l'installation à bord et l'entretien en bon état de fonctionnement d'un transpondeur ou de tout autre équipement servant à identifier le navire ou à en donner la position ainsi que l'équipement de navigation approprié pour permettre au navire de préciser sa position;
- (p) l'existence à bord d'un équipement déterminé pour les communications ainsi que des cartes nautiques, publications nautiques et instruments de navigation déterminés;
- (q) toute autre matière dont le Ministre compétent estime la réglementation nécessaire ou appropriée aux fins de la conservation ou de la gestion des ressources de la pêche des Comores.

Article 6. - Chaque titulaire de licence doit acquitter au Trésor, au titre de sa licence des redevances dont l'assiette et le montant seront fixés par arrêté du Ministre chargé des pêches et révisés périodiquement.

Article 7. - Le Ministre chargé des pêches peut suspendre ou retirer une licence:

- (a) chaque fois qu'il constate qu'un navire de pêche étranger objet d'une licence se trouve avoir été utilisé en violation de la présente loi, des règlements pris pour son application ou des prescriptions assortissant la licence; ou
- (b) chaque fois qu'il estime la suspension ou le retrait nécessaire ou opportuns pour une bonne gestion des pêcheries.

Dans le second cas, il est remboursé au titulaire de la licence qui en a fait la demande, la partie des redevances qu'il aurait acquittée correspondant à la durée de la validité supprimée.

Article 8. - Le Ministre chargé des pêches peut, par écrit, autoriser l'emploi d'un navire de pêche étranger pour pêcher dans les limites de la zone économique exclusive à des fins de recherche scientifique ou technique et sous des conditions dérogatoires qu'il déterminera.

## TITRE II - POLICE DES PECHES

Article 9. - Pour le contrôle de l'exécution des dispositions de la présente loi et de celles des règlements pris pour son application, les agents habilités à cet effet par le Ministère chargé des pêches peuvent, sans qu'un mandat soit nécessaire:

- (a) ordonner à un navire de pêche étranger naviguant dans les eaux des zones maritimes coraoriennes de stopper ses machines et de faire toutes manoeuvres de nature à faciliter l'accostage;
- (b) monter à bord;
- (c) ordonner que leur soient produits la licence de pêche, le journal de bord et tout autre document relatif au navire ou aux prises se trouvant à bord, examiner ces documents et en prendre copie;
- (d) ordonner que tout filet ou autre engin de pêche existant à bord ou appartenant au navire leur soit montré pour être examiné par eux, et procéder à l'inspection de tout poisson se trouvant à bord;
- (e) ordonner aux personnes présentes à bord de faire tout ce qui leur paraîtra nécessaire pour vérifier si une infraction a été ou non commise.

Article 10. - Chaque fois qu'un agent habilité constate qu'une infraction à la législation en vigueur a été commise:

Il en dresse un procès-verbal faisant foi jusqu'à inscription de faux.

Il a compétence pour saisir et détenir le navire, son matériel de pêche, le poisson ou tous autres produits de la mer, les équipements, les approvisionnements et la cargaison trouvés à bord ou appartenant au navire ainsi que tout autre engin de pêche abandonné par le navire.

Le navire de pêche saisi et son équipage sont conduits dans les plus brefs délais dans un port comorien.

Les prises trouvées à bord et susceptibles de s'altérer sont immédiatement vendues.

Le produit de la vente est consigné auprès d'un comptable public.

Article 11. - Pour l'exécution des dispositions de l'article 9 ci-dessus, les agents habilités peuvent:

1. en cas de nécessité absolue, mettre en état d'arrestation toute personne se trouvant à bord du navire objet au procès-verbal;
2. requérir le concours de la force publique.

Article 12. - Lorsqu'un navire de pêche étranger est poursuivi au-delà des limites de la zone économique exclusive comorienne par suite d'une infraction à\* la législation en vigueur, il est permis aux agents habilités à constater l'infraction d'exercer les pouvoirs qui leur sont reconnus par les articles 10 et 11 ci-dessus conformément aux règles prévues par le droit international.

Article 13. - Les agents assermentés de la direction de l'océanographie et des pêches, les agents chargés de la surveillance des zones maritimes comoriennes, les agents assermentés des services de la marine marchande, les agents du service des douanes, tous les officiers de P.J. tous les officiers et sous-officiers de la Marine Nationale ont qualité pour chercher et constater les infractions aux dispositions de la présente loi et à celles des règlements pris pour son application, en dresser procès-verbal et conduire ou faire conduire le ou les contrevenants et navires de pêche au port comorien le plus proche.

### TITRE III - INFRACTION ET POURSUITES

Article 14. - Lorsque dans les limites des zones maritimes comoriennes un navire de pêche étranger aura:

1. pêché sans licence valide, ou
2. méconnu en pêchant les prescriptions de la licence dont il aura fait l'objet ou les dispositions de la législation en vigueur, ou
3. exhibé des marques ou autres moyens d'identification pour donner à croire qu'il fait l'objet d'une licence.

Le propriétaire et le patron ou capitaine dudit navire seront chacun passibles d'une amende de 10 millions à 80 millions de francs CFA. Cette peine sera portée au double en cas de récidive dans les cinq années d'une condamnation.

En outre, le tribunal pourra prononcer, au profit du Trésor Public, la confiscation du poisson et autres produits de la mer trouvés à bord du navire ainsi qu'éventuellement celle des engins de pêche ayant servi à commettre l'infraction. Cette peine sera nécessairement prononcée en cas de récidive ou de l'infraction prévue au paragraphe 1) et 3) du présent article.

En cas de récidive ou de l'infraction prévue au paragraphe 1) et au 3) du présent article, il pourra également prononcer la confiscation du navire.

Les frais occasionnés par la détention du navire et le rapatriement des membres de l'équipage seront mis à la charge de la ou des personnes dont la responsabilité aura été retenus.

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Article 15. - Lorsqu'un navire de pêche étranger ne faisant pas l'objet d'une licence pénètre dans la zone économique exclusive comorienne sans que son matériel de pêche soit rangé et arrimé de la façon prescrite par l'article 4 de la présente loi, le propriétaire et le patron de pêche dudit navire seront chacun passibles d'une amende de 7 millions à 15 millions de francs CFA.

Article 16. - Quiconque met volontairement obstacle ou tente de mettre obstacle à l'exercice des pouvoirs conférés par les articles 9, 10 et 11 ci-dessus aux agents habilités sera passible d'une amende de 1 à 3 millions de francs CFA.

Article 17. - (1) Lorsqu'un navire de pêche étranger est détenu en vertu de l'article 10 de la présente loi, le tribunal peut ordonner son relâchement sous caution sur la demande du propriétaire du navire, du titulaire de la licence, d'un représentant local mandaté ou du patron du navire;

(2) Le montant de la caution ne peut excéder la valeur du poisson, ou autres produits de la mer trouvés à bord du navire lorsque ceux-ci n'ont pas été vendus, ajoutés aux frais exposés pour détenir le navire ou éventuellement rapatrier les membres de l'équipage et au montant de l'amende ou des amendes encourues par le ou les prévenus.

Dand le cas des infractions pour lesquelles la loi a prévu la confiscation du navire, le Tribunal pourra ajouter au montant de la caution la valeur estimée du navire y compris tout son matériel de pêche, ses équipements, ses approvisionnements et sa cargaison.

Article 18. - La libération d'une caution versée au titre de l'article 17 ci-dessus est subordonnée aux conditions suivantes:

- (a) le tribunal a prononcé un jugement de non-lieu ou a acquitté le ou les prévenus des poursuites dirigées contre eux;
- (b) le tribunal a condamné le ou les prévenus et il y a eu acquittement intégral de toutes amendes, dépenses et frais mis à la charge des contrevenants par la décision de justice dans les trente jours de la date de celle-ci;
- (c) le navire, son matériel de pêche, ses équipements, ses approvisionnements et sa cargaison ainsi que le poisson saisi, ou la contre-valeur de celui-ci au cas où il aurait été vendu ont été rerais au tribunal sans être endommagé ni affecté d'aucune moins value conformément à la décision prononçant la confiscation de chacun ou de l'ensemble de ces éléments.

Lorsqu'à l'expiration du délai prévu à l'alinéa (b) ci-dessus les amendes, dépenses et frais n'auront pas été acquittés en totalité la caution ne pourra être libérée qu'après déduction des sommes correspondantes augmentées, le cas échéant, de pénalités de retard et sans préjudice de l'application des dispositions de l'article 19 ci-dessous.

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Article 19. - La somme correspondant à la caution sera recouvrée et versée au Trésor Public comme deniers dus à l'Etat conjointement et solidairement par la ou les personnes ayant constitué caution lorsque celles-ci n'en auront pas demandé ni obtenu la libération dans un délai de six mois à compter de la date où la décision de justice sera devenue définitive.

Article 20. - En cas de condamnation du patron ou du propriétaire d'un navire de pêche étranger prononcée pour infraction à la législation sur les pêches maritimes en vigueur, le navire, son matériel de pêche, ses équipements, ses approvisionnements et sa cargaison sont susceptibles d'être saisis, si leur confiscation n'a pas été ordonnée par le tribunal jusqu'au paiement des amendes, dépenses et frais prononcés par le jugement. A défaut d'acquiescement des sommes correspondantes dans un délai de trois mois à compter du jugement, le navire, ses matériels de pêche, équipements, approvisionnements et cargaison seront vendus au profit du Trésor Public; l'excédent étant reversé au propriétaire du navire.

TITRE IV - DISPOSITIONS GENERALES

Article 21. - Le Ministre chargé des pêches prendra tous règlements utiles pour l'application de la présente loi. Il pourra également:

- (a) prescrire la forme, les conditions et les modalités de demande des licences;
- (b) prescrire la durée, la forme et le contenu des licences;
- (c) prescrire la procédure de contrôle et de saisie des navires de pêche étrangers;
- (d) imposer à ceux qui sollicitent une licence ou en sont titulaires de mandater un agent local chargé de les représenter aux Comores;
- (e) prendre toute mesure de nature à garantir le respect des conditions des licences de pêche par les navires de pêche étrangers pêchant dans la zone économique exclusive comorienne;
- (f) obliger ceux qui sollicitent des licences ou en sont titulaires à constituer caution ou donner toute autre forme de gage pour garantir le respect des obligations découlant de la licence et de la législation en vigueur sur les pêches maritimes;
- (g) délimiter des zones réservées aux bâtiments de pêche et aux pêcheurs locaux à l'intérieur de la zone économique exclusive comorienne;
- (h) délimiter des zones réservées au repeuplement et prendre toutes mesures utiles à la conservation des espèces marines;

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- (i) prévoir les modalités d'indemnisation des ressortissants ou de l'Etat Comorien pour les dommages causés par des navires de pêche étrangers aux navires de pêche comorien, à leur matériel de pêche, à leurs prises, aux câbles, installations du domaine public maritime et tous autres intérêts comoriens;
- (j) définir les infractions aux règlements qu'il aurait fait et fixé le montant des amendes correspondantes dans la limite de 80.000.000 francs CFA;
- (k) préciser les règles que devront observer les navires de pêche étrangers quand ils se trouvent dans les limites des zones maritimes et prescrire les méthodes d'arrimage du matériel de pêche dont l'utilisation est prohibée;
- (l) réglementer les activités des navires de service tels que les bâtiments assurant l'approvisionnement, la répartition ou l'entretien des navires de pêche et soumettre ceux-ci à l'obligation d'une licence;
- (m) fixer le montant des droits à acquitter au Trésor pour la délivrance des licences.

Article 22. - Toutes dispositions antérieures à la présente loi sont abrogées.

3. REGLEMENTS

Décret N° 79-019 du 9 avril 1979 interdisant la capture des tortues de mer dans les eaux territoriales des Comores, de même que dans les eaux internationales limitrophes

Article 1. - La capture des tortues de mer est interdite dans les eaux territoriales des Comores de même que dans les eaux internationales limitrophes.

Article 2. - Toute infraction à l'article premier du présent décret sera punie de peine de police qui ne pourra être inférieure à l'une des deux peines suivantes: huit jours de prison ferme ou 25.000 francs d'amende et entraînera automatiquement la saisie des tortues de mer qui seront remises en liberté, si elles sont vivantes, et détruites par incinération si elles sont mortes ou blessées gravement.

Article 3. - Des dispositions ultérieures seront proposées à l'Assemblée Fédérale afin de transformer en délit les infractions susvisées et de prévoir des peines correctionnelles en conséquence.

Article 4. - Le Premier Ministre chargé de l'Intérieur et de l'Information, le Ministre de la Production et des Industries agricoles, le Ministre des Finances, de l'Economie et du Plan, les Gouverneurs sont chargés, chacun en ce qui le concerne, de l'exécution du présent décret qui entrera en vigueur à compter de la date de sa signature et sera enregistré, publié au Journal Officiel des Comores et communiqué partout où nécessaire.

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\* Title only



1. LIMITES NATIONALES DE JURIDICTION

Loi N° 52/AN/78 du 9 janvier 1979 concernant la mer territoriale, la zone ]contigue, la zone éconoraïque exclusive, les frontières raaritimes et l'exercice de pêche.

SECTION I - TITRES ET DEFINITION

Article premier. - La présente loi est relative a la delimitation des eaux territoriales, a la zone contigue, à la zone économique exclusive, aux frontières maritimes et à l'exercice de pêche.

Article 2. - Aux fins de la présente loi, les expressions et termes suivants y figurant répondent aux définitions ci-après, sauf si ces dernières ne correspondent pas au contexte:

République: La RSpublique de DJIBOUTI.

Ministère de l'Agriculture: Ministère de l'Agriculture de la République de DJIBOUTI.

Côte: Le littoral continental et insulaire de la République de DJIBOUTI bordant le golfe de TADJOURAH, la Mer Rouge et l'Océan Indien.

Zone contigue: Etendue d'eau au-delà de la mer territoriale de la République adjacente à celle-ci, comme définie a l'article 10 de la presente loi.

Pollution du milieu marin: Introduction directe ou indirecte par l'homme dans le milieu marin de substances ou d'énergie ayant des effets nuisibles tels que dommages à la faune et la flore marines, risques pour la santé de l'horame, entrave aux activités maritimes, y compris la pêche et les autres utilisations legitimes de la mer, alteration de la qualité de l'eau de mer du point de vue de son utilisation et dégradation des valeurs d'agrément.

Baie: Toute ba0069e, échancrure, anse, bras ou langue de mer.

Mille marin: 1,852 metres (raille marin international)

SECTION II - MER TERRITORIALE ET ZONE CONTIGUE

Article 3. - La République exerce sa souveraineté sur la mer territoriale ainsi que sur les fonds marins sousjacents, leurs sous-sol et l'espace aérien surjacent.

Article 4. - La mer territoriale s'étend sur une largeur de 12 milles marins à partir des lignes de base. Les lignes de base servant a raesurer la largeur de la mer territoriale sont la laisse de basse mer ainsi que les lignes de base droite et les lignes de ferraeture des baies.

DJB 2

Les lignes de ferrature des baies servant à la détermination des lignes de base à partir desquelles est mesurée la largeur des eaux territoriales adjacentes au territoire de la République sont pour le Golfe de Takjourah celles rejoignant les points A, B et C ainsi définis:

Point A: pointe nord de l'embouchure de l'Oued Dalley (latitude 11° 50, 40N; longitude 43° 05, 10E)

Point B: phare de l'île Musha (latitude 11° 43, 90N; longitude 43° 12, 80E)

Point C: pointe sud de l'embouchure de l'Oued Aatar (latitude 11° 30, 20N; longitude 43° 15, 50E)

Article 5. - Les navires étrangers jouissent du droit de passage inoffensif dans les eaux de la mer territoriale de la République. Le passage est considéré comme inoffensif tant qu'il ne porte pas atteinte à la sécurité de la République, à son intégrité territoriale et à son indépendance. Le passage doit être continu et rapide.

Article 6. - Dans la mer territoriale, les sous-marins et autres bâtiments submersibles sont tenus de naviguer en surface et d'arborer leur pavillon. Les mouvements d'aéronefs à partir de bâtiments sont interdits ainsi que les exercices comportant des tirs d'armes.

Article 7. - Les navires étrangers à propulsion nucléaire ou transportant des matériaux nucléaires ou autres substances radioactives doivent avertir préalablement les autorités compétentes de la République de leur entrée et de leur passage dans la mer territoriale.

Article 8. - Les navires étrangers exerçant le droit de passage inoffensif dans la mer territoriale doivent se conformer aux lois et aux règlements en vigueur dans la République, ainsi qu'à tous les règlements internationaux afférents au transport maritime et à la navigation.

Article 9. - La République se réserve la possibilité de suspendre le droit de passage inoffensif dans la mer territoriale dans certaines circonstances et sous certaines conditions.

Article 10. - La limite extérieure de la zone contigue est déterminée par les points situés à 24 milles marins du point le plus proche des lignes de base mentionnées à l'article quatre de la présente Loi.

Article 11. - Les autorités de la République ont le droit d'exercer dans la zone contigue, le contrôle nécessaire en vue de:

- (a) prévenir les contraventions aux lois et règlements fiscaux, sanitaires et d'immigration sur le territoire de la République ou dans la mer territoriale.
- (b) réprimer les contraventions à ces mêmes lois ou règlements commises sur le territoire de la République ou dans sa mer territoriale.

### SECTION III - ZONE ECONOMIQUE EXCLUSIVE

Article 12. - La République possède une zone économique exclusive qui s'étend sur une largeur de 200 milles marins à partir des lignes de base de la mer territoriale.

Article 13. - Dans la zone économique, y compris les fonds marins, leur sous-sol et les eaux surjacentes, la République a:

- (a) des droits souverains et exclusifs aux fins de la conservation, de la prospection, de l'exploitation et de la gestion des ressources naturelles renouvelables ou non, ainsi qu'aux fins de la production d'énergie à partir de l'eau, des courants et des vents.
- (b) le droit souverain et exclusif de mettre en place, réparer, et utiliser des îles artificielles, installations et autres dispositifs nécessaires à l'exploration et à l'exploitation des ressources de la zone économique exclusive de la République.
- (c) juridiction exclusive sur le milieu marin en vue de sa conservation et de sa protection ainsi que de la lutte contre la pollution marine, la République possède également des droits souverains aux fins d'autoriser, d'organiser et de contrôler la recherche scientifique.
- (d) les autres droits et obligations prévus par le droit international.

Article 14. - Sous réserve des droits susmentionnés, la République garantit à tous les Etats la liberté de navigation et de survol et la liberté de poser des câbles et des oléoducs sous-marins dans sa zone économique exclusive.

### SECTION IV - FRONTIERES MARITIMES

Article 15. - Les frontières maritimes de la mer territoriale, de la zone contigue et de la zone économique entre la République et un Etat voisin, dont les côtes sont adjacentes ou font face à celles de la République, seront délimitées par accord avec cet Etat.

En attendant, la conclusion d'un accord visant à déterminer les frontières maritimes, celles-ci ne seront pas étendues au-delà d'une ligne médiane entre les deux Etats ou encore d'une ligne dont tous les points sont équidistants des points les plus proches des lignes de base servant à mesurer la largeur des mers territoriales de la République et de l'Etat intéressé.

Les dispositions de la présente loi n'ont pas pour effet de modifier les règles Internationales de navigation dans le Déroit de BAB EL MANDEB.

## SECTION V - EXERCICE DE LA PECHE

Article 16. - L'exercice de la pêche à des fins commerciales est soumis dans les eaux territoriales, dans la zone contigue et dans la zone économique, à l'autorisation préalable du Ministère de l'Agriculture.

Article 17. - Dans la mesure où ils ne revendent pas le produit de leur pêche, les citoyens de la République, les étrangers résidant et les touristes qui y transitent, sont dispensés de l'autorisation ministérielle visée à l'article seize.

Article 18. - Toute personne qui exerce la pêche à des fins commerciales ou non commerciales doit respecter la réglementation de la République en matière de pêche et notamment les interdictions relatives à ces zones en vue de la protection de la faune sous-marine.

Article 19. - Les contrevenants aux dispositions des articles seize et dix sept sont passibles d'amendes dont les montants seront fixes par décret.

Article 20. - La présente loi sera exécutée comme loi de l'Etat et publiée au Journal Officiel de la République.

### 3. REGLEMENTS

Décret N° 85-103/PRE du 28 octobre 1985 portant sur la protection de la faune et des fonds sous-marins et modifiant le décret N° 80-062

Article premier. - La chasse sous-marine est, sous quelque forme que ce soit, interdite momentanément dans les limites des eaux territoriales de la République de Djibouti.

Article 2. - La détention d'un fusil sous-marin de quelque type que ce soit à bord d'une embarcation ou sur les plages est interdite.

Article 3. - La chasse, le commerce, l'exportation des mammifères marins, notamment dauphins, cachalots, des dugongs et des tortues marines et terrestres et de leurs oeufs sont interdits sur l'ensemble du territoire marin et terrestre de la République. Seul sera autorisé le commerce des carapaces de tortues accompagnées d'un Certificat prouvant leur origine étrangère.

Article 4. - Le parc territorial de MUSHA est maintenu. Il s'étend sur la base cadastrée située à l'Est d'une ligne passant par la phare de MUSHA à la pointe Ouest de l'île du large délimitée:

- au Nord, par le point latitude 11 45' Nord et longitude 43° 12' 6 Est,
- au Nord, par le point latitude 11 41 ' 12 Nord et longitude 43° 13, Est.

Les activités de pêche, sous quelque forme que ce soit, le ramassage du corail et des coquillages y sont interdits; exception faite pour les pêcheurs professionnels Djiboutiens dans la Zone du banc Dankali uniquement pour le poisson, mais il leur est également interdit de ramasser du corail et des coquillages.

Article 5. - Il est créé une zone de réserve à MASKALI SUD, zone comprise entre le phare de MASKALI et le grand banc de sable de la côte du tombant. Le ramassage du corail et des coquillages y sont interdits. Seule la pêche à la ligne effectuée par les professionnels nationaux y est autorisée.

Article 6. - Toute activité organisée de pêche a des fins non professionnelles est en République de Djibouti suspendue momentanément.

Article 7. - Les pêcheurs non professionnels doivent être munis d'un permis délivré par le Service des Affaires Maritimes, portant le visa de l'Office de Développement du Tourisme et celui de Service de l'Elevage et des Pêches. Les modalités d'établissement de ces permis de pêche et leur validité seront fixées par Arrêté. Le produit de leur pêche doit correspondre uniquement à leur consommation personnelle.

Article 8. - La capture, le commerce et l'exportation des poissons de coraux ainsi que la collecte des coquillages sont momentanément suspendus. La vente des coquillages est soumise à la production d'un certificat prouvant leur origine étrangère.

Article 9. - Restent autorisées les pêches et collectes effectuées à titre scientifique sous contrôle de l'I.S.E.R.S.T.

Article 10. - Sont habilitées à constater les infractions au présent Décret les personnes suivantes ou leurs représentants désignés:

- Les Commissaires de la République,
- Les Officiers de police judiciaire,
- Le Chef du Service de l'Elevage et des Pêches,
- Le Chef du Service des Affaires Maritimes et ses agents habilités,
- Le Directeur de l'I.S.E.R.S.T.
- Le Directeur de l'O.D.I.
- Le Conservateur de l'Aquarium Tropical,
- Les Gendarmes maritimes.

Article 11. - Les infractions au présent décret seront punies d'une amende de 4 catégorie (300.000 FD à 2.000.000 FD). En cas de récidive une peine de 4<sup>o</sup> catégorie sera appliquée (3 mois à 1 an d'emprisonnement et 300.000 FD à 2.000.000 FD d'amende). En outre, la saisie obligatoire des armes de chasse des scaphandres et des embarcations qui ont servi à commettre l'infraction sera faite par l'agent verbalisateur. La mise en dépôt provisoire s'effectuera auprès du Service des Affaires Maritimes; la confiscation ou la levée de la saisie sera prononcée par la juridiction compétente.

Article 12. - Le présent décret abroge le décret N° 80-062 PR/MCTT, du 25/5/1980 portant sur la protection de la faune et des fonds sous-marins, dès sa mise en exécution.

Article 13. - Le Premier Ministre chargé du Port, le Ministre de la Défense Nationale, le Ministre de l'Intérieur, le Ministre de l'Agriculture, le Ministre du Commerce, des Transports et du Tourisme sont chargés, chacun en ce qui les concerne, de l'application du présent décret.

Article 14. - Le présent décret sera exécutoire dès sa publication qui interviendra selon la procédure d'urgence.

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\* Title only

\*\* Text not available in our collection



1. LIMITS OF NATIONAL JURISDICTION

- (a) Décret du 15 Janvier 1951 determinant les eaux territoriales égyptiennes raodifié par le Décret du 17 février
1. Les dénominations conventionnelles, aux termes du présent décret, signifient:
- (a) Mille marin, une distance de 1852 metres;
- (b) Golfe, tout goulet, brèche, bale ou bras de mer;
- (c) Ile, toute île, récif, rocher, tranche ou construction permanente non recouverte par les eaux au niveau de la plus basse cote dans une depression du sol;
- (d) Eaux basses, toute région recouverte d'eau peu profonde, dont une partie demeure non recouverte d'eau au niveau le plus proche dans une dépression du sol;
- (e) Côte, les côtes de la mer Méditerranée, de la mer Rouge, du golfe de Suez et du golfe d'Akaba.
2. Les eaux territoriales du Royaume d'Egypte, l'espace atmosphérique qui les surplombe, les terres recouvertes par ces eaux et tout ce qui se trouve à l'intérieur de ces terres dépendent de la souveraineté de l'Etat, sans prejudice des conventions internationales relatives a la sécurité du passage des navires des autres nations le long des côtes maritimes.
3. Les eaux territoriales du Royaume d'Egypte comprennent les eaux baignant ses terres et la mer côtière du Royaume.
4. Les eaux baignant les terres du Royaume s'étendent:
- (a) aux golfes longeant le littoral du Royaume d'Egypte;
- (b) aux eaux au-dessus de la terre de toutes eaux basses distantes jusqu'à douze milles marins de la cote, ou de toute île égyptienne, ainsi que les eaux le séparant;
- (c) les eaux intermédiaires entre la côte et toute île égyptienne située jusqu'à douze milles marins;
- (d) les eaux intermédiaires entre les différentes îles égyptiennes situées jusqu'à douze milles marins l'une de l'autre.
5. La côte de la République d'Egypte englobe les eaux internes de la République et s'étend en direction de la mer sur une distance de douze milles marins.

EGY 2

6. Les lignes de démarcation, à partir desquelles la côte du Royaume d'Egypte sera mesurée, seront ainsi tracées:

- (a) Si le rivage de l'île découvre entièrement la mer: à partir de la limite la plus rapprochée de l'afflux des eaux côtières.
- (b) S'il s'agit d'un golfe face à la mer: à partir de l'embouchure du golfe, à l'une des deux extrémités de la terre, jusqu'à l'autre extrémité.
- (c) S'il y a des eaux basses à douze milles marins de la terre ou d'une île égyptienne: depuis la terre ferme ou depuis l'île, le long du bord externe découvert des eaux basses.
- (d) S'il y a un port ou une jetée face à la mer: le long de la partie faisant face à la mer, depuis l'édifice le plus saillant du port ou de la jetée, ou entre les extrémités des édifices les plus saillants.
- (e) S'il y a une île à douze milles marins de la terre: depuis le bord extérieur de l'île.
- (f) S'il s'agit d'un archipel dont les îles peuvent être reliées par des lignes de démarcation ne dépassant pas chacune douze milles marins, et que la plus rapprochée n'est pas distante de plus de douze milles marins du rivage: depuis le rivage, puis le long des rivages extérieurs de toutes les îles si elles s'enchaînent; autrement, les lignes de démarcation seront tracées le long des rivages extérieurs les plus saillants.
- (g) S'il s'agit d'un archipel dont les îles peuvent être reliées par des lignes de démarcation ne dépassant pas chacune douze milles marins, et que la plus rapprochée est distante de plus de douze milles marins de la terre: le long des rivages extérieurs de toutes les îles si elles s'enchaînent; autrement, les lignes de démarcation seront tracées le long des rivages extérieurs des îles les plus saillants.

7. Si du tracé des eaux territoriales, selon les dispositions du présent décret, il apparaît la déviation d'une ligne de démarcation, considérée comme faisant partie des eaux de la haute mer, entourées par des eaux territoriales de tous côtés, dans l'impossibilité de la prolonger de douze milles marins dans aucune direction, la déviation fera partie des eaux territoriales. Les dispositions s'appliqueront à toute baie visible de la haute mer. Dans ce cas, on déterminera la baie par le tracé d'une ligne droite de douze milles marins de long.

8. Si les eaux d'une autre puissance s'entremêlent avec les eaux intérieures ou côtières égyptiennes, les lignes de démarcation seront tracées d'un commun accord avec la puissance intéressée, selon les principes du droit international ou en vertu d'une convention bilatérale.

EGY 3

9. Afin d'assurer l'exécution des lois et règlements concernant la sécurité, la navigation et les buts économiques ou sanitaires, un contrôle maritime sera exercé sur une zone distante de six milles marins en deçà des douze milles tracés depuis le littoral. Ces dispositions sont toutefois inapplicables aux droit de la République d'Egypte sur les pêcheries.

EGY 4

- (b) Declaration concerning the exercise by Egypt of its rights in the Exclusive Economic Zone made upon ratification of UNCLOS, 1983.

The Arab Republic of Egypt will exercise as from this day the rights attributed to it by the provisions of Parts V and VI of the United Nations Convention on the Law of the Sea in the exclusive economic zone situated beyond and adjacent to its territorial sea in the Mediterranean Sea and in the Red Sea.

The Arab Republic of Egypt will also exercise its sovereign rights in this zone for the purpose of exploring and exploiting, conserving and managing the natural resources, whether living or non-living, of the sea-bed and subsoil and the superjacent waters, and with regard to all other activities for the economic exploration and exploitation of the zone, such as the production of energy from the water, currents and winds.

The Arab Republic of Egypt will exercise its jurisdiction over the exclusive economic zone according to the modalities laid down in the Convention with regard to the establishment and use of artificial islands, installations and structures, marine scientific research, the protection and preservation of the marine environment and the other rights and duties provided for in the Convention.

The Arab Republic of Egypt proclaims that, in exercising its rights and performing its duties under the Convention in the exclusive economic zone, it will have due regard for the rights and duties of other States and will act in a manner compatible with the provisions of the Convention.

The Arab Republic of Egypt undertakes to establish the outer limits of its exclusive economic zone in accordance with the rules, criteria and modalities laid down in the Convention.

The Arab Republic of Egypt declares that it will take the necessary action and make the necessary arrangements to regulate all matters relating to its exclusive economic zones.

2. BASIC FISHERIES LEGISLATION

Act N° 124 of 1983 Promulgating the Act on Fishing, Aquatic Life and the Regulation of Fish Farms

Article 1. - The provisions of the accompanying Act on Fishing, Aquatic Life and the Regulation of Fish Farms shall hereby enter into force.

Article 2. - Act N 144 of 1960 on fishing is hereby repealed. The current decrees and regulations shall remain in effect in so far as they do not conflict with the provisions of this Act until the implemented regulation and decrees for this Act are issued.

Article 3. - The General Organization for the Development of Fishery Resources shall be the administrative authority competent to apply the provisions of this Act. The Organization board shall be answerable to the Ministry of Agriculture.

Article 4. - This Act shall be published in the Official Gazette and shall enter into force on the day following the date of its publication, with the exception of Article 6, the provisions of which shall take effect upon the expiry of one year from the date of the entry into force of this Act.

The State Seal shall be affixed to this Act, which shall be implemented as an Act of the State.

ACT ON FISHING, AQUATIC LIFE AND  
THE REGULATION OF FISH FARMS

CHAPTER I - REGULATION OF FISHING

Section 1 - General provisions

Article 1. - For the purpose of the implementation of the provisions of this Act and its implementing decrees, the following expressions shall have the meaning set forth below:

"Maritime waters": the territorial waters of the Arab Republic of Egypt;

"Internal waters": the River Nile water course, main irrigation canals, other canals, public drainage channels, ponds and State-owned swamps;

"Lake": surface covered with salt or fresh water in connection with maritime waters or internal waters and such artificial lakes as may come into existence;

"Estuaries": areas where the sea and lakes are connected with internal watercourses;

"Vessel": any floating craft used for fishing, whether operated by motor, sail or other means;

"Master of a vessel": any person who engages in the occupation of fishing, whether on foot or on board a vessel;

"Crew of a vessel": all persons working on board a vessel;

"Water weeds": marine algae floating, fixed on rocks or cast ashore;

"Aquatic plants": reeds, papyrus and aquatic grasses;

"Water pollution": alteration of the natural, chemical and biological characteristics of waters as a result of the dumping or seepage of foreign substances, such as oil and oil derivatives, organic or inorganic chemical residues, insecticides or sewage into Egyptian waters thereby causing injury to aquatic resources or public health;

"Mesh count": the number of meshes in a net per 50 centimetres counted lengthwise;

"Fishing card": the card issued by the licensing authority to the owner of a vessel, a fisherman or other member of the crew of a vessel;

EGY 7

"Licence": written authorization on a special form to be issued by the competent administrative authority allowing a vessel to fish in a specific area or allowing fishing from the land or the hunting of aquatic birds to be specified, together with the season for hunting them, in a decree from the Ministry of Agriculture;

In the case of fish farms, "licence" shall mean written authorization to establish a fish farm to be issued by the Ministry of Agriculture on the special form specified in the implementing regulation.

"Strait": any natural or artificial breach connecting a sea and a lake.

Article 2. - Every vessel designated for fishing shall, before it is used for fishing, be marked on its sides by the General Organization for the Development of Fishery Resources, with a serial number and a sign indicating the class of the vessel and the area in which it may be used for fishing. The above-mentioned number and sign shall be shown on both sides of the sail of the vessel, in accordance with the conditions and models to be specified in a decree from the Minister of Agriculture. These markings shall be kept clearly visible and shall not be effaced, concealed from sight, defaced or altered. The owner of the vessel shall apply to the General Organization for the Development of Fishery Resources for their renewal whenever they are effaced.

Article 3. - The owner of a vessel may not alter its identifying marks or its dimensions without the authorization of the General Organization for the Development of Fishery Resources.

Article 4. - The following precautions shall be observed during operation of the vessel:

- (a) Night lighting in accordance with the navigation laws and with the specifications to be laid down in a decree from the Ministry of Agriculture;
- (b) The maintaining of distance from the prohibited lanes and areas specified in notices to be issued by the Department of Harbours and Lighthouses to the extent specified in such notices;

Article 5. - Vessels shall not be anchored or operate in areas in which fishing is prohibited, except in cases of emergency arising from climatic conditions or a defect in the vessel.

Article 6. - A motorized fishing vessel shall not be piloted except by a person holding a certificate from the Department of Harbours and Lighthouses certifying his competence to pilot the vessel and from the General Organization for River Transport in the case of fishing in internal waters.

Article 7. - Fishing shall not be undertaken in areas in which fishing is prohibited, with prohibited implements or during the no-fishing periods to be specified by decree by the Minister of Agriculture.

EGY 8

Article 8. - A fishing vessel shall not anchor in areas other than those in which it is licensed to fish and shall not fish by methods other than those for which it is licensed without the authorization of the General Organization for Fishery Development.

Article 9. - A vessel shall not carry nets, apparatus or implements other than those with which it is licensed to operate or nets, apparatus or implements whose use is prohibited. No person shall be in possession of such nets, apparatus or implements at or near fishing sites.

Article 10. - The catching, sale or possession of fish or other aquatic life in fresh, dried or salted form where the length or size is less than those to be specified in a decree issued by the Minister of Agriculture shall be prohibited. The milling of fish of all sizes, except under a permit from the General Organization for the Development of Fishery Resources, shall be prohibited.

Article 11. - It is prohibited to fish for aquarium fish in maritime waters except with the authorization of the General Organization for the Development of Fishery Resources.

Article 12. - No person shall dispose of fish from lakes or inland waters, or possess on board any fishing vessel any instrument for the weighing of fish. This Article shall not apply to Haut Barrage Lake.

Article 13. - No person shall use for fishing any substances that are noxious, poisonous, stupefying, explosive, or otherwise harmful to aquatic life; no person shall fish by means of dams or artificial pools, bamboo traps or fish traps, or in general any other barriers or enclosures. Finally no person shall, except with the authorization of the General Organization for the Development of Fishery Resources, possess or use any water pumps in lakes or on the banks. The provisions of this Article shall apply to fishing in waters on private land linked to national waters.

Article 14. - No person shall, except with the authorization of the General Organization for the Development of Fishery Resources, construct any promontories, artificial reefs or dams in any lakes or on the banks, or create any artificial pools or drain any area of water, other than in any of the following cases:

- (a) to provide for the protection of agricultural lands and immovable properties against floods by lake waters;
- (b) to provide for the management of agricultural farms.

In addition, no person shall, except with the authorization of the General Organization for the Development of Fishery Resources, exploit any islands in the lakes or their pastures for pasturing cattle or for hunting birds.

## Section 2 - Water pollution and obstructions to fishing operations

Article 15. - Without prejudice to the provisions of any other laws, no person shall discharge into national waters any wastes from factories, any insecticides used for controlling plant diseases or any other such toxic or radioactive substances.

Article 16. - Solid objects or other obstructions to fishing operations shall not be thrown into or placed in fishing areas, except in fishing sites for which a licence is held.

Article 17. - No foreign fish spawn or spat thereof shall be used in or introduced into the country for any purpose whatsoever except on a permit from the General Organization for the Development of Fishery Resources and after the Institute of Marine Sciences and Fisheries has been consulted on the technical aspect.

Article 18. - The cultivation of reeds or rhizomatous plants shall not be permitted in fishing areas, and portions of such areas may not be filled in for the purpose of raising the ground level.

Article 19. - Fish fry may not be collected, removed or obtained from the sea, lakes or other expanses of water except on a permit from the General Organization for the Development of Fishery Resources.

Article 20. - No government authority and no organization, company, local unit, co-operative society or individuals shall dry out any area of a lake until it has been established that its use for fishery exploitation is economically unfeasible by a committee comprising representatives from the Ministries of Agriculture, Land Reclamation, Irrigation, Planning, the local administration, the Institute of Marine Sciences and Fisheries and the General Organization for the Development of Fishery Resources. This provision shall apply to lake areas other than those whose drying out was decided upon before the entry into force of this Act.

## Section 3 - Scientific research and statistics

Article 21. - Scientific and technical bodies and bodies concerned with aquatic research may conduct their experiments and research in the permitted fishing areas throughout the year. In this research, they may use such vessels, implements and equipment as they deem necessary for that purpose. These bodies may enlist the help of licensed fishermen and obtain specimens of fish or other aquatic life for the purpose of research, fish-farming, supplying fish farms or populating other fishing areas, in co-ordination with the General Organization for the Development of Fishery Resources.

Article 22. - Aquatic resources co-operative societies, fishermen, masters of fishing vessels and fish merchants shall submit all statistical data relating to fishing operations, fish production and marketing in accordance with the rules to be laid down in the implementing regulation.

## CHAPTER II - LICENCES AND FEES RELATING TO FISHING AND THE HARVESTING OF AQUATIC RESOURCES

### Section 1 - Fishing licences

Article 23. - No vessel shall be used for fishing without a licence, and no fisherman shall engage in fishing unless he holds a fishing card.

A fishing licence shall not be issued in respect of a number of vessels greater than that specified in the implementing regulation for each method of fishing.

Article 24. - Where it is established that a vessel is engaging in activity in maritime waters elsewhere than in the area specified in the licence or is using a method other than that specified in the licence, its licence shall be withdrawn for a period of six months. If such activity is repeated, the licence may be withdrawn definitively by a decree from the Minister of Defence or his deputy.

Article 25. - Without prejudice to the rules laid down by law concerning the award of concessions relating to the exploitation of natural resources and public amenities, foreign fishing vessels may not fish or be present in the territorial waters, and fishing licences shall not be issued to foreign vessels in Egyptian waters.

Nevertheless, institutes of marine sciences and fisheries, the General Organization for the Development of Fishery Resources and the economic entities subordinate to it may use foreign fishing vessels for the purpose of conducting research or for the benefit of production subject to permission from the Minister of Agriculture, authorization from the security organs and payment of the prescribed fees.

Article 26. - Where a vessel has more than one owner, they shall all be jointly responsible for payment of the fees and arrears due in respect of the vessel in accordance with the provisions of this Act. They may appoint a person to be responsible for the management of the vessel and for compliance with the provisions of this Act, and such designation shall be indicated on the licence.

Article 27. - The licence shall be valid until 31 December of each year and shall be renewed annually within the 90 days following the said date.

Article 28. - The licence shall be personal and shall not be transferred except with the authorization of the General Organization for the Development of Fishery Resources. It may not be used for any purpose other than that for which it was issued.

Article 29. - The master of the vessel or the person responsible for its management shall submit the application for a licence to the General Organization for the Development of Fishery Resources together with documentation establishing his identity. The implementing regulation shall specify the documentation required and also the licensing procedures and the forms required for that purpose.

Article 30. - A licence for a motorized fishing vessel shall be issued only after the vessel has been approved as technically sound by the Department of Harbours and Lighthouses in the case of fishing in maritime waters and by the General Organization for River Transport in the case of fishing in internal waters and the High Dam Lake.

Article 31. - The vehicle licence shall contain the following particulars:

- (a) The specification of the vessel and the power and type of its motor;
- (b) The maximum size of its crew;
- (c) The areas in which it is licensed to fish;
- (d) The method by which it is licensed to fish;
- (e) The name of the owner or owners, the share of each and the person responsible for the management of the vessel;
- (f) The result of the technical inspection of the vessel;

and other particulars specified in the implementing regulation.

The fishing card shall be applied for by the fisherman in person. It shall contain his name and place of residence, the area of operation and the method of fishing. All the provisions relating to the licence shall apply to the card.

Article 32. - No vessel shall be operated on a licence assigned to another vessel, provided that, if a vessel is lost or suspended from operation for reasons of force majeure and the owner of the vessel fits out another vessel to replace it within three years from the date of the loss or payment of compensation or insurance or within two years from the date of the damage, he shall have the right to use the licence for another vessel for fishing by the same method, subject to authorization of the General Organization for the Development of Fishery Resources.

If the above-mentioned terms expire without the owner's fitting out a substitute vessel, the licence shall be withdrawn, and in such a case the above-mentioned organization may award the licence to the next applicant on the current registers for each area.

Article 33. - The licence of a vessel shall be kept with the master, and he shall show it upon request. A fisherman shall show his fishing card upon request.

Article 34. - A fishing licence or card may be issued to replace a lost or damaged one, provided that the applicant produces the damaged licence or card or proof of the loss of the original licence or card. The replacement fee shall be 200 millièmes.

Article 35. - The crew of a vessel licensed to fish in maritime waters may, when the vessel cannot be used because of rough seas, fish near the coast, under the supervision of their master of the vessel, provided that the licence is in his possession and that their total number does not exceed that specified in the licence.

Article 36. - A class-1 or class-2 vessel licensed to fish in maritime waters outside the limits of the Suez harbour to the south of the Zanubiya Lighthouse may use a boat not exceeding 4 metres in length for transport between the vessel and the shore and for rescue, if necessary, without additional fees.

The owner of the vessel must obtain a permit for this in advance from the General Organization for Fishery Resources Development. The permit shall state the number of the boat and the number of the vessel to which it belongs, and particulars of the boat shall be entered on the licence.

Article 37. - A request for renewal of the licence shall be submitted by the owner of the vessel or the person responsible for its management. The licence shall not be renewed until after payment of the fees and arrears provided for in this Act and any fine imposed for contravention of the provisions of the Act. The same procedure shall be followed in the renewal of a licence as in application of a licence.

Article 38. - Any vessel which is taken over under the provisions of the General Mobilization Act shall have the term of its licence suspended from the date on which it is taken over, and its owner shall be exempt from the prescribed renewal procedures and fees if they fall due during the period of the take-over.

Article 39. - A vessel shall not be sold, in whole or in part, until after payment of any arrears pertaining to it. The implementing regulation shall specify the method of payment of arrears or portions thereof. In order to transfer ownership of a vessel, the seller shall be required to submit an authenticated certificate from the General Organization for the Development of the Fishery Resources stating that he is not indebted to the Fishermen's Co-operative Society to which he belongs.

Article 40. - Fishermen's co-operative societies may set up fish-collecting centres (markets) in the extraction areas, except at the High Dam Lake. The implementing regulation shall regulate the conditions for the setting up of such centres.

Article 41. - Persons fishing in the internal waters and using only one rod with a maximum of three fish-hooks shall be exempted from the requirement of obtaining the fishing card. The vessels of scientific research bodies concerned with aquatic resources shall likewise be exempted from the licensing requirement, in accordance with the conditions and rules to be issued by a decree from the Minister of Agriculture.

Section 2 - Fishing fees

Article 42. Fees for fishing licences and for renewal thereof shall be in accordance with the following categories.

I. Maritime waters:

	Pounds	Millièmes
<hr/>		
(a) Motorized fishing vessels using trawl nets (the "shanshula") in the Mediterranean:		
- for the first 25 hp	20	--
- for every additional 1 hp	--	200
<hr/>		
(b) Motorized fishing vehicles using fishing methods other than trawling or the "shanshula" in the Mediterranean.		
- for the first 25 hp	10	--
- for every additional 1 hp	--	200
<hr/>		
(c) Motorized fishing vehicles using trawl nets or the "shanshula" in the gulf of Suez north of an imaginary line running from Ras muhammad in the east to Ras al-Bahr in the west:		
- for the first 25 hp	20	--
- for every additional 1 hp	--	750
<hr/>		
(d) Motorized vehicles using fishing methods other than trawling or the "shanshula" in the Gulf of Suez north of an imaginary line running from Ras Muhammad in the east to ras al-Bahr in the west:		
for the first 25 hp	15	--
for every additional 1 hp	--	500
<hr/>		
(e) Motorized fishing vehicles used in the Red Sea south of an imaginary line running from Ras Muhammad in the east to Ras al-Bahr in the west.		
for every 25 hp	10	--
for every additional 1 hp	--	100
<hr/>		

	Pounds	Millièmes
(f) Non-motorized fishing vessels. for each class-1 vessel having a crew of not more than 27 persons.	8	--
for each class-2 vessel having a crew of not more than 13 persons.	4	--
for every class-3 vessel having a crew of not more than 4 persons.	2	--
<hr/>		
II. <u>Lakes and internal waters</u>	Pounds	Millièmes
<hr/>		
(a) The High Dam Lake:		
1. Motorized fishing vessels:		
- for the first 25 hp	12	--
- for every additional 1 hp	--	200
2. Non-motorized vehicles or vehicles using portable motors:		
- for every class-1 boat having a crew of not more than 12 persons	16	---
- for every class-2 vessel having a crew of not more than 6 persons	8	---
- for every class-3 vessel having a crew of not more than 3 persons	4	---
<hr/>		
(b) Internal waters and other lakes:		
- for every class-1 vessel having a crew of not more than 12 persons	16	---
- for every class-1 vessel having a crew of not more than 9 persons with regard to Lake Qarun	12	---
- for every class-2 vessel having a crew of not more than 6 persons	8	---
- for every class-3 vessel having a crew of not more than 3 persons	4	---
<hr/>		
III. The fees for the fishing card shall be 100 piastres (a year) for all fishing areas		

Article 43. - The fees imposed in respect of all or some fishing areas may be adjusted by a decree from the Minister of Agriculture in accordance with the production conditions relating to fishing. Any reduction shall not exceed one quarter of these fees, and any increase shall not exceed the doubling of the fees. The Minister may also reduce the fees for the vessels of co-operative associations for aquatic resources and their members and for the vessels of companies in the public sector by an amount not exceeding one half of the value of the prescribed fees.

Fishing Licences and cards may be exempted from all or part of the statutory annual fees by a decree from the Minister of Agriculture in the following cases:

- (a) Where it is established that a vessel is unsound or that a fisherman is incapable of engaging in the occupation of fishing for a period of not less than one month;
- (b) In respect of fishing in remote and unexploited fishing areas that are damaged as a result of disasters.

Article 44. - Fees shall be annual and payable in advance, provided that, where a vessel is licensed during the course of the year, the fees collected shall be proportionate to the term remaining.

The value of any fees already paid in respect of a term for which a licence is suspended under the provisions of article 38 shall be deducted from the prescribed fees.

Article 45. - A vessel shall not be transferred from one fishing area to another except with the authorization of the General Organization for the Development of Fishery Resources and upon payment of a transfer fee equivalent to one quarter of the annual fee for the area to which the transfer is made. A vessel which is transferred for the purpose of repairs shall be exempted from this fee. If a vessel is transferred during the course of the year to an area with higher fees, the owner shall undertake to pay the difference in fee as from the first of the month in which the transfer was effected.

Article 46. - During the term of the licence and subject to authorization by the General Organization for the Development of Fishery Resources, the owner of a vessel may proceed to:

- (a) change the class for which he holds a licence to another class higher or lower;
- (b) change the method of fishing for which he holds a licence to another to which a different fee category applies;
- (c) change the motors of the vessel for other motors with greater or less power.

In all cases, the difference in fee shall not be returned if the fee category for the new licence is lower than that for the current licence. The difference in fee shall be paid as from the first of the month following the change if the fee category for the new licence is higher.

### Section 3 - Aquatic resources and the regulation of fish farms

Article 47. - Without prejudice to the provisions of Act N° 61 of 1958 concerning the award of concessions relating to the exploitation of natural resources and public amenities and adjustment of concession terms, the award of concessions relating to the exploitation of aquatic resources and adjustment of the terms thereof shall be by a decree of the Minister of Agriculture, where the term of the concession does not exceed five years. Priority in exploitation shall be accorded to public bodies, companies in the public sector and co-operative societies for aquatic resources.

Article 48. - Without prejudice to the provisions laid down in Article 14 of this Act, the establishment of fish farms shall be prohibited except on fallow land that is unsuitable for agriculture. Their water supply shall be restricted to the waters of lakes or drainage canals adjoining their sites. The use of fresh water for this purpose shall be prohibited, but fish hatcheries established by the State shall be exempted from this provision.

A fish farm may not be established except by a licence from the Ministry of Agriculture which shall be issued after the authorization of the Ministry of Agriculture has been obtained. The licence shall indicate the quantity of water permitted for use, its source, the supply outlet and the method of drainage.

The licence shall indicate that such authorization has been issued and the conditions pertaining thereto.

The fees set for the award and renewal of the licence and the authorization referred to in the preceding paragraph shall not exceed, in the case of each, two pounds for each feddan or fraction thereof.

The conditions in existing fish farms shall be adjusted so as to conform with the provision of this Article within a period not exceeding one year from the date of the entry into force of this Act.

Article 49. - The areas allocated for fish-farming shall be specified by a decree from the Minister of agriculture. Encroachments on such areas shall be removed by administrative means and at the expense of the offender.

Article 50. - Elsewhere than in watercourses used for irrigation and drainage and for the purposes of drinking and water supply, there shall be a prohibition on the removal, cutting or spraying of the water weeds and aquatic plants to be specified in a decree to be issued by the General Organization for the Development of Fishery Resources by agreement with the Ministry of Irrigation. The decree shall specify the location, area and types of vegetation of each individual site according to its circumstances.

Article 51. - A national fund to promote possibilities for the development and protection of water resources shall be established, and its revenues shall be derived as follows:

1. Amounts collected from settlement with offenders;
2. Fines imposed on offenders;
3. The proceeds of the sale of seized articles;
4. The annual budgetary allocations of the General Organization for the Development of Fishery Resources.

The Minister of Agriculture shall issue a decree on the statute of the fund, which shall set forth its objectives and its modus operandi.

### CHAPTER III - PENALTIES

Article 52. - Without prejudice to any more severe penalty prescribed by another law, any person who contravenes the provisions of Articles 13, 14, 15 or 20 of this Act shall be liable to imprisonment for a term of not less than six months and not more than two years and to a fine of not less than 500 pounds and not more than 1,000 pounds.

In all cases, vessels, fishing or hunting gear and water-pumping machinery found at the site of the contravention shall be seized. Fish and birds caught in contravention of the provisions of the aforementioned Articles and found at the site of the contravention shall also be seized. The seized fish shall be sold, and a ruling shall be handed down for the confiscation of the seized articles or the price thereof for the account of the General Organization for the Development of Fishery Resources. The contravention shall be administratively annulled at the expense of the perpetrator. In the event of repetition, the penalty shall be doubled.

Article 53. - If any foreign fishing vessel is seized for contravention of the provision of Article 25 of this Act, a monetary fine of not less than 5,000 pounds and not more than 10,000 pounds shall be imposed on its master, and the vessel shall be impounded pending payment of the fine within a maximum period of one month from the date of the issuance of the final judgment. If the fine is not duly paid, the vessel shall be sold and the fine and expenses shall be collected from the price. The remaining sum shall be returned to the owner of the vessel. A ruling shall be handed down regarding the confiscation of the nets and fishing gear and the price of the fish caught for the account of the General Organization for the Development of Fishery Resources.

Article 54. - Any person who contravenes the provision of Article 9 of this Act and any person who engages in the occupation of fishing or uses a vessel without a licence, in contravention of the provisions of Articles 23 and 45 of this Act, shall be liable to imprisonment for a term of not more than three months and to a fine not exceeding 50 pounds or to one of these two penalties.

The vessels and apparatus used and the fish caught shall be seized, and a ruling shall be handed down regarding the confiscation of such apparatus and the price of the fish for the account of the General Organization for the Development of Fishery Resources. In all cases, the convicted person shall pay twice the amount of the annual fees prescribed for the period during which the vessel was operated without a licence.

Article 55. - Without prejudice to any more severe penalty prescribed by any other law, any person who contravenes the provisions of Articles 7, 10, 11, 16, 17, 18, 19 or 22 of this Act shall be liable to imprisonment for a term of not less than three months and not more than six months and to a fine of not less than 100 pounds and not more than 500 pounds or to one of these two penalties. In the event of repetition, the penalty shall be doubled, the fishing gear and the fish and scales in the possession of the offender shall be seized and a ruling shall be handed down for the confiscation of such gear and the price of the fish for the account of the General Organization for the Development of Fishery Resources.

Article 56. - Any person who contravenes the provisions of Articles 5, 6 or 8 of this Act shall be liable to imprisonment for a term of not more than six months and to a fine of not more than 100 pounds or to one of these two penalties.

Article 57. - Contravention of the provisions of Articles 2, 11, 36 or 49 of this Act shall be punishable by a fine of 20 pounds.

Article 58. - Contravention of the provision of Article 35 of this Act shall be punishable by a fine of 500 pounds for every person in excess of the approved number of crew members.

Article 59. - Contravention of the provisions of Articles 3, 4 or 33 shall be punishable by a fine of 10 pounds. The fine shall be doubled if the same contravention is repeated in the course of the licensing year.

Article 60. - Any person who contravenes the provisions of Article 48 or the licensing conditions issued pursuant thereto shall be liable to imprisonment for a term of not less than three months and by a fine of not more than 10,000 pounds or to one of these two penalties.

In no event may a stay of execution be granted in respect of the penalty of a fine. The Ministry of Agriculture and the Ministry of Irrigation shall have the right, before a judgement has been handed down in the case, to halt the activities which constitute a contravention by administrative means at the expense of the offender and to seize the operator's equipment and gear used in the commission of the contravention. A ruling shall be handed down for the confiscation of these seized articles for the account of the General Organization for the Development of Fishery Resources.

Article 61. - In the cases set forth in Articles 57, 58 and 59 of this Act, a settlement may be arrived at by payment of a sum equivalent to one half of the value of the fine laid down in these Articles. The proceedings shall terminate with the payment of the amount of the settlement, and the implementing regulation shall specify the settlement procedures.

Article 62. - The competent officials entrusted with the execution of the provisions of this Act, who shall be specified by a decree from the Minister of Justice in agreement with the Ministers of Agriculture, Irrigation, Defence, the Interior and Supply, shall have the capacity of judicial seizure officers.

#### CHAPTER IV - FINAL PROVISIONS

Article 63. - The President of the Republic may, on the basis of a proposal by the Minister of Defence, issue decrees restricting fishing in all or some areas and specifying the schedules for such restriction for purposes of military security in Egyptian maritime waters so as to ensure the security of the political frontiers and territorial waters of the State and to protect them against the various kinds of encroachment.

Article 64. - The Minister of Agriculture shall issue decrees relating to military security requirements after consulting the Ministry of Defence.

Article 65. - The Minister of Agriculture shall issue the implementing regulation for this Act following agreement with the Minister of Irrigation and the authorities concerned. It shall deal, in particular, with the following matters:

1. Establishment of the required specifications of vessels and their distinguishing numbers of signs;
2. Establishment of the required conditions to be met by fishermen;
3. Designation of the motor-power for each vessel or its class and the apparatus and fishing methods permitted to be used in any area;
4. Designation of the substances harmful to public health, the environment or the propagation of fish or of other aquatic life the use of which is prohibited or the dumping of which in Egyptian waters or the specific waters adjacent thereto is prohibited;
5. Demarcation of the areas in which fishing or the use of specific apparatus, gear or methods is prohibited;
6. Specification of the kinds of fish or other aquatic life the hunting of which is prohibited;
7. Specification of the minimum sizes and lengths of fish or other aquatic life which may be hunted, sold or possessed;

8. Specification of the number and types of licences to be issued for each area;
9. Regulation of the hunting of aquatic birds by professionals and amateurs and determination of the fees payable for the issuing of bird licences to them covering the aquatic areas earmarked for this purpose, with the proviso that the seasonal licence fee shall not exceed five pounds a day for professionals and two pounds a day for amateurs;
10. Regulation of the sale of fish or other aquatic life and designation of the basis in which they may be taken or sold;
11. Regulation of fishing by amateur fishermen and the members of clubs or organizations and determination of the fees payable by them for licences, with the proviso that the fee for each licence shall not exceed 500 millièmes a day and 5 pounds a month;
12. Specification of the mode of disposal of vessels, fishing gear, fish and other aquatic life seized on account of contravention of the provisions of this Act;
13. Designation of bases and locations for the entering of the various kinds of fishing vessels in the registers to be established for that purpose by the General Organization for the Development of Fishery Resources;
14. Establishment of procedures and conditions for the award of licenses and the authorization relating to the regulation of fish farms and the forms pertaining thereto and also the provisions governing existing fish farms and the fees prescribed for obtaining a licence from the Ministry of Agriculture and authorization from the Ministry of Irrigation.

3. REGULATIONS

(a) Ministerial Order N 667 of 1961 on Fisheries

CHAPITRE PREMIER - DISPOSITIONS RELATIVES A LA PECHE LACUSTRE

Article 1. - Aucune licence de pêche ne sera accordée aux bateaux à moteur quelle que soit leur catégorie, dans les lacs de Manzalah, de Borollos, d'Edkou et de Mariout.

Article 2. - Dans le lac de Karoun, les licences de pêche ne pourront être délivrées qu'aux bateaux de la première catégorie.

Article 3. - Dans l'ensemble des lacs, est interdite la pêche utilisant les engins ci-dessous:

- (a) senne de plage manoeuvrée à partir du rivage;
- (b) senne hallée à bord manoeuvrée à partir de barques à voile;
- (c) épervier a salabardes, s'il est utilisé comme nasse; l'utilisation de cet engin est interdite durant la période allant du 1er mai à fin août, s'il est utilisé comme filet dérivant;
- (d) les filets maillants dérivants et les filets maillants calés.

Article 4. - Est autorisée la pêche au moyen des engins ci-dessous indiqués dans les lacs de Manzalah, de Borollos et d'Edkon:

- |     |   |              |    |
|-----|---|--------------|----|
| 1)  | filets à corb   | * magat      | 26 |
| 2)  | dragues à huîtres ou à moules   | "            | 26 |
| 3)  | éperviers   | "            | 26 |
| 4)  | nasses et filets de rabattage   | "            | 20 |
| 5)  | filets munis d'appâts   | sans limites |    |
| 6)  | filets à oiseaux  | "            |    |
| 7)  | hameçons avec ou sans appâts  | "            |    |
| 8)  | filets-trappes  | magat        | 17 |
| 9)  | casiers à crustacés   | "            | 14 |
| 10) | filets à crevettes dont le corps est de 35 magats et la poche de 45 magats durant la période allant du 1er septembre à la fin décembre de chaque année.   |              |    |
| 11) | sennes danoises, dont les ailes sont de 35 magats et le corps de 40 magats, utilisées dans la partie la moins large du lac pendant la période fixée par le Directeur de l'Administration portuaire. |              |    |
| 12) | sennes coulissantes et tramails   | magat        | 26 |

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\* Magat: nombre de mailles sur une longueur de 50 centimètres de filet.

Article 5. - La pêche est interdite tout le long du canal de drainage public relié au lac de Mariout et couvrant une zone d'un kilomètre s'étendant vers le sud à partir des pompes du Mex.

Article 6. - La pêche est interdite dans toutes les zones du lac Karoun durant la période allant du 1<sup>er</sup> juin à fin juillet de chaque année. Tous les bateaux de pêche devront être amarrés aux berges du lac et devront demeurer au même endroit mis à leur disposition par l'Administration des garde-côtes, pêcheries et douanes pendant toute la période de l'interdiction de pêche.

Article 7. - La pêche est interdite dans l'ensemble des voies d'accès entre le lac et le Nil ou le lac et la mer ou encore entre le lac et les canaux d'irrigation et de drainage sur une longueur d'un kilomètre à partir de l'extrémité des voies d'accès du côté du lac, du Nil, de la mer ou du canal de drainage et ce, pour la période allant du 1<sup>er</sup> novembre à fin avril de chaque année.

Article 8. - Les bateaux de pêche opérant dans les lacs de Manzalah, de Borollos, d'Edkou et de Mariout pourront travailler en équipe aux conditions déterminées par le Directeur général de l'Administration des garde-côtes, pêcheries et douanes.

Article 9. - Sont interdites la pêche, la vente ou la conservation des espèces de poissons suivantes, dont la longueur depuis l'extrémité de la bouche jusqu'à l'extrémité de la queue est inférieure a:

- |    |      |                             |         |
|----|------|-----------------------------|---------|
| 1) | pour | le cabot                    | 16 cms  |
| 2) | pour | le mullet-porc              | 14 cms  |
| 3) | pour | le muge caption             | 10 cms  |
| 4) | pour | le bolti (Tilapia nilotica) | 10 cms. |

Article 10. - La commercialisation, la vente ou l'achat de poissons est strictement interdite dans toutes les zones lacustres; il est également interdit d'en approvisionner les bateaux de pêche en quelque quantité que ce soit.

Article 11. - Il est interdit de couper ou de détruire les roseaux et leurs plumets ainsi que les herbes lacustres, sauf autorisation spéciale de l'Administration des garde-côtes, pêcheries et douanes, et aux conditions fixées par elle.

## CHAPITRE II - DISPOSITIONS RELATIVES A LA PECHE DANS LES EAUX INTERIEURES

Article 12. - Il est interdit aux bateaux à voile de pêcher au moyen de filets traînants.

Article 13. - Est autorisée l'utilisation de n'importe quel type de filet dont le magat ne dépasse pas 26.

Article 14. - La pêche est interdite:

- (a) dans un rayon de 50 mètres autour des barrages, ponts, ponceaux, passerelles, déversoirs, vannes, écluses et toute construction visant à les protéger ou à protéger les berges du Nil, les canaux d'irrigation ou les canaux de drainage;
- (b) dans un rayon de 100 mètres autour des déversoirs utilisés pour l'écoulement des eaux lacustres;
- (c) sur le Nil, depuis le barrage de Fareskour jusqu'au détroit de Damiette entre le 1er mai et fin août de chaque année;
- (d) sur le Nil, au nord des barrages d'Edfina jusqu'au détroit de Rosette durant les mois de juillet et d'août de chaque année.

### CRAPITRE III - DISPOSITIONS RELATIVES A LA PECHE DANS LES EAUX MARITIMES

Article 15. - Il n'est pas accordé de licence aux bâtiments de pêche étrangers équipés de chaluts de fond ou de lamparo dans les eaux maritimes et le golfe de Suez (limité au sud par une ligne fictive partant de Ras Mohammad à l'est jusqu'à Ras el Bahr à l'ouest).

Les entreprises nationales et l'Organisme public arabe ne pourront utiliser des bâtiments de pêche étrangers qu'avec l'autorisation du Ministère de la guerre.

Article 16. - Est interdite dans les zones ci-après indiquées la pêche au moyen des engins ci-dessous:

- (a) chalut dont la magat est supérieure à 22 dans le golfe de Suez;
- (b) tout filet quelle que soit sa catégorie dans les zones portuaires aménagées pour l'entrée et la sortie des bateaux;
- (c) chalut:
  - (1) dans les eaux maritimes territoriales sous juridiction égyptienne en Méditerranée et couvrant la zone comprise entre la partie occidentale du fortin Tabiet-el-Ada et l'extrémité ouest des limites de la République arabe unie;
  - (2) sur une distance de un mile et demi s'étendant du littoral jusqu'à la haute mer et couvrant la zone comprise entre la partie orientale du fortin Tabiet-el-Ada et l'extrémité orientale des frontières de la République arabe unie; il s'agit en l'occurrence de protéger les cultures d'éponges;
  - (3) dans le golfe de Suez (pendant les mois de juillet et août de chaque année).

Article 17. - La pêche est interdite dans les endroits suivants:

- (1) le long de la zone des pompes du Mex durant les mois de mars, avril et mai de chaque année;
- (2) le long des plages réservées aux baignades pendant la période allant du 1er juin au 30 septembre de chaque année;
- (3) dans le mouillage de Bab-el-Arab durant la période d'activité des pompes du Mex et couvrant la zone délimitée entre le rivage et une ligne fictive horizontale et droite tracée à partir de la borne en pierre placée sur le rivage en direction de l'entrée de Bab-el-Arab et se poursuivant à l'ouest jusqu'au piquet de bois marquant le détroit et placé sur le rivage à proximité de la station de chemin de fer du Mex; cette ligne fictive côtoie la station à une distance d'environ 20 mètres.

Article 18. - Il est interdit aux bateaux de pêche de mouiller ou de se livrer à la pêche dans d'autres zones que celles qui leur ont été réservées sauf autorisation de l'administration portuaire à cet effet.

Article 19. - Les bateaux de pêche motorisés peuvent, durant l'année en cours, procéder:

- (a) à la substitution de leur engin de pêche par un autre engin pour lequel le montant de la redevance est différent;
- (b) au remplacement des moteurs par des moteurs d'une puissance différente.

Lorsque les engins de pêche ou les moteurs remplacés appartiennent à des catégories inférieures, il n'y aura lieu à aucun versement de la différence dans les redevances; si le matériel de remplacement appartient à des catégories supérieures, les propriétaires de ce matériel devront acquitter la différence de redevance à partir du début de l'année au cours de laquelle la demande de substitution a été présentée.

Article 20. - Les bateaux de pêche peuvent, au cours de l'année, obtenir des licences de catégorie inférieure à celles qu'ils détenaient si l'administration portuaire l'estime opportun; ils peuvent également obtenir des licences de catégorie supérieure leur permettant d'exercer dans les mêmes zones à condition d'acquitter la différence de redevance à partir du début de l'année au cours de laquelle la demande de licence a été présentée.

Article 21. - Tout bateau de pêche détenteur d'une licence et empêché par les intempéries d'opérer dans les eaux maritimes, se verra accordée pour son équipage l'autorisation de pêcher sur le rivage en groupe et sous l'autorité du patron de pêche; ce dernier devra avoir avec lui en permanence la licence de pêche correspondante; le nombre des membres de l'équipage ne devra pas dépasser celui qui figure dans la licence.

Article 22. - Tout bâtiment de pêche classé dans les troisième et quatrième catégories et opérant au-delà des limites du port de Suez au sud du phare de Zénobie, est autorisé, sans supplément de redevances, à utiliser une petite embarcation ne dépassant pas quatre mètres de longueur; cette embarcation doit être utilisée pour le transport des prises vers le rivage et éventuellement comme canot de sauvetage. Le propriétaire du bateau de pêche doit néanmoins obtenir de l'administration portuaire une autorisation spéciale pour l'utilisation de cette embarcation; celle-ci portera le même numéro d'immatriculation que le bateau dont elle dépend et sera mentionnée dans la licence de pêche.

Article 23. - La pêche ou la vente des huîtres et de tous autres types de coquillages ainsi que des diverses espèces de crustacés (langoustes) sont interdites durant la période fixée par le Ministre de la guerre sur requête du Ministre de la Santé.

Le Directeur général de l'administration portuaire, après avoir consulté les autorités spécialisées compétentes, peut autoriser la pêche des huîtres, clovis et bigorneaux en mer Rouge à des fins industrielles.

#### CHAPITRE IV - DISPOSITIONS GENERALES

Article 24. - Les redevances annuelles imposées aux divers bateaux de pêche quelles que soient leurs catégories, sont acquittées en quatre versements partiels égaux aux mois de Janvier, d'avril, de juillet et d'octobre de chaque année. Le Directeur général de l'Administration des garde-côtes, pêcheries et douanes se réserve le droit, compte tenu des circonstances et conditions laissées à son jugement, de retarder lesdits versements ou d'exempter les retardataires du versement de taxes supplémentaires ou de toutes autres impositions complémentaires.

Article 25. - Les redevances annuelles imposées à l'ensemble des pêcheurs à pied (professionnels ou amateurs) qui opèrent dans les eaux intérieures et lacustres ou dans les eaux maritimes, doivent être acquittées en un seul versement au moment de la délivrance de la licence de pêche.

Article 26. - Tout propriétaire de bateau ou pêcheur désirant obtenir un duplicata de sa licence en cas de perte ou de destruction par usure de cette dernière, devra verser une redevance de 100 millièmes\*.

Article 27. - Le renouvellement des licences de pêche dont la validité vient à échéance au 31 décembre de chaque année est subordonnée à la démonstration que le propriétaire du bateau bénéficiaire de la licence a réglé toutes les redevances, taxes et éventuellement amendes relatives à la licence périmée.

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\* La livre égyptienne est divisée en 100 piastres et 1000 millièmes (note du traducteur).

Article 28. - Tout propriétaire de bateau de pêche ou son représentant, ainsi que tout pêcheur à pied, doivent, aussitôt rentrés au port, ou toutes les fois qu'ils en sont requis, présenter des états de pêche indiquant les espèces et les quantités de poissons capturées, les zones où ont été réalisées les prises ainsi que toute autre information.

Article 29. - Tout bateau de pêche doit, avant de commencer ses opérations, porter sur ses deux flancs le numéro de série qui lui est attribué par l'Administration des garde-côtes, pêcheries et douanes; ce numéro sera complété par une marque distinctive indiquant la catégorie du bateau et la zone de pêche qui lui est attribuée; toutes indications seront réalisées selon un spécimen établi. Le numéro d'immatriculation et la marque complémentaire devront également figurer d'une manière visible sur les deux faces de la voile du bateau; ils doivent être visibles en permanence et ne doivent d'aucune manière être effacés, rendus méconnaissables ou dissimulés.

Article 30. - Les bateaux de pêche opérant de nuit doivent être éclairés.

Article 31. - La licence de pêche est personnelle et ne peut être cédée à autrui.

Article 32. - La licence de pêche doit se trouver en permanence à bord du bateau pendant la durée des opérations ou bien en possession de son titulaire de manière à être présentée à la première réquisition.

Article 33. - Il est interdit d'utiliser la licence de pêche à d'autres fins que celles pour lesquelles elle a été délivrée.

Article 34. - Les bateaux de pêche doivent s'arrêter toutes les fois que les représentants de l'autorité le leur ordonnent; ces derniers ont le droit de procéder à des perquisitions sur les bateaux, à tout moment.

Article 35. - Il est interdit à tout bateau de pêche de mouiller à l'intérieur des zones où la pêche est prohibée, sauf cas de force majeure ou bien lorsqu'il n'existe pas d'autres voies d'accès pour parvenir à son port d'attache.

Article 36. - Il est interdit aux bateaux de pêche ou aux individus qui se trouvent à l'intérieur ou à proximité des zones de pêche d'avoir à bord ou de détenir des filets non autorisés ou des engins de pêche prohibés.

Article 37. - Il est disposé des bateaux, engins et équipements de pêche saisis selon la procédure suivante:

- (a) Matériel légalement utilisable: il sera vendu aux coopératives de pêcheurs au prix fixé par l'Administration des garde-côtes, pêcheries et douanes; si ces dernières n'en ont pas l'utilisation et que ce matériel ne peut pas servir à la formation professionnelle ou à la recherche, il sera alors vendu selon les dispositions réglementaires applicables aux enchères et adjudications publiques.

- (b) Matériel non autorisé:
- (1) Trappes: elles seront détruites et jetées à la mer à une distance telle que les pêcheurs ne puissent pas les récupérer. Elles peuvent être également vendues aux sociétés comme déchets et rebuts;
  - (2) Filets: ils seront dégarnis de leurs plorabs, cordages et lièges qui seront vendus aux coopératives de pêcheurs à un prix nominal fixé par l'Administration des garde-côtes, pêcheries et douanes; si ces coopératives n'en ont pas l'utilisation, le matériel sera vendu selon les dispositions réglementaires applicables aux enchères et adjudications publiques. Le filet proprement dit sera alors détruit et brûlé.
  - (3) Bateaux de pêche: ils seront mis en pièces et vendus comme déchets de bois selon les dispositions réglementaires applicables aux enchères et adjudications publiques.
- (c) Le Directeur général de l'Administration des garde-côtes, pêcheries et douanes peut conserver la partie du matériel saisi susceptible d'être utilisée pour les travaux des services portuaires et ceux des ministères et des différents services qui en feraient la demande. Le matériel autorisé à la vente est facturé à l'autorité gouvernementale demanderesse tandis que le matériel destiné à la destruction peut être fourni gratuitement.

Article 38. - Les organismes à caractère scientifique, technique, ainsi que les centres de recherche peuvent, avec une autorisation de l'Administration des garde-côtes, pêcheries et douanes, poursuivre leurs études expérimentales et leurs prospections à l'intérieur de toutes les zones de pêche sans restrictions périodiques et en utilisant n'importe quels types de bateaux, d'engins et d'équipements, que ces derniers soient utilisés ou prohibés; ils peuvent prélever des échantillons de tous les poissons quelle qu'en soit la taille pour les besoins de leurs recherches en matière de pisciculture, d'approvisionnements des viviers et parcs à poissons ou encore en vue du peuplement de nouvelles zones de pêche.

Article 39. - Les poissons capturés ne peuvent être retirés des filets que dans les seuls lieux (cercles ou centres de groupage) établis à cet effet par le Directeur général de l'Administration des garde-côtes, pêcheries et douanes.

Article 40. - Tout propriétaire de bateau de pêche ne peut vendre une partie ou la totalité de son bateau sans autorisation préalable de l'administration des garde-côtes, pêcheries et douanes; cette autorisation peut être obtenue moyennant acquittement d'une redevance de cent millièmes.

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Article 41. - Le Directeur général de l'Administration des garde-côtes, pêcheries et douanes peut prononcer l'exemption de l'acquittement des redevances dues, en partie ou en totalité, dans les circonstances suivantes:

- (a) si le bateau est perdu ou s'il a subi des avaries telles qu'il ne peut être réparé;
- (b) si le titulaire de la licence est décédé sans laisser d'héritiers ou bien si ces derniers ne désirent pas utiliser le bateau pour la pêche;
- (c) si le propriétaire du bateau est frappé d'une maladie l'empêchant d'exercer son activité pendant une durée d'au moins trente jours consécutifs;
- (d) durant les périodes d'interdiction de la pêche en application des lois et résolutions correspondantes;
- (e) s'il est prouvé que le bateau est en panne et que les pêcheurs sont dans l'impossibilité d'exercer la pêche pendant une durée d'au moins trente jours consécutifs.

Article 42. - Le Directeur général de l'Administration des garde-côtes, pêcheries et douanes est habilité, sur recommandation des services spécialisés compétents, à édicter des instructions et ordonnances tendant à la réalisation des objectifs suivants:

- (a) définir pour les bateaux de pêche et les pêcheurs titulaires de licences les dispositions à prendre dans le cadre de l'exercice de leurs activités en vue d'améliorer ou de préserver les intérêts de la pêche;
- (b) déterminer les normes auxquelles doivent répondre les bateaux de pêche non motorisés en ce qui concerne leur forme, leur résistance et leur capacité en vue de pouvoir modifier avantageusement leurs caractéristiques;
- (c) déterminer les instruments et engins autorisés pour la pêche et fixer leurs caractéristiques en fonction des intérêts de la profession;
- (d) interdire strictement la pêche au moyen de certains engins spécifiquement déterminés pour une durée limitée ou illimitée à l'intérieur d'une partie ou de l'ensemble d'une zone située sur les rives d'un lac ou baignée par des eaux maritimes ou par des eaux intérieures, et ceci en vue de préserver et de mettre en valeur les eaux maritimes, ou bien encore pour des raisons militaires;
- (e) fixer le nombre de licences à accorder aux bateaux de pêche, quelle que soit leur catégorie et aux pêcheurs à pied pour tels lacs ou telles zones pour une durée limitée ou illimitée;

EGY 29

- (f) régler la pêche pratiquée par des amateurs, membres de clubs et organisations sportives, soit sans limitations géographiques ou en déterminant certaines zones; et prévoir les redevances à verser pour l'obtention d'une licence de pêche à condition que lesdites redevances ne dépassent pas 500 millièmes par jour, cinq livres par mois, cinquante livres par an;
- (g) organiser l'exploitation des herbes et plantes aquatiques qui croissent dans les lacs;
- (h) régler l'exploitation des zones peuplées de coquillages, huîtres, mollusques et bancs de coraux;
- (i) veiller à la délivrance des licences de pêche de toutes catégories et au recouvrement des redevances et des amendes fixées aux termes de la loi N° 144 de 1960 et des arrêtés ministériels correspondants;
- (j) veiller à la constatation des infractions en matière de pêche et à l'établissement des procès-verbaux correspondants;
- (k) veiller à l'exécution des opérations de recensement des ressources halieutiques;
- (l) procéder à la vente des poissons résiduels après assèchement d'étangs et autres surfaces aquatiques.

Article 43. - Sont abrogés tous arrêtés ou règlements antérieurs dont les dispositions sont en contradiction avec les dispositions du présent arrêté.

Article 44. - Le Directeur général de l'Administration des garde-côtes, pêcheries et douanes est chargé de veiller à l'exécution du présent arrêté.

(b) Arrêté N° 11 de 1962

Article 1. - De fixer la dimension des mailles de la senne de plage utilisée dans les eaux maritimes territoriales de sorte que lesdites mailles ne soient pas inférieures à 30 "magats" \* au niveau de la poche du filet, c'est-à-dire dans la partie médiane de celui-ci; les mailles peuvent être plus larges dans les autres parties du filet.

Article 2. - D'interdire l'utilisation de la senne de plage durant deux mois couvrant la période du 15 mars au 15 mai de chaque année.

Article 3. - D'accorder un délai de six mois aux pêcheurs qui utilisent ces filets pour leur permettre d'amortir la valeur desdits filets.

Article 4. - Les commandants des deux zones côtières orientale et occidentale sont chargés d'appliquer les dispositions du présent arrêté à compter du 1er Janvier 1963.

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\* Magats: nombre de mailles sur une longueur de 50 centimètres de filet.

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1. LIMITS OF NATIONAL JURISDICTION

Maritime Proclamation N° 137 of 1953.

A. JURISDICTIONAL PROVISIONS

1.- Public Necessity - Jurisdiction

2. - Jurisdiction, administration and control of and over the territorial waters, maritime domain and defence areas of Our Empire, and of and over Ethiopian ships and vessels on the high seas and elsewhere, and of and over the marine industries and enterprises established or to be established within Our Empire, are hereby declared and determined to be of public necessity and of primary concern to the national defence and to the regulation of foreign and interstate commerce and of external and interstate communications, including ports. The said jurisdiction, administration and control shall be vested exclusively in the Imperial Ethiopian Government except in so far as specified portions of the maritime domain and defence areas may be declared by Imperial Decrees to be not subject to the exclusive jurisdiction and control of the said Government.

3. - The establishment of defence areas along or in the vicinity of Our coasts and elsewhere within Our Empire is declared to be of public necessity and of primary concern to the national defence. Such defence areas may include ports.

4. - Our Ministry of National Defence shall have general and exclusive supervision of the territorial waters, the maritime domain and the defence areas of Our Empire, of all Ethiopian merchant ships and vessels, and of the crews of the same, and of all marine industries and enterprises within Our Empire. It shall also be charged with the direction of Our Coast Guard and, except as otherwise ordered by Us, with the direction of all activities on behalf of Our Government within the territorial waters and the maritime domain of Our Empire. It shall issue all such regulations as may be necessary and appropriate, in conformity with the provisions of the present Proclamation, in the exercise of the said supervision and in the direction of the said activities.

5. - Jurisdiction over and administration and control of all means of marine telecommunications and telecommunications utilized for marine transportation are declared to be of public necessity for the national defence as well as for external and interstate communications, including ports and as such shall be subject to such measures and regulations as shall from time to time be promulgated by Our Minister of National Defence and Our Imperial Board of Telecommunications.

B. MERCANTILE MARINE PROVISIONS

1. - Definitions

...

6. - For the purposes of this Proclamation and the regulations and instructions to be issued in conformity therewith,

...

- (f) The territorial waters of Our Empire are defined as extending from the extremity of sea-board at maximum annual high tide of the Ethiopian continental coast and of the coasts of Ethiopian islands, in parallel line on the entire sea-board and to an outward distance of twelve nautical miles, except that in the case of the Dahlac archipelago the seaward limit of the territorial waters shall be that defined in Our Federal Revenue Proclamation N° 126 of 1952, and that in the case of pearl and other sedentary fisheries the seaward limit of the territorial waters shall extend to the limits of the said fisheries. The Imperial Ethiopian Government have full dominion over the said waters and exclusive control over the natural resources within and beneath the said waters. Fishing of all sorts, including pearl fishing, within the said territorial waters shall be reserved exclusively to nationals of Our Empire except as provided in article (9) of this Proclamation.
- (g) The maritime domain of Our Empire is defined as extending inward from the extremity of sea-board at maximum annual high tide to a distance of one hundred meters along each of the aforesaid coasts and as including, in addition, the gulfs and bays along the said coasts; the areas heretofore reserved, on or near the said coasts, for military, naval and aeronautical installations; and the port areas defined in regulations of Our Ministry of National Defence. The said domain shall be within the exclusive jurisdiction and control of the Imperial Ethiopian Government except in so far as may be otherwise determined by Imperial Decree.

2. BASIC FISHERIES LEGISLATION

Maritime Proclamation N° 137 of 1953.

...

IV. Protective Measures

9. - The right to transport persons or goods, for profit, from one point to another on Our coasts and the right to engage in fishing, towing or salvage within the territorial waters of Our Empire are reserved to Ethiopian merchant ships and vessels and, with the exemption of pearl fishing, to such foreign ships and vessels as may be accorded these rights for limited periods within three years from the date of this Proclamation, by Our Ministry of National Defence, upon the application of marine industries and enterprises duly registered under the regulations of the said Ministry.

...

E. PENAL PROVISIONS

...

VIII - Confiscation of Ships or Vessels

...

98. - The regulations that may be issued by Our Ministry of National Defence for the supervision and control of fishing within Our territorial waters may provide that any ship or vessel of whatever registration engaged in such fishing without authorization as required by law or using means of fishing prohibited by the said regulations, as being wantonly destructive of marine life, shall be subject to condemnation and confiscation by decree of a division of Our Federal High Court sitting in admiralty in an appropriate proceeding. Any ship or vessel condemned and confiscated pursuant to the provisions of this article shall be transferred in title and possession to Our Ministry of National Defence.

...

F. FINAL PROVISIONS

...

102. - The present law shall not be construed to exclude the application within the territorial waters or maritime domain of Our Empire or upon Ethiopian ships on the high seas, of any other federal laws including federal laws made in execution of international treaties or obligations or concerning foreign and interstate commerce or external and interstate communications.

...

4. SUPPLEMENTARY LEGISLATION

Maritime Code of the Empire of Ethiopia of 1960 (Proclamation N° 164 of 1960)

CHAPTER II - NATIONALITY OF SHIPS

Article 4. - Qualification for owning Ethiopian Ships. - A ship shall not be deemed to be an Ethiopian ship unless owned wholly by persons of the following descriptions, namely:

- (a) Ethiopian subjects;
- (b) Bodies Corporate established under, and subject to the Laws of Ethiopia and having their principal place of business in Ethiopia;
- (c) Foreigners domiciled in Ethiopia and having their principal place of business in Ethiopia.

Article 5. - Ships treated as Ethiopian Ships. - The following shall be Ethiopian ships:

- (a) Ships abandoned at sea and salvaged by ships flying the Ethiopian flag;
- (b) Ships confiscated under the provisions of this Code.

Article 6. - Ethiopian Ships. - (1) Only Ethiopian ships shall sail under the Ethiopian flag.

(2) Coastal fishing, coastal trade between Ethiopian ports and towage in Ethiopian ports shall only be undertaken by Ethiopian ships.

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4. DISPOSITIONS COMPLEMENTAIRES

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\* Title only

1. LIMITES NATIONALES DE JURIDICTION

- (a) Loi N° 71-1060 du 24 décembre 1971 relative à la délimitation des eaux territoriales françaises

Article 1er. - Les eaux territoriales françaises s'étendent jusqu'à une limite fixée à 12 milles marins à partir des lignes de base.

Les lignes de base sont la laisse de basse mer ainsi que les lignes de base droites et les lignes de fermeture des baies qui sont déterminées par décret.

La souveraineté de l'Etat français s'étend à l'espace aérien ainsi qu'au lit et au sous-sol de la mer dans la limite des eaux territoriales.

Article 2. - Sauf convention particulière, la largeur des eaux territoriales ne s'étend pas au-delà d'une ligne médiane dont tous les points sont équidistants des points les plus proches des lignes de base des côtes françaises et des côtes des pays étrangers qui font face aux côtes françaises ou qui leur sont limitrophes.

Article 3. - Lorsque la distance entre les lignes de base des côtes françaises et celles des côtes d'un Etat étranger qui leur font face est égale ou inférieure à 24 milles ou ne permet plus l'existence d'une zone de haute mer suffisante pour la navigation, des dispositions pourront être prises en vue d'assurer la libre navigation maritime et aérienne, dans le respect des conventions internationales et, s'il y a lieu, après accord avec les Etats intéressés.

Article 4. - Les dispositions de la présente loi ne portent pas atteinte à l'exercice des droits de pêche accordés à certains navires étrangers dans les conditions prévues par les accords internationaux et le droit interne française.

Article 5. - La présente loi est applicable aux territoires d'outre-mer.

FRA 2

- (b) Loi N° 76-655 du 16 juillet 1976 relative à la zone économique au large des côtes du territoire de la République (modifiée)

Article 1er. - La République exerce, dans la zone économique pouvant s'étendre depuis la limite des eaux territoriales jusqu'à 188 milles marins au-delà de cette limite, des droits souverains en ce qui concerne l'exploration et l'exploitation des ressources naturelles, biologiques ou non biologiques, du fond de la mer, de son sous-sol et des eaux surjacentes. Ces droits sont exercés dans les conditions et selon les modalités prévues aux articles ci-après.

Article 2. - Les dispositions de la loi N° 68-1181 du 30 décembre 1968 relative à l'exploration du plateau continental et à l'exploitation de ses ressources naturelles sont applicables, à l'exception de l'article 1<sup>er</sup>, au fond de la mer et à son sous-sol dans la zone économique définie à l'article 1<sup>er</sup> ci-dessus.

Article 3. - Les dispositions du décret du 9 janvier 1952 sur l'exercice de la pêche maritime sont applicables dans la zone économique définie à l'article premier ci-dessus.

Les peines prévues aux articles 4, 5, 6, 7, 8 et 9 de la loi N° 66-400 du 18 juin 1966 sur l'exercice de la pêche maritime et l'exploitation des produits de la mer dans les Terres australes et antarctiques françaises sont remplacées, pour les infractions commises dans la zone économique au large de ce territoire, par les amendes suivantes :

Article 4 : 4 000 F à 20 000 F;

Article 5 : 2 000 F à 60 000 F;

Article 6 : 20 000 F à 60 000 F;

Article 7 : 2 000 F à 60 000 F;

Article 8 : 2 000 F à 60 000 F;

Article 9 : double de l'amende la plus forte prévue ci-dessus pour chacun des articles 5 à 8.

Article 4. - Dans la zone économique définie à l'article 1<sup>er</sup> ci-dessus, les autorités françaises exercent les compétences reconnues par le droit international en matière de protection de l'environnement marin.

Article 5. - Des décrets en Conseil d'Etat fixeront les conditions et les dates d'entrée en vigueur des dispositions de la présente loi en ce qui concerne la zone économique au large des divers côtes du territoire de la République.

FRA 3

- (c) Décret N° 78-146 du 3 février 1978 portant création, en application de la loi du 16 juillet 1976, d'une zone économique au large des côtes des îles Troraelin, Glorieuses, Juan-de-Nova, Europa et Bassas-da-India

Article 1er. - La zone économique définie à l'article 1<sup>er</sup> de la loi du 16 juillet 1976 s'étend, au large des côtes des îles Tromelin, Glorieuses, Juan-de-Nova, Europa et Bassas-da-India depuis la limite extérieure des eaux territoriales jusqu'à 188 milles marins au-delà de cette limite, sous réserve d'accords de délimitation avec les Etats voisins.

En ce qui concerne cette zone, les dispositions de la loi susmentionnée entreront en vigueur à la date de publication du présent décret.

Article 2. - Dans la zone économique mentionnée ci-dessus et par dérogation aux dispositions de la loi du 1<sup>er</sup> mars 1888 modifiée susvisée, des autorisations de pêche pourront être délivrées à certains navires étrangers dans les conditions prévues par les accords internationaux et par le droit interne français.

Article 3. - En ce qui concerne les infractions en matière de pêche commises dans la zone économique visée à l'article 1<sup>er</sup>, sont remplacées par une peine d'amende de 600 F à 1 000 F les peines prévues:

Au premier alinéa de l'article 5, au sixième alinéa de l'article 6, au premier alinéa de l'article 7 et aux articles 8 et 9 du décret susvisé du 9 janvier 1832 modifié :

Au deuxième alinéa de l'article 11 de la loi susvisée du 1<sup>er</sup> mars 1883.

Article 4. - Compte tenu de la structure administrative particulière des îles énumérées par le décret N° 60-535 du 1<sup>er</sup> avril 1960, les adaptations suivantes sont apportées aux textes visés ci-dessus:

Le ministre chargé de la marine marchande peut déléguer au représentant de l'Etat pour ces îles les pouvoirs qu'il tient de l'article 2 et du 1) de l'article 3 du décret du 9 janvier 1852 modifié;

A défaut des représentants des administrations prévues à l'article 31 du décret N° 71-360 du 6 mai 1971 pour siéger à la commission d'études des programmes, des représentants des administrations concernées ou des organismes scientifiques compétents pour le territoire leur sont substitués par le ministre intéressé.

Article 5. - Le garde des sceaux, ministre de la justice, le ministre des affaires étrangères, le ministre de l'intérieur, le ministre de la défense, le ministre de la culture et de l'environnement, le ministre délégué à l'économie et aux finances, le ministre de l'équipement et de l'aménagement du territoire, le ministre de l'industrie, du commerce et de l'artisanat, le secrétaire d'Etat auprès du ministre de l'intérieur (Départements et territoires d'outre-mer) et le secrétaire d'Etat auprès du ministre de l'équipement et de l'aménagement du territoire (Transports) sont chargés, chacun en ce qui le concerne, de l'exécution du présent décret, qui sera publié au Journal officiel de la République française.

FRA 4

- (d) Décret N° 78-148 du 3 février 1978 portant création en application de la loi du 16 juillet 1976, d'une zone économique au large des côtes du département de la Réunion.

Article 1er. - La zone économique définie à l'article 1er de la loi du 16 juillet 1976 s'étend au large des côtes du département de la Réunion, depuis la limite extérieure des eaux territoriales jusqu'à 188 milles marins au-delà de cette limite, sous réserve d'accords de délimitation avec les Etats voisins.

En ce qui concerne cette zone, les dispositions de la loi susmentionnée entreront en vigueur à la date de publication du présent décret.

Article 2. - Sous réserve des dispositions du traité instituant la Communauté économique européenne et des textes pris pour son application, la pêche est, conformément à la loi du 1er mars 1888 modifiée, interdite aux navires étrangers dans la zone économique susmentionnée.

Toutefois, par dérogation à ces dispositions, des autorisations de pêche pourront être délivrées à certains navires étrangers dans les conditions prévues par le traité instituant la Communauté économique européenne et les textes pris pour son application, par les accords internationaux et par le droit interne français.

Article 3. - En ce qui concerne les infractions en matière de pêche commises dans la zone économique visée à l'article 1er, sont remplacées par une peine d'amende de 600 F à 1.000 F les peines prévues au premier alinéa de l'article 5, au sixième alinéa de l'article 6, au premier alinéa de l'article 7, aux articles 8 et 9 du décret susvisé du 9 janvier 1852 ainsi qu'au deuxième alinéa de l'article 11 de la loi susvisée du 1er mars 1888.

Article 4. - Le garde des Sceaux, ministre de la Justice, le ministre des Affaires étrangères, le ministre de l'Intérieur, le ministre de la Défense, le ministre de la Culture et de l'Environnement, le ministre délégué à l'Economie et aux Finances, le ministre de l'Equipement et de l'Aménagement du territoire, le ministre de l'Industrie, du Commerce et de l'Artisanat, le secrétaire d'Etat auprès du ministre de l'Intérieur(Départements et territoires d'outre-mer) et le secrétaire d'Etat auprès du ministre de l'Equipement et de l'Aménagement du territoire (Transports) sont chargés, chacun en ce qui le concerne, de l'exécution du présent décret qui sera publié au Journal officiel de la République française.

- (e) Décret N° 78-149 du 3 février 1978 portant création, en application de la loi du 16 juillet, d'une zone économique au large des côtes de la collectivité territoriale de Mayotte.

Article 1er. - La zone économique définie à l'article 1er de la loi du 16 juillet 1976 s'étend large des côtes de la collectivité territoriale de Mayotte depuis la limite extérieure des eaux territoriales jusqu'à 188 milles marins au-delà de cette limite, sous réserve d'accords de délimitation avec les Etats voisins.

En ce qui concerne cette zone, les dispositions de la loi susmentionnée entreront en vigueur à la date de publication du présent décret.

Article 2. - Dans la zone économique mentionnée ci-dessus, et par dérogation aux dispositions de la loi du 1er mars 1888 modifiée, des autorisations de pêche pourront être délivrées à certains navires étrangers dans les conditions prévues par les accords internationaux et par le droit interne français.

Article 3. - Compte tenu de la structure administrative de la collectivité territoriale de Mayotte, les adaptations suivantes sont apportées aux textes ci-dessous:

A l'article 2 du décret 69-576 du 12 juin 1969 modifiant le décret du 9 janvier 1852 sur la pêche maritime, il est ajouté:

"A Mayotte, cette délégation est faite au représentant du Gouvernement lorsque de tels services n'ont pas été organisés dans la collectivité territoriale".

A l'article 3 du même décret il est ajouté:

"A Mayotte, après consultation du représentant de l'ISTPM ou de tel autre organisme scientifique compétent pour la collectivité territoriale, le représentant du Gouvernement, lorsqu'un tel service n'a pas été organisé, exerce les pouvoirs dévolus à l'alinéa précédent au directeur des affaires maritimes".

Article 4. - Lorsque, pour siéger à la commission d'études des programmes mentionnés à l'article 8 du décret N° 71-360 du 6 mai 1971, il n'existe pas de représentants des administrations qui y sont énumérées, le ministre concerné désigne un représentant de son administration pour siéger à ladite commission.

Article 5. - En ce qui concerne les infractions en matière de pêche commises dans la zone économique visée à l'article 1er, sont remplacées par une peine d'amende de 600 F à 1.000 F les peines prévues au premier alinéa de l'article 5, au sixième alinéa de l'article 6, au premier alinéa de l'article 7, aux articles 8 et 9 du décret susvisé du 9 janvier 1852 ainsi qu'au deuxième alinéa de l'article 11 de la loi susvisée du 1er mars 1888.

FRA 6

Article 6. - Le garde des sceaux, ministre de la justice, le ministre des affaires étrangères, le ministre de l'intérieur, le ministre de la défense, le ministre de la culture et de l'environnement, le ministre délégué à l'économie et aux finances, le ministre de l'équipement et de l'aménagement du territoire, le ministre de l'industrie, du commerce et de l'artisanat, le secrétaire d'Etat auprès du ministre de l'intérieur (Départements et territoires d'outre-mer), et le secrétaire d'Etat auprès du ministre de l'équipement et de l'aménagement du territoire (Transports) sont chargés, chacun en ce qui le concerne, de l'exécution du présent décret, qui sera publié au Journal officiel de la République française.

2. DISPOSITIONS DE VALEUR LEGISLATIVE INTERESSANT LA PECHE MARITIME

Décret du 9 janvier 1852 sur l'exercice de la pêche maritime (modifié)

Article 1er. - L'exercice de la pêche maritime, c'est-à-dire la capture des animaux et la récolte des végétaux marins, en mer et dans la partie des fleuves, rivières, étangs et canaux où les eaux sont salées, est soumis aux dispositions suivantes.

Article 2. - Aucun établissement de pêcherie, de quelque nature qu'il soit, aucun parc soit à huîtres soit à moules, aucun dépôt de coquillages ne peuvent être formés sur le rivage de la mer, le long des côtes, ni dans la partie des fleuves, rivières, étangs et canaux où les eaux sont salées, sans une autorisation spéciale délivrée par le ministre de la Marine.

Un règlement d'administration publique déterminera les formes suivant lesquelles cette autorisation sera accordée et pourra être révoquée.

Article 3. - La pêche maritime s'exerce conformément aux règlements de la Communauté économique européenne et notamment ceux relatifs au régime de conservation et de gestion des ressources.

Toutefois, lorsque la mise en application effective de ces règlements l'exige ou le permet ou lorsque la pêche s'exerce dans des eaux ou par des activités ne relevant pas du champ d'application de ces règlements, des décrets en Conseil d'Etat fixent les conditions dans lesquelles peuvent être prises les mesures suivantes :

1° L'interdiction permanente ou temporaire ou la réglementation de l'exercice de la pêche de certaines espèces dans certaines zones;

2° Pour certaines espèces ou certains groupes d'espèces la limitation du volume des captures et leur répartition par navire;

3° Pour certaines espèces, la détermination d'une taille ou d'un poids minimal des captures au-dessous desquels celles-ci doivent être aussitôt rejetées;

4° La détermination des règles relatives à la dimension du maillage des filets et aux caractéristiques techniques des navires ainsi que la définition des engins et modes de pêche;

5° L'autorisation de certains types ou procédés de pêche et la limitation du nombre de leurs bénéficiaires en vue d'une gestion rationnelle de la ressource de pêche;

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6° La définition du pourcentage de prises accessoires de certaines espèces pour certains types de pêche ou avec certains engins;

7° La réglementation de l'emploi des appâts;

8° L'énoncé des conditions d'exécution d'opérations accessoires de la pêche à bord des navires;

9° La prohibition de la mise en vente, de l'achat, et du transport des produits dont la pêche est interdite;

10° Le classement des gisements naturels coquilliers et la définition de leurs conditions d'exploitation;

11° La définition des conditions de récolte des végétaux marins;

12° La délimitation de réserves ou de cantonnements interdits à toute pêche ou la définition des restrictions de pêche destinées à favoriser l'implantation des structures artificielles aux fins d'exploitation et de mise en valeur des ressources biologiques;

13° La détermination des conditions générales d'installation et d'exploitation des établissements de cultures marines, des établissements permanents de capture et des structures artificielles;

14° La détermination des conditions de reconstitution des ressources de pêche et d'enrichissement ou de repeuplement des fonds;

Enfin, et généralement, toute mesure d'ordre et de précaution propres à assurer la conservation et à régler l'exercice de la pêche.

Article 4. - Lorsque la mise en application effective des règlements de la Communauté économique européenne relatifs à l'organisation des marchés des produits de la mer l'exige ou le permet, ou lorsque la pêche s'exerce dans des eaux ou par des activités ne relevant pas du champ d'application de ces règlements, des décrets en Conseil d'Etat fixent les conditions dans lesquelles peuvent être prises les mesures suivantes :

1° La détermination par les autorités de l'Etat, dans les ports de pêche et de commerce, des lieux et conditions de débarquement des produits de la pêche destinés à être mis sur le marché;

2° La définition des obligations incombant aux producteurs en ce qui concerne le pesage, le tri par espèce, taille, qualité et le mode de présentation de ces produits;

3° La fixation des règles relatives à la communication d'informations statistiques par les producteurs aux services et organismes compétents.

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Article 5. - Les conditions d'exercice, professionnel ou non, de la pêche sous-marine, avec ou sans l'aide d'un appareil permettant de respirer sans revenir à la surface, sont fixées par décret en Conseil d'Etat. L'exercice à titre professionnel de la pêche à pied peut être réglementé dans les mêmes conditions.

Article 6. - Sera puni d'une amende de 3 000 F à 150 000 F quiconque aura, en infraction aux règlements de la Communauté économique européenne, aux dispositions du présent texte et aux règlements pris pour son application :

1° Détenu à bord ou utilise pour la pêche des explosifs, des armes à feu, des substances soporifiques ou toxiques de nature à détruire ou altérer les animaux, les végétaux marins et leur milieu;

2° Mis en vente, vendu, colporté, stocké, transporté, exposé ou acheté en connaissance de cause les produits des pêches pratiquées dans les conditions visées au 1 ci-dessus;

3° Pêché avec un engin dont l'usage est interdit;

4° Fabriqué, détenu à bord ou mis en vente un engin dont l'usage est interdit;

5° Pratiqué la pêche avec un engin dans une zone ou à une période où son emploi est interdit;

6° Pratiqué la pêche dans une zone où elle est interdite;

7° Pêché certaines espèces dans une zone ou à une période où leur pêche est interdite;

8° Pêché, transbordé, débarqué, transporté, exposé, vendu, stocké, acheté en connaissance de cause des produits de la mer dont la pêche est interdite ou qui n'ont pas la taille ou le poids requis;

9° Immergé des espèces marines dans des conditions irrégulières;

10° Colporté, exposé à la vente, vendu sous quelque forme que ce soit ou acheté en connaissance de cause les produits de la pêche provenant des navires ou embarcations de plaisance;

11° Colporté, exposé à la vente, vendu sous quelque forme que ce soit, acheté en connaissance de cause les produits de la pêche sous-marine ou à pied pratiquée à titre non professionnel;

12° Formé ou immergé sans autorisation une exploitation de cultures marines, un établissement permanent de capture ou une structure artificielle; ces exploitations, établissements ou structures formés ou immergés sans autorisation seront détruits aux frais du condamné.

Article 7. - Sera puni d'une amende de 50 000 F à 500 000 F tout capitaine de navires qui, en mer et en manoeuvrant son navire, se sera soustrait ou aura tenté. de se soustraire aux contrôles des officiers et agents chargés .de la police des pêches.

Article 8. - Sera punie d'une amende de à 10 000 F à 100 000 F toute personne qui aura refusé de laisser des officiers et les agents chargés de la police des pêches procéder aux contrôles et aux visites des exploitations de cultures marines, des établissements permanents de capture ou des structures artificielles, aux contrôles et aux visites à bord des navires ou embarcations de pêche, ainsi qu'à l'intérieur des installations, des locaux et des véhicules á usage professionnel.

Article 9. - Dans les eaux maritimes placées sous souveraineté ou juridiction française, les activités de pêche maritime sont, sous réserve des dispositions du traité instituant la Communauté éconoraïque européenne et des textes pris pour son application, interdites aux navires battant pavilion d'un Etat étranger.

Par dérogation au premier alinéa du présent article, des autorisations de pêche à bord des navires battant pavilion d'Etats non membres de la Communauté éconoraïque européenne peuvent être délivrées dans les conditions prévues par le traité instituant la Communauté économique européenne et les Règlements pris pour son application ainsi que par des accords internationaux passes par la Communauté économique européenne dans les limites de leur application.

Dans les eaux dont l'accès en matière de pêche ne relève pas de la Communauté économique européenne, les activités de pêche pratiquées par des navires battant pavilion d'un Etat étranger peuvent être autorisées en vertu d'un accord international passé avec l'Etat du pavilion de ces navires, aux conditions fixées par cet accord.

Article 10. - seront punis d'une amende de 50 000 F à 500 000 F :

1° Les capitaines de navires battant pavilion d'un Etat n'appartenant pas a la Communauté éconoraïque européenne qui pêche en l'absence d'autorisation ou en méconnaissance des termes de l'autorisation accordée dans les eaux maritimes sous souveraineté ou juridiction française et dansla partie des fleuves, rivières, canaux, étangs où les eaux sont salées;

2° Les capitaines des navires battant pavilion d'un autre Etat merabre de la Communauté économique européenne qui pêchent en infraction avec les règlements de la Communauté ou avec les dispositions nationales définissant les modalités d'accès, dans les eaux maritimes sous souveraineté ou juridiction française et dans la partie des fleuves, rivières, canaux, étangs où les eaux sont salées.

Article 11. - Quiconque ayant été condamné par application des dispositions des articles 6, 7, 8 ou 10 aura, dans un délai de cinq ans après l'expiration ou la prescription de cette peine, commis le même délit, sera condamné au double de la peine encourue.

Article 12. - Pourront être déclarés responsables des amendes prononcées pour contraventions prévues par la présente loi, les armateurs de bateaux de pêche qu'ils en soient ou non propriétaires, à raison des faits des patrons et équipages de ces bateaux, ceux qui exploitent les établissements de pêcheries, de parcs à huîtres ou à moules et de dépôt de coquillages, à raison des faits de leurs agents ou employes.

Ils seront, dans tous les cas, responsables des condamnations civiles.

Article 13. - Lorsqu'une infraction aux dispositions des articles 6, 7 et 8 a été constatée, le ministre chargé des Pêches maritimes et des Cultures marines peut suspendre, pour une durée maximum de trois mois, les droits et prerogatives afférents aux brevets, diplômes ou certificats des capitaines, patrons ou de ceux qui en remplissent les fonctions, dans des conditions qui seront fixées par un décret en Conseil d'Etat.

Article 14. - Les officiers et agents chargés de la police des pêches peuvent donner à tout navire de pêche l'ordre de stopper et de relever son matériel de pêche.

Ils peuvent monter à bord du navire et procéder à tout examen des captures, matériels de pêche, installations de stockage ou de traitement et de tous documents de bord, notamment ceux qui sont relatifs à l'enregistrement des captures.

Article 15. - (abrogé par la loi N° 70-1302 du 31 décembre 1970).

Article 16. - (complété par la loi 83-582 du 5 juillet 1983). - Les infractions sont recherchées et constatées par les administrateurs des Affaires maritimes, les officiers du corps technique et administratif des Affaires maritimes (loi du 5 juillet 1983), les officiers et les officiers mariniers commandant les bâtiments de l'Etat, les contrôleurs des Affaires maritimes visés à l'article 5 du décret N° 79-97 du 25 janvier 1979 relatif au statut particulier du corps des contrôleurs des Affaires maritimes (loi du 5 juillet 1983), les syndicats des Gens de mer, les gardes maritimes, les personnels embarqués d'assistance et de surveillance des affaires maritimes (loi du 5 juillet 1983), les techniciens du contrôle des établissements de pêche, des officiers et agents de police judiciaire, les agents des douanes, les gardes jurés et les prud'hommes pêcheurs.

Article 17. - Les procès-verbaux et rapports devront être signés. Lorsqu'ils émaneront des gardes jurés ou des prud'hommes pêcheurs, ils devront être, à peine de nullité, affirmés dans les trois jours de leur clôture devant le juge d'instance dans le ressort duquel est située la commune de résidence de l'agent de constatation ou devant le maire ou l'adjoint de la commune où l'infraction a été commise.

Article 18. - Les délits et contraventions en matière de pêche maritime sont jugés :

1° Pour les navires français, par le tribunal du port où le navire a été conduit ou, s'il n'a pas été conduit au port, par le tribunal du port d'immatriculation;

2° Pour les navires étrangers, par le tribunal du port où le navire a été conduit ou, s'il n'a pas été conduit au port, par le tribunal de la résidence administrative de l'agent qui a constaté l'infraction.

Article 19. - Les poursuites auront lieu à la diligence du ministère public, sans préjudice du droit de la partie civile; elles pourront être intentées à la diligence des administrateurs des Affaires maritimes. Ces officiers, en cas de poursuites par eux faites, ont droit d'exposer l'affaire devant le tribunal et d'être entendus à l'appui de leurs conclusions.

Article 20. - Les procès-verbaux et rapports feront foi jusqu'à preuve contraire.

A défaut de procès-verbaux ou en cas d'insuffisance de ces actes, les infractions pourront être prouvées par témoins.

Article 21. - Les citations, actes de procédures et jugements sont dispensés du timbre et enregistrés gratis.

Les citations et significations seront faites et remises sans frais par les syndics des Gens de mer, les gardes jurés, les gardes maritimes et les gendarmes de la marine. Si la contravention a été constatée par des officiers et agents de police judiciaire ou des agents de douanes, les significations pourront être aussi réalisées par des agents de la force publique.

Article 22. - (abrogé par loi N° 85-542 du 22 mai 1985).

Article 23. - Les dispositions du présent texte sont applicables aux eaux sous souveraineté ou juridiction française situées au large de la collectivité territoriale de Mayotte, des îles Tromelin, Glorieuses, Juan de Nova, Europa, Bassas de India et de l'île de Clipperton.

Article 24. - Sont et demeurent abrogés, en ce qu'ils ont de contraire aux dispositions de la présente loi, les lois et règlements aujourd'hui existants sur la police de la pêche côtière ou pêche du poisson et du coquillage à la mer, le long des côtes, ainsi que dans la partie des fleuves, rivières, étangs et canaux où les eaux sont salées.

Sont généralement abrogés les règlements relatifs à la récolte du varech, sart, goémon et autres marines.

Toutefois, ces lois et règlements continueront provisoirement à être exécutés, mais sous les peines ci-dessus énoncées pour les contraventions aux dispositions qu'ils contiennent, jusqu'à la publication des décrets à intervenir en conformité de l'article 3, laquelle publication devra avoir lieu dans l'année qui suivra la promulgation de la présente loi.

Il n'est d'ailleurs pas dérogé à la loi du 23 juin 1946 sur les pêcheries dans les mers situées entre les côtes de France et celles du Royaume-Uni de la Grande-Bretagne et de l'Irlande.

La présente loi sera insérée au Bulletin des lois et au Bulletin officiel de la marine.

### 3. REGLEMENTS

- (a) Décret N° 78-963 du 19 septembre 1978 fixant les conditions dans lesquelles certains navires étrangers pourront obtenir des droits de pêche dans les zones économiques qui ont été créées au large des côtes des territoires d'outre-mer et de la collectivité territoriale de Mayotte.

Article 1er. - Le présent décret fixe les conditions dans lesquelles des droits de pêche peuvent être accordés aux navires étrangers dans les zones économiques situées au large des côtes de la Nouvelle-Calédonie et dépendances, de la Polynésie française, des terres australes françaises (Saint Paul et Amsterdam, Crozet, Kerguelen), de Wallis et Futuna, des îles Tromelin, Glorieuses, Juan de Nova, Europa et Bassas da India, de l'île de Clipperton et de la collectivité territoriale de Mayotte.

Article 2. - Le nombre des navires étrangers qui peuvent pêcher dans les zones économiques visées à l'article 1er ci-dessus ainsi que, le cas échéant, les quotas de pêche sont fixés par décret.

Article 3. - Toute demande de licence comporte les informations suivantes:

Nom du navire; Numéro et port d'immatriculation; Marques extérieures d'identification; Nom et adresse du propriétaire ou de l'affrètement; Tonnage brut; Longueur hors tout; Puissance du moteur ou des moteurs; Signal distinctif; Fréquences radio utilisées; Méthode de pêche; Espèces qu'il est prévu de capturer; Période de pêche.

Article 4. - Dans le cas où plusieurs navires participent à une même opération de pêche, chacun des navires doit être détenteur d'une licence de pêche individuelle, ce document n'étant valable que pour un seul navire.

Article 5. - Un navire détenteur d'une licence doit, pour pouvoir pêcher, se conformer aux prescriptions suivantes:

- (a) L'original de la licence est détenu à bord;
- (b) Le capitaine tient un journal de pêche;
- (c) Le Capitaine communique, par messages radiotéléphoniques ou radiotélégraphiques, les mouvements d'entrée et de sortie du navire, les captures effectuées, les secteurs fréquentés;
- (d) Le nom du navire est indiqué de manière très visible en caractères latins de 6 cm au moins d'épaisseur de trait et de 45 cm au moins de hauteur, en lettres blanches sur fond noir, de chaque côté de la passerelle de navigation et à hauteur de celle-ci;

- (e) Le signal distinctif du navire est peint sur la partie supérieure des superstructures en lettres de couleur rouge sur fond blanc, d'une épaisseur de trait de 6 cm au moins et de 45 cm de hauteur au moins, disposées de telle sorte qu'elles soient visibles par un observateur aérien survolant le navire en suivant la même route que ce dernier.

Article 6. - Les licences sont délivrées par décision des autorités territoriales compétentes en ce qui concerne les zones économiques au large de la Nouvelle-Calédonie et dépendances, de la Polynésie française et des terres australes françaises et par arrêté conjoint du ministre chargé des pêches maritimes et du ministre chargé des départements et territoires d'outre-mer en ce qui concerne les zones économiques au large des autres territoires et de la collectivité territoriale de Mayotte.

Le modèle et la durée des licences, la forme et les indications du journal de pêche, la périodicité, le contenu et les modalités de transmission des messages prévus à l'article 5 ci-dessus et toutes autres formalités pratiques rendues nécessaires par l'application du présent décret sont fixés de la même manière.

Article 7. - Le ministre de l'intérieur, le ministre des affaires étrangères, le ministre de la défense, le ministre des transports et le secrétaire d'Etat auprès du ministre de l'intérieur (Départements et territoires d'outre-mer) sont chargés, chacun en ce qui le concerne, de l'exécution du présent décret, qui sera publié au Journal officiel de la République française.

- (b) Arrêté interministériel du 1<sup>er</sup> décembre 1978 fixant les conditions dans lesquelles certains navires étrangers pourront obtenir des droits de pêche dans les zones économiques qui ont été créées au large des côtes des territoires d'outre-mer et de la collectivité territoriale de Mayotte.

Article 1<sup>er</sup>. - Les licences de pêche instituées par l'article 2 du décret N° 78-963 du 19 septembre 1978 sont délivrées par le ministre chargé des pêches maritimes et par le ministre chargé des départements et territoires d'outre-mer pour les zones économiques au large des côtes du territoire de Wallis et Futuna, des îles Tromelin, Glorieuses, Juan de Nova, Europa, Bassas da India, de l'île de Clipperton et de la collectivité territoriale de Mayotte.

Les licences entrent en vigueur un mois après la date à laquelle elles ont été délivrées.

Les licences sont du modèle défini à l'annexe I.

Article 2. - Le contenu du journal de pêche et des messages radio est précisé par les annexes II et III du présent arrêté dont les dispositions sont reprises à l'appui de chaque licence délivrée.

Article 3. - Le ministre des Transports et le secrétaire d'Etat auprès du ministre de l'Intérieur (départements et territoires d'outre-mer) sont chargés, chacun en ce qui le concerne, de l'application du présent arrêté, qui sera publié au Journal officiel de la République française.

ANNEXE I

REPUBLIQUE FRANCAISE

Secrétariat d'Etat

auprès du ministre de l'intérieur  
(départements et territoires d'outre-mer)

Licence de pêche N°

En application de la loi du 1er mars 1888 portant interdiction de la pêche des navires étrangers dans les eaux territoriales, de la loi N° 76-655 du 16 juillet 1976 relative à la zone économique au large des côtes du territoire de la République, et du décret N° 78-963 du 19 septembre 1978 fixant les conditions dans lesquelles certains navires étrangers pourront obtenir des droits de pêche dans les zones économiques qui ont été créées au large des côtes des TOM et de la collectivité territoriale de Mayotte:

Le navire:

battant pavillon:

Nom du propriétaire ou de l'affrètement:

dont les caractéristiques sont les suivantes:

Numéro d'immatriculation:

Lettres et numéros d'identification extérieurs:

Jauge brute:

Longueur hors tout:

Puissance motrice (ch):

Signal distinctif:

est autorisé à pêcher du \_\_\_\_\_ au \_\_\_\_\_

par la méthode de:

les espèces suivantes:

dans la/les zone(s) s'étendant jusqu'à 200 milles nautiques au large des côtes.

La présente licence est retirée ou partiellement retirée pour certaines espèces suivant le cas avant la date d'expiration de sa validité par l'autorité l'ayant délivrée lorsqu'il a été constaté que les contingents de captures ou de jours de pêche attribués à l'Etat du pavillon sont épuisés.

L'octroi de cette licence comporte pour le détenteur l'obligation de se conformer à toutes les mesures de conservation, aux dispositions de surveillance, aux prescriptions régissant les activités de pêche dans la zone concernée et aux conditions spéciales figurant en annexe.

ANNEXE II

Conditions spéciales

1. L'original de la licence de pêche est détenu à bord du navire.
2. Les lettres et numéros d'identification du navire doivent être peints sur la coque de façon apparente. Ils ne devront en aucun cas être effacés, altérés, rendus méconnaissables, couverts ou cachés par un moyen quelconque.

Le signal distinctif ou l'indicatif radio est peint sur la partie supérieure d'une superstructure de telle manière qu'il puisse être lu par un observateur aérien suivant la même route que le navire. Ces lettres, de couleur rouge sur fond blanc, ont au moins 0.45 m de hauteur et 0.06 m de largeur de trait.

3. Un journal de pêche est tenu qui comporte les indications suivantes, enregistrées après chaque opération de pêche:

- 3.1. Les captures par espèce (en kilogrammes);
- 3.2. La date, l'heure de début et de fin de l'opération de pêche;
- 3.3. La localisation géographique du lieu des captures;
- 3.4. La méthode de pêche utilisée.

4. Des informations sont transmises par chaque navire dans les cas suivants:

- 4.1. Lors de chaque entrée du navire dans la zone économique;
- 4.2. Lors de chaque sortie du navire de la zone économique;
- 4.3. Lors de chaque escale dans un port;
- 4.4. Lors de chaque appareillage d'un port;
- 4.5. A la fin de chaque période de sept jours suivant l'entrée dans la zone économique ou l'appareillage d'un port situé à l'intérieur de cette zone.

Elles sont adressées à:

- AVISPECHE MATA-UTU pour Wallis et Futuna;
- AVISPECHE PAPEETE pour Clipperton;
- AVISPECHE SAINT-DENIS pour les îles Eparses de l'océan Indien;
- AVISPECHE DZAOUZI pour Mayotte, via les stations de radio maritimes de:
- NOUMEA RADIO/FJP pour Wallis et Futuna;
- MAHINA RADIO/FJA pour Clipperton;
- SAINT-DENIS-REUNION RADIO/FFD pour les îles Eparses de l'océan Indien et Mayotte.

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5. Les messages comportent les informations suivantes:
  - 5.1. La date, l'heure, la position géographique;
  - 5.2. Les captures (en kilogrammes) de chaque espèce se trouvant en cale;
  - 5.3. Les captures (en kilogrammes) de chaque espèce pêchée depuis le précédent message;
  - 5.4. La localisation géographique des lieux des captures.
  - 5.5. Les captures (en kilogrammes) de chaque espèce transférée sur d'autres navires depuis le précédent message.
6. Les informations à communiquer relatives aux points 4 et 5 sont transmises d'après le code et dans l'ordre définis à l'annexe III.
7. Les transmissions des informations et des messages des paragraphes 4, 5 et 6 ci-dessus doivent être reportées sur le journal de pêche dès qu'elles ont été effectuées.

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- (c) Arrêté préfectoral N° 32 DG/01-TAAF du 14 septembre 1981 portant interdiction de la chasse aux cétacés dans les zones économiques exclusives françaises des îles éparses et de Mayotte.

Article 1er. - Pendant une période de dix ans, la chasse de toute espèce de cétacés, à dents ou à fanons est interdite, que ce soit à partir de la terre ou à partir de navires dans les zones économiques exclusives françaises de Europa, Juan de Nova, Bassas da India, Glorieuses, Mayotte et Tromelin.

Article 2. - Le contre-amiral, commandant la zone maritime N° 5 est chargé de l'application du présent arrêté.

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\* Title only

\*\* Text not available in our collection



1. LIMITS OF NATIONAL JURISDICTION

(a) Proclamation of 30 September 1967 by the President.

Whereas international law has always recognised that the sovereignty of a State extends to a belt of sea adjacent to its coast;

And whereas international practice is not uniform as regards the extent of this sea-belt commonly known as the territorial waters of a State;

And whereas by the Proclamation issued by the President of India on the 22nd March, 1956 and published with the notification of the Government of India in the Ministry of External Affairs, N S.R.O. 669, dated the 22nd March, 1956, the territorial waters of India were declared to extend into the sea to a distance of six nautical miles measured from the appropriate base line and by the Proclamation issued by the President of India on the 3rd December, 1956, and published with the notification of the Government of India in the Ministry of External Affairs, N S.R.O. 2920, dated the 3rd December, 1956, the limit of contiguous zone was fixed at twelve nautical miles from the base line from which the width of the territorial waters is measured;

And whereas under international law and customs, a State has the right to fix the limits of its territorial waters up to a distance of twelve nautical miles measured from the appropriate base line;

And whereas several States have fixed the limits of their territorial waters up to a distance of twelve nautical miles from the appropriate baseline and such fixation is in consonance with the requirements and legitimate interests of all countries and especially the developing countries;

And whereas the Republic of India has the obligation to ensure its effective control over as wide an area of the sea adjacent to its coast as is compatible with international law, in order to safeguard its territorial integrity and as a developing country to exploit and utilise the natural resources of the sea in an efficient manner;

Now, therefore, in the Eighteenth Year of the Republic of India, I, Zakir Husain, President of India, hereby proclaim, in supersession of the Proclamations aforesaid, that the territorial waters of India extend into the sea to a distance of twelve nautical miles measured from the appropriate baseline.

(b) Constitution (Fortieth Amendment) Act 1976.

1. -Short title. - This Act may be called the Constitution (Fortieth Amendment) Act, 1976.

2. -Substitution of new article for article 297. - For article 297 of the Constitution, the following article shall be substituted, namely:

"297 - Things of value within territorial waters or continental shelf and resources of the exclusive economic zone to vest in the Union -

(1) All lands, minerals and other things of value underlying the ocean within the territorial waters, or the continental shelf, or the exclusive economic zone, of India shall vest in the Union and be held for the purposes of the Union.

(2) All other resources of the exclusive economic zone of India shall also vest in the Union and be held for the purposes of the Union.

(3) The limits of the territorial waters, the continental shelf, the exclusive economic zone and other maritime zones, of India shall be such as may be specified, from time to time, by or under any law made by Parliament.

(c) The Territorial Waters, Continental Shelf, Exclusive Economic Zone and other Maritime Zones Act, 1976.

1. - Short title and commencement. - (1) This Act may be called the Territorial Waters, Continental Shelf, Exclusive Economic Zone and other Maritime Zones Act, 1976.

(2) Sections 5 and 7 shall come into force on such date or on such different dates as the Central Government may, by notification in the Official Gazette, appoint; and the remaining provisions of this Act shall come into force at once.

2. - Definition. - In this Act, "limit", in relation to the territorial waters, the continental shelf, the exclusive economic zone or any other maritime zone of India, means the limit of such waters, shelf or zone with reference to the mainland of India as well as the individual or composite group or groups of islands constituting part of the territory of India.

3. - Sovereignty over, and limits of, territorial waters. - (1) The sovereignty of India extends and has always extended to the territorial waters of India (hereinafter referred to as the territorial waters) and to the seabed and subsoil underlying, and the air space over such waters.

(2) The limit of the territorial waters is the line every point of which is at a distance of twelve nautical miles from the nearest point of the appropriate baseline.

(3) Notwithstanding anything contained in sub-section (2), the Central Government may, whenever it considers necessary so to do having regard to International Law and State practice, alter, by notification in the Official Gazette, the limit of the territorial waters.

(4) No notification shall be issued under sub-section (3) unless resolutions approving the issue of such notification are passed by both Houses of Parliament.

4. - Use of territorial waters by foreign ships. - (1) Without prejudice to the provisions of any other law for the time being in force, all foreign ships (other than warships including sub-marines and other underwater vehicles) shall enjoy the right of innocent passage through the territorial waters.

Explanation - For the purposes of this section, passage is innocent so long as it is not prejudicial to the peace, good order or security of India.

(2) Foreign warships including submarines and other underwater vehicles may enter or pass through the territorial waters after giving prior notice to the Central Government:

Provided that submarines and other underwater vehicles shall navigate on the surface and show their flag while passing through such waters.

(3) The Central Government may, if satisfied that it is necessary so to do in the interests of the peace, good order or security of India or any part thereof, suspend, by notification in the Official Gazette, whether absolutely or subject to such exceptions and qualifications as may be specified in the notification, the entry of all or any class of foreign ships into such area of the territorial waters as may be specified in the notification.

5. - Contiguous Zone of India. - (1) The contiguous zone of India (hereinafter referred to as the contiguous zone) is an area beyond and adjacent to the territorial waters and the limit of the contiguous zone is the line every point of which is at a distance of twenty-four nautical miles from the nearest point of the baseline referred to in sub-section (2) of section 3.

(2) Notwithstanding anything contained in sub-section (1), the Central Government may, whenever it considers necessary so to do having regard to International Law and State Practice, alter, by notification in the Official Gazette, the limit of the contiguous zone.

(3) No notification shall be issued under sub-section (2) unless resolutions approving the issue of such notification are passed by both Houses of Parliament.

(4) The Central Government may exercise such powers and take measures in or in relation to the contiguous zone as it may consider necessary with respect to;

- (a) the security of India; and
- (b) immigration, sanitation, customs and other fiscal matters.

(5) The Central Government may, by notification in the Official Gazette:

- (a) extend with such restrictions and modifications as it thinks fit, any enactment, relating to any matter referred to in clause (a) or clause (b) of sub-section (4), for the time being in force in India or any part thereof, to the contiguous zone; and
- (b) make such provisions as it may consider necessary in such notification for facilitating the enforcement of such enactment, and any enactment so extended shall have effect as if the contiguous zone is a part of the territory of India.

6. - Continental shelf. - (1) The continental shelf of India (hereinafter referred to as the continental shelf) comprises the seabed and subsoil of the submarine areas that extend beyond the limit of its territorial waters throughout the natural prolongation of its land territory to the outer edge of the continental margin or to a distance of two hundred nautical miles from the baseline referred to in sub-section (2) of section 3 where the outer edge of the continental margin does not extend up to that distance.

(2) India has, and always had, full and exclusive sovereign rights in respect of its continental shelf.

(3) Without prejudice to the generality of the provisions of sub-section (2) the Union has in the continent shelf:

- (a) sovereign rights for the purposes of exploration, exploitation, conservation and management of all resources;
- (b) exclusive rights and jurisdiction for the construction, maintenance or operation of artificial islands, off-shore terminals, installations and other structures and devices necessary for the exploration and exploitation of the resources of the continental shelf or for the convenience of shipping or for any other purpose;
- (c) exclusive jurisdiction to authorise, regulate and control scientific research; and
- (d) exclusive jurisdiction to preserve and protect the marine environment and to prevent and control marine pollution.

(4) No person (including a foreign Government) shall, except under, and in accordance with the terms of a licence or a letter of authority granted by the Central Government, explore the continental shelf or exploit its resources or carry out any search or excavation or conduct any research within the continental shelf or drill therein or construct, maintain or operate any artificial island, off-shore terminal, installation or other structure or device therein for any purpose whatsoever.

(5) The Central Government may, by notification in the Official Gazette:

- (a) declare any area of the continental shelf and its superjacent waters to be a designated area; and
- (b) make such provisions as it may deem necessary with respect to:
  - (i) the exploration, exploitation and protection of the resources of the continental shelf within such designated area; or
  - (ii) the safety and protection of artificial islands, off-shore terminals, installations and other structures and devices in such designated area; or
  - (iii) the protection of marine environment of such designated area; or
  - (iv) customs and other fiscal matters in relation to such designated area.

Explanation - A notification issued under this sub-section may provide for the regulation of entry into and passage through the designated area of foreign ships by the establishment of fairways, sealanes, traffic separation schemes or any other mode of ensuring freedom of navigation which is not prejudicial to the interests of India.

- (6) The Central Government may, by notification in the Official Gazette:
- (a) extend with such restrictions and modifications as it thinks fit, any enactment for the time being in force in India or any part thereof to the continental shelf or any part [including any designated area under sub-section (5)] thereof; and
  - (b) make such provisions as it may consider necessary for facilitating the enforcement of such enactment, and any enactment so extended shall have effect as if the continental shelf or the part [including, as the case may be, any designated area under sub-section (5)] thereof to which it has been extended is a part of the territory of India.

(7) Without prejudice to the provisions of sub-section (2) and subject to any measures that may be necessary for protecting the interests of India, the Central Government may not impede the laying or maintenance of submarine cables or pipelines on the continental shelf by foreign States:

Provided that the consent of the Central Government shall be necessary for the delineation of the course for the laying of such cables or pipelines.

7. - Exclusive economic zone. - (1) The exclusive economic zone of India (hereinafter referred to as the exclusive economic zone) is an area beyond and adjacent to the territorial waters, and the limit of such zone is two hundred nautical miles from the baseline referred to in sub-section (2) of section 3.

(2) Notwithstanding anything contained in sub-section (1), the Central Government may whenever it considers necessary so to do having regard to International Law and State practice, alter, by notification in the Official Gazette, the limit of the exclusive economic zone.

(3) No notification shall be issued under sub-section (2) unless resolutions approving the issue of such notification are passed by both Houses of Parliament.

- (4) In the exclusive economic zone, the Union has:
- (a) Sovereign rights for the purpose of exploration, exploitation, conservation and management of the natural resources, both living and non-living as well as for producing energy from tides, winds and currents;
  - (b) exclusive rights and jurisdiction for the construction, maintenance or operation of artificial islands, off-shore terminals, installations and other structures and devices necessary for the exploration and exploitation of the resources of the zone or for the convenience of shipping or for any other purpose;
  - (c) exclusive jurisdiction to authorise, regulate and control scientific research;

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- (d) exclusive jurisdiction to preserve and protect the marine environment and to prevent and control marine pollution; and
- (e) such other rights as are recognised by International Law.

(5) No person (including a foreign Government) shall, except under and in accordance with, the terms of any agreement with the Central Government or of a licence or a letter of authority granted by the Central Government, explore, exploit any resources of the exclusive economic zone or carry out any search or excavation or conduct any research within the exclusive economic zone or drill therein or construct, maintain or operate any artificial island, off-shore terminal, installation or other structure or device therein for any purpose whatsoever:

Provided that nothing in this sub-section shall apply in relation to fishing by a citizen of India.

- (6) The Central Government may, by notification in the Official Gazette:
- (a) declare any area of the exclusive economic zone to be a designated area; and
  - (b) make such provisions as it may deem necessary with respect to:
    - (i) the exploration, exploitation and protection of the resources of such designated area; or
    - (ii) other activities for the economic exploitation and exploration of such designated area such as the production of energy from tides, winds and currents; or
    - (iii) the safety and protection of artificial islands, off-shore terminals, installations and other structures and devices in such designated area; or
    - (iv) the protection of marine environment of such designated area; or
    - (v) customs and other fiscal matters in relation to such designated area.

Explanation - A notification issued under this sub-section may provide for the regulation of entry into and passage through the designated area of foreign ships by the establishment of fairways, sealanes, traffic separation schemes or any other mode of ensuring freedom of navigation which is not prejudicial to the interests of India.

- (7) The Central Government may, by notification in the Official Gazette:
- (a) extend, with such restrictions and modifications as it thinks fit, any enactment for the time being in force in India or any part thereof to the exclusive economic zone or any part thereof; and

- (b) make such provisions as it may consider necessary for facilitating the enforcement of such enactment,

and any enactment so extended shall have effect as if the exclusive economic zone or the part thereof, to which it has been extended is a part of the territory of India.

(8) The provisions of sub-section (7) of section 6 shall apply in relation to the laying or maintenance of submarine cables or pipelines on the seabed of the exclusive economic zone as they apply in relation to the laying or maintenance of submarine cables or pipelines on the seabed of the continental shelf.

(9) In the exclusive economic zone and the air space over the zone, ships and aircraft of all States shall, subject to the exercise by India of its rights within the zone, enjoy freedom of navigation and overflight.

8. - Historic waters. - (1) The Central Government may, by notification in the Official Gazette, specify the limits of such waters adjacent to its land territory as are the historic waters of India.

(2) The sovereignty of India extends, and has always extended, to the historic waters of India and to the seabed and subsoil underlying, and the air space over, such waters.

9. - Maritime boundaries between India and States having coasts opposite or adjacent to those of India.

(1) The maritime boundaries between India and any State whose coast is opposite or adjacent to that of India in regard to their respective territorial waters, contiguous zones, continental shelves, exclusive economic zones and other maritime zones shall be as determined by agreement (whether entered into before or after the commencement of this section) between India and such State and pending such agreement between India and any such State, and unless any other provisional arrangements are agreed to between them, the maritime boundaries between India and such State shall not extend beyond the line every point of which is equidistant from the nearest point from which the breadth of the territorial waters of India and of such State are measured.

(2) Every agreement referred to in sub-section (1) shall, as soon as may be after it is entered into, be published in the Official Gazette.

(3) The provisions of sub-section (1) shall have effect notwithstanding anything contained in any other provision of this Act.

10. - Publication of charts. - The Central Government may cause the baseline referred to in sub-section (2) of section 3, the limits of the territorial waters, the contiguous zone, the continental shelf, the exclusive economic zone and the historic waters of India and the maritime boundaries as settled by agreements referred to in section 9 to be published in charts.

11. - Offences. - Whoever contravenes any provision of this Act or of any notification thereunder shall (without prejudice to any other action which may be taken against such person under any other provision of this or of any other enactment) be punishable with imprisonment which may extend to three years, or with fine, or with both.

12. - Offences by companies. - (1) Where an offence under this Act or the rules made thereunder has been committed by a company, every person who at the time the offence was committed was in charge of, and was responsible to the company for the conduct of the business of the company, as well as the company shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1) where an offence under this Act or the rules made thereunder has been committed by a company and it is proved that the offence has been committed with the consent or the connivance of, is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation - For the purposes of this section:

- (a) "company" means any body corporate and includes a firm or other association of individuals; and
- (b) "director", in relation to a firm, means a partner in the firm.

13 - Place of trial. - Any person committing an offence under this Act or any rules made thereunder or under any of the enactments extended under this Act or under the rules made thereunder may be tried for the offence in any place in which he may be found or in such other place as the Central Government may, by general or special order, published in the Official Gazette, direct in this behalf.

14 - Previous sanction of the Central Government for prosecution. - No prosecution shall be instituted against any person in respect of any offence under this Act or the rules made thereunder without the previous sanction of the Central Government or such officer or authority as may be authorised by that Government by order in writing in this behalf.

15 - Power to make rules. - (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:

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- (a) regulation of the conduct of any person in the territorial waters, the contiguous zone, the continental shelf, the exclusive economic zone or any other maritime zone of India;
- (b) regulation of the exploration and exploitation, conservation and management of the resources of the continental shelf;
- (c) regulation of the exploration, exploitation, conservation and management of the resources of the exclusive economic zone;
- (d) regulation of the construction, maintenance and operation of artificial islands, off-shore terminals, installations and other structures and devices referred to in sections 6 and 7;
- (e) preservation and protection of the marine environment and prevention and control of marine pollution for the purposes of this Act;
- (f) authorisation, regulation and control of the conduct of scientific research for the purposes of this Act;
- (g) fees in relation to licences and letters of authority referred to in sub-section (4) of section 6 and sub-section (5) of section 7 or for any other purpose; or
- (h) any matter incidental to any of the matters specified in clauses (a) to (g).

(3) In making any rule under this section, the Central Government may provide that a contravention thereof shall be punishable with imprisonment which may extend to three years, or with fine which may extend to any amount, or with both.

(4) Every rule made under this Act and every notification issued under sub-section (5) of section 6 or sub-section (6) of section 7 shall be laid, as soon as may be after it is made or issued, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions and if, before the expiry of the session immediately following the session or the successive session aforesaid both Houses agree in making any modification in the rule or the notification or both Houses agree that the rule or notification should not be issued, the rule or notification shall, thereafter, have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of any thing previously done under that rule or notification.

16. - Removal of difficulties. - (1) If any difficulty arises in giving effect to the provisions of this Act or of any of the enactments extended under this Act, the Central Government may, by order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act or, as the case may be, of such enactment, as may appear to it to be necessary or expedient for removing the difficulty:

Provided that no order shall be made under this section:

- (a) in the case of any difficulty arising in giving effect to any provision of this Act, after the expiry of three years from the commencement of such provision;
- (b) in the case of any difficulty arising in giving effect to the provisions of any enactment extended under this Act, after the expiry of three years from the extension of such enactment.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

(d) Notifications by India on the Exclusive Economic Zone (15 January 1977).

I

"In exercise of the powers conferred by sub-section (2) of section 1 of the Territorial Waters, Continental Shelf, Exclusive Economic Zone and other Maritime Zones Act, 1976 (80 of 1976), the Central Government hereby appoints the 15th day of January, 1977, as the date on which sections 5 and 7 of the said Act shall come into force."

II

"In exercise of the powers conferred by sub-section (1) of section 8 of the Territorial Waters, Continental Shelf, Exclusive Economic Zone and other Maritime Zones Act, 1976 (80 of 1976) (hereinafter referred to as the Act), the Central Government hereby notifies that the limits of the historic waters of India in each of the areas of sea specified in column II of the Table below are as specified in the corresponding entry in column III of the Table.

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S. N.o	Description of the area of sea	Limits of historic waters of India
I.	II	III
I.	Palk Strait and Palk Bay	The area of sea bounded by: <ul style="list-style-type: none"><li>(a) the coast of the mainland of India;</li><li>(b) the maritime boundary settled by the Agreement between India and Sri Lanka on the Boundary in Historic waters between the two countries and Related Matters, which came into force with effect from July 8, 1974; and</li><li>(c) the arc of Great Circle between the following position defined by latitude and longitude in the Palk Strait:<ul style="list-style-type: none"><li>(i) 10 degrees 17.5 minutes North, 79 degrees 52.7 minutes East;</li></ul></li></ul>

- (ii) 10 degrees 05.0 minutes North, 80 degrees 03.0 minutes East.

2. Gulf of Manaar

The area of sea bounded by:

- (a) the coast of the mainland of
- (b) India, the maritime boundary settled by the Agreement between India and Sri Lanka on the Maritime Boundary between the two Countries in the Gulf of Manaar and the Bay of Bengal and Related Matters, which came into force with effect from May 10, 1976; and
- (c) the area of Great Circle between the following positions defined by latitude and longitude:
  - (i) 08 degrees 30.0 minutes North, 78 degrees 07.9 minutes East;
  - (ii) 08 degrees 22.2 minutes North, 78 degrees 55.4 minutes East.

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2. - The historic waters of India in Palk Strait and Palk Bay area of sea are internal waters of India. The historic waters of India beyond the appropriate baseline referred to in section 3 (2) of the Act in the Gulf of Manaar area of sea have the same status as the territorial waters of India."

2. BASIC FISHERIES LEGISLATION

- (a) The Maritime Zones of India (Regulation of Fishing by Foreign Vessels) Act, 1981.

Chapter I - Preliminary

1. - Short title and commencement. - (1) This Act may be called the Maritime Zones of India (Regulation of Fishing by Foreign Vessels) Act, 1981.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint:

Provided that different dates may be appointed for different provisions of this Act and any reference in any such provision to the commencement of this Act shall be construed as a reference to the coming into force of that provision.

2. - Definitions. - In this Act, unless the context otherwise requires:

- (a) "exclusive economic zone of India" means the exclusive economic zone of India in accordance with the provisions of section 7 of the Territorial Waters, Continental Shelf, Exclusive Economic Zone and other Maritime Zones Act, 1976;
- (b) "fish" means any aquatic animal, whether piscine or not, and includes shell fish, crustacean, molluscs, turtle (chelonina), aquatic mammal (the young, fry, eggs and spawn thereof), holothurians, coelenterates, sea weed, coral (porifera) and any other aquatic life;
- (c) "fishing" means catching, taking, killing, attracting or pursuing fish by any method and includes the processing, preserving, transferring, receiving and transporting of fish;
- (d) "foreign vessel" means any vessel other than an Indian vessel;
- (e) "Indian vessel" means:
- (I) a vessel owned by Government or by a corporation established by a Central Act or a Provincial or State Act, or
- (II) a vessel:
- (i) which is owned wholly by persons to each of whom any of the following descriptions applies: -
- (1) a citizen of India;
- (2) a company in which not less than sixty percent of the share capital is held by citizens of India;

- (3) a registered co-operative society every member whereof is a citizen of India or where any other co-operative society is a member thereof, every individual who is a member of such other co-operative society is a citizen of India; and
- (ii) which is registered under the Merchant Shipping Act, 1958, (44 of 1958) or under any other Central Act or any Provincial or State Act.

Explanation - For the purposes of this clause, "registered co-operative society" means a society registered or deemed to be registered under the Co-operative Societies Act, 1912 (2 of 1912), or any other law relating to co-operative societies for the time being in force in any State;

- (f) "licence" means a licence granted under section 4;
- (g) "maritime zones of India" means the territorial waters of India or the exclusive economic zone of India;
- (h) "master", in relation to a vessel, means the person for the time being having command or charge of the vessel;
- (i) "owner", in relation to a vessel, includes any association of persons, whether incorporated or not, by whom the vessel is owned or chartered;
- (j) "permit" means a permit granted or deemed to have been granted under section 5;
- (k) "prescribed" means prescribed by rules made under this Act;
- (l) "processing", in relation to fishing, includes cleaning, beheading, filleting, shelling, peeling, icing, freezing, canning, salting, smoking, cooking, pickling, drying and otherwise preparing or preserving fish by any other method;
- (m) "specified ports" means such ports as the Central Government may, by notification in the Official Gazette, specify for the purposes of this Act;
- (n) "territorial waters of India" means the territorial waters of India in accordance with the provisions of section 3 of the Territorial Waters, Continental Shelf, Exclusive Economic Zone and other Maritime Zones Act, 1976 (80 of 1976);
- (o) "vessel" includes any ship, boat, sailing vessel or other description of vessel.

Chapter II - Regulation of Fishing by Foreign Vessels

3. - Prohibition of fishing in maritime zones of India by foreign vessels. - Subject to the provisions of this Act, no foreign vessel shall, except under and in accordance with:

- (a) licence granted under section 4; or
- (b) a permit granted under section 5,

by the Central Government, be used for fishing within any maritime zone of India.

4. - Grant of licences. - (1) The owner of a foreign vessel or any other person [not being in either case any person to whom any of the descriptions specified in sub-items (1) to (3) of item (i) of sub-clause (II) of clause (e) of section 2 applies] who intends to use such vessel for fishing within any maritime zone of India, may make an application to the Central Government for the grant of a licence.

(2) Every application under sub-section (1) shall be in such form and shall be accompanied by such fees as may be prescribed.

(3) No licence shall be granted unless the Central Government, having regard to such matters as may be prescribed in the public interest in this behalf and after making such inquiry in respect of such other matters as may be relevant, is satisfied that the licence may be granted.

(4) Every order granting or rejecting an application for the issue of a licence shall be in writing.

(5) A licence granted under this section:

- (a) shall be in such form as may be prescribed;
- (b) shall be valid for such areas, for such period, for such method of fishing and for such purposes as may be specified therein;
- (c) may be renewed from time to time; and
- (d) shall be subject to such conditions and restrictions as may be prescribed and to such additional conditions and restrictions as may be specified therein.

(6) A person holding a licence under this section shall ensure that every person employed by him complies, in the course of such employment, with the provisions of this Act, or any rule or order made thereunder and the conditions of such licence.

5. - Prohibition of fishing by Indian citizens etc., using foreign vessels. -(1) Every Indian citizen and every person to whom any of the descriptions specified in sub-item (2) or (3) of item (i) of sub-clause (II) of clause (e) of section 2 applies, who intends to use any foreign vessel for fishing within any maritime zone of India, may make an application to the Central Government for a permit to use such vessel for such purpose.

(2) Every application under sub-section (1) shall be made in such form and shall be accompanied by such fees as may be prescribed.

(3) No permit shall be granted unless the Central Government, having regard to such matters as may be prescribed in the public interest in this behalf and after making such inquiry in respect of such other matters as may be relevant, is satisfied that the permit may be granted.

(4) Every order granting or rejecting an application for the grant of such permit shall be in writing.

(5) A permit granted under this section:

(a) shall be in such form as may be prescribed;

(b) shall be valid for such areas, for such period, for such method of fishing and for such purposes as may be specified therein;

(c) may be renewed from time to time; and

(d) shall be subject to such conditions and restrictions as may be prescribed and to such additional conditions and restrictions as may be specified therein.

(6) A person holding a permit under this section shall ensure that every person employed by him complies, in the course of such employment, with the provisions of this Act or any rule or order made thereunder and the conditions of such permit.

(7) Notwithstanding anything contained in the foregoing provisions of this section, or in section 3, any permission granted to an Indian citizen to use or employ foreign fishing vessels in any maritime zone of India and in force immediately before the commencement of this Act shall, if the terms and conditions of such permission are not inconsistent with the provisions of this Act, be deemed to be a permit granted under this section and such permission shall continue to be in force after such commencement on the same terms and conditions, including the conditions as to the area of operation and the period of its validity, and the provisions of this Act shall, so far as may be, apply to such permission.

6. - Cancellation or suspension of licence or permit. - (1) The Central Government may, if there is any reasonable cause to believe that the holder of any licence or permit has made any statement in, or in relation to, any application for the grant or renewal of such licence or permit which is

incorrect or false in material particulars or has contravened any of the provisions of this Act or any rule or order made thereunder or of the provisions of any licence or permit or any conditions or restrictions specified therein, suspend such licence or permit, as the case may be, pending the completion of any inquiry against such holder for making such incorrect or false statement or for such contravention, as the case may be.

(2) Where the Central Government is satisfied, after making such inquiry as is necessary, that the holder of any licence or permit has made such incorrect or false statement as is referred to in sub-section (1) or has contravened the provisions of this Act, rule or order made thereunder or of the provisions of any licence or permit or any conditions or restrictions specified therein, it may, without prejudice to any other penalty to which such holder may be liable under the provisions of this Act, cancel such licence or permit, as the case may be.

(3) Every person whose licence or permit has been suspended under sub-section (1) shall, immediately after such suspension, stop using the foreign fishing vessel in respect of which such licence or permit is given and shall not resume such fishing until the order of suspension has been revoked.

(4) Every holder of a licence or permit which is suspended or cancelled shall, immediately after such suspension or cancellation, surrender such licence or permit, as the case may be, to the Central Government.

7. - Foreign vessel entering maritime zones of India without licence or permit to stow gear. - Where any foreign vessel enters any maritime zone of India without a valid licence or permit granted under this Act, the fishing gear, if any, of such vessel shall, at all times while it is in such zone, be kept stowed in the prescribed manner.

8. - Fishing for scientific research, investigation, etc. - Notwithstanding anything contained in section 3, the Central Government may, in writing, permit a foreign vessel to be used for fishing within any maritime zone of India for the purpose of carrying out any scientific research or investigation or for any experimental fishing in accordance with such terms and conditions as may be prescribed.

### Chapter III - Powers of Search and Seizure

9. - Authorised officers and their powers. - (1) Any officer of the Coast Guard constituted under the Coast Guard Act, 1978 (30 of 1978), or such other officer of Government as may be authorised by the Central Government may, for the purpose of ascertaining whether or not the requirements of this Act have been complied with, either with or without a warrant:

- (a) stop or board a foreign vessel in any maritime zone of India and search such vessel for fish and for equipment used or capable of being used for fishing;

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- (b) require the master of such vessel to produce:
  - (i) any licence, permit, log book or other document relating to the vessel and examine or take copies of such licence, permit, log book or document; (ii) any catch, net, fishing gear or other equipment on board such vessel or belonging to the vessel and examine such fish, net, gear or equipment;
- (c) make such inquiries as may be necessary to ascertain whether any offence under this Act has been committed.

(2) Where the officer referred to in sub-section (1) (hereinafter referred to as authorised officer) has reason to believe that any foreign vessel has been, is being, or is about to be, used for committing an offence under this Act, he may, with or without a warrant:

- (a) seize and detain such vessel, including any fishing gear, fish, equipment, stores or cargo found on board such vessel or belonging to the vessel, and seize and detain any fishing gear abandoned by the vessel;
- (b) require the master of the vessel so seized or detained to bring such vessel to any specified port;
- (c) arrest any person who, such officer has reason to believe, has committed such an offence.

(3) In taking any action under sub-section (2), the authorised officer may use such force as may be reasonably necessary.

(4) Where any vessel or other things are seized, or any person has been arrested, under sub-section (2):

- (a) the vessel or other things so seized shall, as soon as possible, be produced before a Magistrate competent to try an offence under this Act who shall make such order as he may deem fit for the retention or custody of such vessel or things with Government or with any other authority pending the completion of any proceedings for the prosecution of any offence under this Act or for its use by such authority during such retention or custody on such terms and conditions as the Magistrate may think fit to impose:

Provided that the Magistrate may, on an application made by the owner or master of such vessel in the prescribed form, order the release of the vessel or other things so seized on the owner or master furnishing security in the form of cash or a bank guarantee for an amount not less than fifty percent, of the value of the vessel or things so seized:

Provided further that where any fish so seized is subject to deterioration, the Magistrate may authorise the sale of such fish and the depositing of the proceeds of such sale in Court;

- (b) the arrested person shall, as soon as possible, be informed of the grounds for such arrest and he shall, without unnecessary delay, be produced before such Magistrate; and
- (c) the Central Government shall be informed of such seizure or arrest and the details thereof.

(5) Where, in pursuance of the commission of any offence under this Act, any foreign vessel is pursued beyond the limits of the exclusive economic zone of India, the powers conferred on an authorised officer by this section may be exercised beyond such limits in the circumstances and to the extent recognised by international law and State practice.

#### Chapter IV - Offences and Penalties

10. - Penalty for contravention of section 3. - Where any foreign vessel is used in contravention of the provisions of section 3, the owner or master of such vessel shall:

- (a) in a case where such contravention takes place in any area within the territorial waters of India, be punishable with imprisonment for a term not exceeding three years or with fine not exceeding rupees fifteen lakhs or with both: and
- (b) in a case where such contravention takes place in any area within the exclusive economic zone of India, be punishable with fine not exceeding rupees ten lakhs.

11. - Penalty for contravention of licence. - Whoever contravenes the provisions of any licence shall be punishable with fine not exceeding rupees ten lakhs.

12. - Penalty for contravention of permit. - Whoever contravenes the provisions of any permit shall be punishable:

- (a) where such contravention relates to the area of operation or method of fishing specified in such permit, with fine not exceeding rupees five lakhs; and
- (b) in any other case, with fine not exceeding rupees fifty thousand.

13. - Confiscation of vessels, etc. - (1) Where any person is convicted of an offence under section 10 or section 11 or section 12, the foreign vessel used in or in connection with the commission of the said offence, together with its fishing gear, equipment, stores and cargo and any fish on board such ship or the proceeds of the sale of any fish ordered to be sold under the second proviso to clause (a) of sub-section (4) of section 9 shall also be liable to confiscation.

(2) The foreign vessel or other things confiscated under sub-section (1) shall vest in the Central Government.

14. - Penalty for contravention of section 7. - Where any foreign vessel is found in any maritime zone of India in contravention of the provisions of section 7, the owner or master of such vessel shall be punishable with fine not exceeding rupees five lakhs.

15. - Penalty for obstruction of authorised officers. - If any person:

- (a) intentionally obstructs any authorised officer in the exercise of any powers conferred under this Act; or
- (b) fails to afford reasonable facilities to the authorised officer or his assistants to board the vessel or to provide for adequate security to such officer and assistants at the time of entry into the vessel or when they are on board such vessel; or
- (c) fails to stop the vessel or produce the licence, permit, log book or other document or any fish, net, fishing gear or other equipment on board such vessel, when required to do so by the authorised officer.

he shall be punishable with imprisonment for a term which may extend to one year or with fine not exceeding rupees fifty thousand or with both.

16. - Court to pass certain orders. - Where any person is convicted of an offence under this Act, the Court may, in addition to awarding any punishment, order that any costs incurred in connection with the retention or custody of the vessel during the pendency of any proceedings for the prosecution of an offence under this Act, as reduced by the amount, if any, realised out of the use of the vessel by the authority with whom such vessel was retained or kept in custody, shall be payable by the person convicted.

17. - Offences by companies. - (1) Where an offence under this Act has been committed by a company, every person who, at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any such punishment provided in this Act if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation - For the purposes of this section:

- (a) "company" means a body corporate and includes a firm or other association of individuals; and
- (b) "director", in relation to a firm, means a partner in the firm.

#### Chapter V - Miscellaneous

18. - Offences to be cognisable. - Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974), every offence punishable under this Act shall be cognisable.

19. - Cognizance and trial of offences. - (1) No Court shall take cognizance of any offence punishable under this Act except on a report in writing of the facts constituting such offence made by an authorised officer.

(2) No Court inferior to that of a Metropolitan Magistrate or a Judicial Magistrate of the first class shall try any offence under this Act.

20. - Magistrate's power to impose enhanced penalties. - Notwithstanding anything contained in section 29 of the Code of Criminal Procedure, 1973 (2 of 1974), it shall be lawful for any Metropolitan Magistrate or any Judicial Magistrate of the first class specially empowered by the State Government in this behalf to pass any sentence authorised by this Act.

21. - Place of trial. - Any person committing an offence under this Act or any rules made thereunder may be tried for the offence in such place as the Central Government may, by general or special order, published in the Official Gazette, direct in this behalf.

22. - Presumptions. - (1) Where any offence is alleged to have been committed under the provisions of this Act, the place of commission of such offence shall be presumed on the basis of the certified copy of the relevant entry in the log book or other official record of the vessel or aircraft which was used in connection with the detection of the offence.

(2) Where any foreign vessel is found within any maritime zone of India and the fishing gear of such vessel is not stowed in the prescribed manner or fish is found on board such vessel, it shall be presumed, unless the contrary is proved, that the said vessel was used for fishing within that zone.

23. - Protection of action taken in good faith. - (1) No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done in pursuance of the provisions of this Act.

(2) No suit or other legal proceeding shall lie against the Government for any damage caused or likely to be caused for anything which is in good faith done or intended to be done in pursuance of the provisions of this Act.

24. - Act to supplement other laws. - The provisions of this Act shall be in addition to and not in derogation of the provisions of any other law for the time being in force.

25. - Power to make rules. - (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:

- (a) the form in which an application for a licence or permit may be made and the fees that shall accompany such application;
- (b) the matters which may be taken into account in the granting of licences and permits;
- (c) the form of licences and permits and the conditions and restrictions subject to which licences and permits may be granted;
- (d) the manner in which the fishing gear of a foreign vessel shall be kept stowed under section 7;
- (e) the terms and conditions under which a foreign vessel may be permitted to be used for fishing within any maritime zone of India for the purpose of carrying out any scientific research or investigation or for any experimental fishing under section 8;
- (f) the form in which an application may be made for releasing the vessel or other things seized under the first proviso to clause (a) of sub-section (4) of section 9;
- (g) any other matter which is required to be or may be, prescribed.

(3) In making any rule under this section, the Central Government may provide that a contravention thereof shall be punishable with fine which may extend to fifty thousand rupees.

(4) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, which it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made; the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

26. - Removal of difficulties. - (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act as may appear to it to be necessary for removing the difficulty:

Provided that no order shall be made under this section after the expiry of three years from the commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

(b) Indian Fisheries Act, 1897 (as amended)

...

4. - Destruction of fish by explosives in inland waters and on coasts. - (1) If any person uses any dynamite or other explosive substance in any water with intent thereby to catch or destroy any of the fish that may be therein, he shall be punishable with imprisonment for a term which may extend to two months, or with fine which may extend to two hundred rupees.

(2) In sub-section (1) the word "water" includes the sea within a distance of one marine league of the sea-coast; and an offence committed under that sub-section in such sea may be tried, punished and in all respects dealt with as if it had been committed on the land abutting on such coast.

5. - Destruction of fish by poisoning of waters. - (1) If any person puts any poison, lime or noxious material into any water with intent thereby to catch or destroy any fish, he shall be punishable with imprisonment for a term which may extend to two months, or with fine which may extend to two hundred rupees.

(2) The [State Government] may, by notification in the Official Gazette, suspend the operation of this section in any specified area, and may in like manner modify or cancel any such notification.

6. - Protection of fish in selected waters by rules of State Government. - (1) The [State Government] may make rules for the purposes hereinafter in this section mentioned, and may by notification in the Official Gazette apply all or any of such rules to such waters, not being private waters, as the [State Government] may specify in the said notification.

### 3 – REGULATIONS

(a) The Maritime Zones of India (Regulation of Fishing by Foreign Vessels) Rules, 1982 G.S.R. 619(E). - In exercise of the powers conferred by section 25 of the Maritime Zones of India (Regulation of Fishing by Foreign Vessels) Act, 1981 (42 of 1981), the Central Government hereby make the following rules, namely:

1. - Short title and commencement. - (1) These rules may be called the Maritime Zones of India (Regulation of Fishing by Foreign Vessels) Rules 1982.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. - Definitions. - In these rules, unless the context otherwise requires:

- (a) "Act" means the Maritime Zones of India (Regulation of Fishing by Foreign Vessels Act, 1981 (42 of 1981);
- (b) "crew" includes the team of technical, semi-technical and non-technical member associated with the operation of the fishing vessels;
- (c) "flag state" in relation to a foreign vessel means the State in which the vessel is registered or, where the vessel is not registered, the State whose flag the vessel is entitled to fly;
- (d) "Form" means a Form annexed to these rules;
- (e) "licence" means a licence granted under section 4;
- (f) "permit" means a permit granted under section 5 or under section 8, as the case may be;
- (g) "Schedule" means Schedule to these rules;
- (h) words and expressions used but not defined in these rules but defined in the Maritime Zones of India (Regulation of Fishing by Foreign Vessels) Act, 1981 (42 of 1981) shall have the meanings respectively assigned to them in that Act.

3. - Licences. - (1) Every owner of a foreign vessel or any other person described in section 4, who intends to use such vessel for fishing within any maritime zone of India, shall make an application in Form A to the Central Government. This form shall include the following information:

- (a) the name and description of the vessel, its equipment and complement;
- (b) the flag state and home port of the vessel;

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- (c) the name and address of the owner and master of the vessel and, where applicable, its character;
- (d) the side number of the vessel, the radio frequencies and call sign;
- (e) a description of the proposed purpose and the period for which the licence is required;
- (f) the name and address of a person resident in India having a permanent office or establishment in India who is authorised by the owner of the vessel to represent him for the purpose of providing liaison with the Government of India; and
- (g) any information required by the Central Government or by an officer designated by it to grant a licence in any case where, in its opinion the information furnished by the applicant requires clarification or amplification.

(2) Every application referred to in sub-rule (1) shall be made not less than thirty days prior to the first day on which the licence is required.

(3) Every such application shall be accompanied by a fee of rupees five hundred which shall not be refundable.

(4) The Central Government or an officer designated by it may, on receipt of an application, after making such enquiry as may be relevant, grant a licence in Form B for all or any of the following purposes, namely:

- (i) to engage in commercial fishing;
- (ii) to tranship or to take on board any fish, outfit or supplies while at sea;
- (iii) to process fish at sea;
- (iv) to transport fish from fishing grounds;
- (v) to land fish or fish products at an Indian port;
- (vi) to purchase or obtain bait, outfits, provisions or supplies (including fuel) at an Indian port;
- (vii) to effect repairs at an Indian port.

4. - Validity of Licence. - (1) Every licence shall:

- (a) be issued in original duplicates; and authenticated copies shall be distributed to enforcement and other concerned authorities;

(b) apply only to the foreign vessel described in the licence and, where applicable, to the crew of that vessel; and

(c) be valid for the period specified in the licence.

(2) The disposition of the duplicates referred to in clause (a) of sub-rule (1) shall be as follows:

(a) one licence shall be for the use of the licensee; and

(b) one licence shall be retained by the Central Government.

5. - Terms and conditions of licence. - (1) Every licence, shall be subject to the following terms and conditions, namely:

(a) the licensee shall pay to the Central Government an amount set out in the Schedule I for the purposes mentioned therein at the time of taking delivery of the licence;

(b) the master of the foreign vessel for which a licence is granted or a person acting on behalf of the master shall give twenty four hours prior notice to the authorized officer of:

(i) the estimated time of entry of the vessel into the maritime zones of India;

(ii) of the location of such entry; and

(iii) of the approximate schedule of activities to be conducted.

(c) the vessel and its crew shall engage only in the activities that are authorised by the licence;

(d) the activities authorised by the licence shall be carried out only at the time and in the areas of the maritime zone of India or ports set out in the licence;

(e) the licensee shall ensure that foreign members of the crew are employed only after obtaining necessary clearance from the Central Government. The licensee shall further ensure that every subsequent change in the foreign members of the crew is made only after the clearance from the Central Government;

(f) the master of each foreign fishing vessel during fishing operations shall notify the authorised officer the following:

(i) time and position of commencement of fishing;

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- (ii) the time and position of the temporary departure from the fishing grounds for the purpose of embarking or disembarking an observer or for a call at an Indian port or any other temporary departure from the grounds which will involve departure from any authorised fishing area but which does not include departure from seaward limit of the fishing area beyond the Exclusive Economic Zone of India;
  - (iii) the time and position of return to the fishing grounds following temporary departure described in sub-clause (ii) above;
  - (iv) the time and position of any shift in its fishing area;
  - (v) the time and position at which it will cease fishing and leave the fishing area;
- (g) the master of the vessel shall communicate the information, to be notified under clause (f), to the officer of the Coast Guard in Porbander, Bombay Cochin, Tuticorin, Madras, Vishakhapatnam, Paradeep, Haldia or Port Blair, at least twenty four hours before the commencement or cessation of fishing. He shall record in communication log, the Indian Standard Time and the contents of each communication made under this clause. All the communications shall be in English;
- (h) where the fishing is authorised by the licence:
- (i) the crew of the vessel shall fish only for the stocks or groups of stocks described in the licence;
  - (ii) the crew of the vessel shall not catch any fish by a species, size or age set out in the licence as prohibited catches, that are covered under the Wildlife (Protection) Act, 1972 (53 of 1972) and where such fish are caught they shall be retained and preserved on board the vessel, accounted for in Form C and shall be surrendered at such places as may be directed by the authorised officer;
  - (iii) the quantities of fish of any stock or group of stocks caught in any area of the maritime zone of India during the terms of licence, or during any specified portion thereof, shall not exceed the quantities set out in the licence;

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- (iv) the crew of the vessel shall not discard any substantial quantities of fish of a stock or group of stocks caught in excess of the quantities set in the licence. Such quantities of stock or group of stocks shall be retained and preserved on board the vessel accounted for in Form D and shall be surrendered at such place as may be directed by the authorised officer;
  - (v) the crew of the vessel shall fish only by means of fishing equipment and gear of a kind set out in the licence; and
  - (vi) the master of the vessel shall cause written records to be maintained on a daily basis of the fishing effort and catch of the vessel and of any transshipment and other dispositions of the catch by quantities, species, size and weight in Form E.
- (i) where the transporting of fish from fishing grounds is authorised by the licence:
    - (i) Only the species and quantities of fish set out in the licence shall be taken on board the vessel for that purpose;
    - (ii) the fish may be taken on board only from vessel of a class set out in the licence; and
    - (iii) the master of the vessel shall cause written records to be maintained on a daily basis of the fish taken on board the vessel for transportation in Form F;
  - (j) where the processing of fish is authorised by the licence, the master of the vessel shall cause written records to be maintained on a daily basis of the processing operations carried out and of the species, quantity and the state of processing of the fish taken on board the vessel for that purpose in Form G;
  - (k) the vessel shall have on board at all time during the period it is in maritime zone of India, equipment and fishing gear, including communications equipment described in the licence as "required equipment";
  - (l) the master of the vessel or a person acting on behalf of the master shall, when authorised by the licence to visit an Indian Port, notify the authority specified in the licence of the estimated time of entry of the vessel into that port not less than twenty four hours prior to that estimated time;

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- (m) where the vessel is in an area of the maritime zone of India and is not authorised by its licence to engage in fishing at that time in that area, all fishing gear on board the vessel shall be stowed in the manner specified in rule 14;
- (n) the master of the vessel shall cause reports to be made of the position of the vessel in space and time, operational conditions, and the nature of fishing including, where applicable, its catch statistics, and any transshipments or other dispositions of its catch, at such times, to such persons and by such means as are set out in the licence;
- (o) where the Central Government requires the vessel to carry out, from time to time, a programme of sampling, observation or research in connection with fisheries in the maritime zone of India, the master shall comply with instructions issued to him by the Government in respect of that programme;
- (p) the master of the vessel shall, where required by the Central Government or an officer authorised in this behalf, permit a technical observer or observers designated in writing by that Government to go on board and remain on board, at a time and for a period specified in that behalf, for the purpose of recording scientific data and observations or taking samples and records or any other purpose specified in the order;
- (q) the master of the vessel shall take all reasonable precautions to ensure the safety of any authorised officer or technical observer boarding or leaving the vessel at sea including the observance of practice of good seamanship and, where necessary, the placing of a boarding ladder of good quality and design and safety line over the side of the vessel;
- (r) where an authorised officer or technical observer is on board the vessel for a period of more than four hours, the master of the vessel shall provide the authorised officer or technical observer with suitable food and accommodation;
- (s) the master of the vessel shall:
  - (i) at the request of an authorised officer or technical observer, arrange for that officer or observer to send or receive messages by means of communication facilities on board the vessel;
  - (ii) provide all reasonable assistance in his power to enable an authorised officer or technical observer to carry out his duties and functions, and to the use of vessel's navigation equipment and personnel as necessary to determine the vessel's position.

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- (t) the master of the vessel shall, at any time, while within the maritime zone of India, at the request of an authorised officer, proceed forthwith for inspection to a place at sea and to a port as may be specified by that officer;
- (u) the master of the vessel, upon being approached by an authorised officer in a vessel or ship or in an aircraft, shall immediately comply with any directions given to him by such authorised officer. For this purpose, the International Code of Signals shall be used;
- (v) the vessel shall, at all time while within the maritime zone of India:
  - (i) fly the flag of the flag state;
  - (ii) display in a place that is clearly visible both from the air and from sea level the letters and numbers identifying the vessel as set out in its licence, in white markings of at least one metre in height in the case of a vessel whose overall length exceeds twenty metres or one half metre in height in any other case, on a black background, and where the markings are painted, the paint work shall be maintained in good conditions so that the markings are clearly legible at all times;
- (w) where the vessel is in the maritime zone of India, the master of the vessel or a person acting on behalf of the master shall notify the Central Government of the estimated time of departure from those waters not less than seventy two hours prior to that estimated time;
- (x) the licensee shall, when required to do so, make arrangements for training of Indian crew and personnel on board the vessel.

(2) The licensee shall be bound to all or any of the terms and conditions mentioned in sub rule (1) and such additional conditions or restrictions as may be specified in the licence.

6. - Permits. - (1) Every Indian citizen and person described in section 5 who intends to use any foreign vessel for fishing within any maritime zone of India shall make an application to the Central Government for a permit.

(2) Every application referred to in sub-rule (1) shall be in Form H and shall be made not less than thirty days prior to the first day on which the permit is required.

(3) Every such application shall be accompanied by a fee of rupees five hundred which shall not be refundable.

(4) The Central Government or an officer designated by it may on receipt of an application after making such enquiry as may be relevant, grant a permit in Form I for all or any of the purposes mentioned in sub-rule (4) or rule 3 of these rules.

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7. Validity of permit. - (1) Every permit shall:

- (a) be issued in original duplicates and authenticated copies are to be distributed to enforcement and other connected authorities;
- (b) be valid for a period as may be specified in the permit and in no case exceed more than five years.

(2) The disposition of the duplicates referred to in clause (a) of sub-rule (1) shall be as follows:

- (a) one permit shall be for the use of the permit holder; and
- (b) one permit shall be retained by the Central Government.

8.- Terms and conditions of permit. - (1) Every permit shall be subject to the following terms and conditions, namely:

- (a) the permit holder (hereinafter referred to as the charterer in this rule) shall pay to the Central Government an amount of rupees ten thousand per vessel per year at the time of taking delivery of the permit;
- (b) the charterer shall have the requisite managerial personnel who possess the necessary experience of fishing;
- (c) the charterer shall give an undertaking in the form of bank guarantee, before the commencement of the charter, of an amount to be decided by the Central Government in each case to the Central Government that he shall purchase required number of vessels and put them in fishing operation in the Exclusive Economic Zone of India before the end of the stipulated period specified in the Schedule II.
- (d) the charterer shall ensure that at least twenty percent of the crew are Indian citizens and are posted as under studies to the foreign skipper, the engineer and to the other operational crew and that they shall be kept in readiness to embark on the chartered vessel at the time of inspection of the vessel by the authorised officer and shall remain on board the vessel throughout the charter period.
- (e) the charterer shall ensure that the charter party provides for the settlement of disputes between the parties by arbitration in India.

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- (f) the Central Government may post scientist/observer on board each of the chartered vessel; the charterer shall ensure that the Indian scientists and observers, when so directed by the Central Government are permitted on board the chartered vessel for collection and examination of such data and material as may be required by that Government and shall see that such scientists and observers are provided proper food and accommodation on board the vessel by the master of the vessel;
- (g) the charterer shall furnish to the Central Government valuation and sea worthiness certificates for the chartered vessel from an appropriate authority of its flag state and also furnish a copy thereof to the Director General of Shipping, Bombay;
- (h) the charterer shall cause to furnish to the Central Government the necessary certificates to the effect that the chartered vessel meets with the requirements in respect of safety of vessels and crew as per the provisions of the Merchant Shipping Act, 1958 (44 of 1958);
- (i) The charterer shall ensure that:
  - (i) no fishing is done for the protected species which are covered under the Wild Life (Protection) Act, 1972 (53 of 1972);
  - (ii) such protected species, if caught are immediately returned to water alive, if possible, and if not they shall be retained and preserved on board the vessel and accounted for in Form C and shall be surrendered at such place as may be directed by the authorised officer;
- (j) the charterer shall not undertake shrimping operations for exploitation of coastal shrimps;
- (k) where the charterer is a company, the paid up share capital of the company shall not be less than rupees five lakhs, during the charter period;
- (l) the charterer shall not pay any marketing commission without the prior approval of the Central Government;
- (m) the charterer shall ensure that the chartered vessel reports to the authorised officer before and after every fishing voyage and delivers the copy of the permit in its possession to the charterer before every departure to the foreign port;
- (n) the charterer shall ensure that the foreign members of the crew on the chartered vessel are employed only after obtaining necessary clearance from the Central Government;

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- (o) the charterer shall further ensure that every subsequent change in the foreign members of the crew is made only after the clearance from the Central Government;
- (p) the charterer shall furnish to the Central Government voyage-wise statement of fish catch and exports from the chartered vessels with all the necessary details as set out in Form J;
- (2) The charterer shall be bound by:
  - (i) all or any of the terms and conditions mentioned in sub-rule (1);
  - (ii) all or any of the terms and conditions applicable to the licence except condition prescribed in clause (a) of sub-rule (1) of rule 5, and
  - (iii) such additional conditions or restrictions as may be specified in the permit.

9. - Display of licence or permit on board the vessel. - (1) Subject to sub-rule (2), a copy of the licence or permit, duly attested by the issuing authority, shall be kept on board the foreign vessel described in the licence or permit while that vessel is in the maritime zone of India and shall be produced for examination by an authorised officer at his request.

(2) Every foreign vessel described in the licence or permit may enter in the maritime zone of India and proceed directly to an Indian port for the purpose of obtaining a copy of the licence or permit if:

- (a) all fishing gear on board the vessel is stowed in the manner specified in rule 14;
- (b) the master of the vessel complies with any directions given to him by an authorized officer.

10. - Damage to Indian vessels prohibited. - No foreign vessel fishing in the maritime zone of India under the licence or a permit granted under these rules shall cause any damage either wilfully or through gross negligence to any fishing vessel, fishing stakes, fishing gear, fishing net or other fishing appliances owned or in possession of an Indian citizen.

11. - Commencement of fishing operations. - No foreign vessel fishing in the maritime zone of India under the licence or the permit granted under these rules shall commence fishing operations without the clearance from the Coast Guards.

12. - Fishing in territorial waters prohibited. - No foreign vessel shall undertake fishing operations within the territorial waters of India, unless otherwise specifically permitted for any specialised type of fishing and shall be subject to any other restrictions that may be specified in the licence or permit.

13. - Prohibition to carry any explosives, poisonous or noxious substances. (1) No foreign vessel or any person shall carry or have in its possession or control any explosives, poisonous or other noxious substances or apparatus fitted for or capable of utilising an electric current, with the intention of using such explosives, poisonous or other noxious substances, or apparatus for killing, stunning, disabling or catching fish. Any explosives, poisonous or other noxious substance found on board any vessel or in possession of any person, shall be presumed, unless the contrary is proved, to be intended for the use specified above.

(2) No foreign vessel or any person shall attempt to destroy or abandon any fishing gear, fishing net or other fishing appliances, explosives, poisonous or other noxious substances or any other object or thing with the intention to avoid their detection or seizure.

14. - Entry into maritime zone of India without licence permit. - (1) Subject to sub-rule (2), a foreign vessel may, without the authority of a licence or a permit enter the maritime zone of India for the purpose of passing through such waters in the course of a voyage to a destination outside the maritime zone of India.

(2) A foreign vessel that has entered in the maritime zone of India without the authority of a licence or a permit shall comply with the following conditions while in the maritime zone of India:

- (a) all fishing gear on board the vessel shall be stowed below deck or otherwise removed from the place where it is normally used for fishing and placed where it is not readily available for fishing;
- (b) all fishing nets, fishing lines, hooks, jigs, trawl boards, weights and floats shall be disconnected from their towing connecting or hauling wires, ropes or rigid frames;
- (c) the master of the vessel shall comply with any directions given to him by an authorised officer; and
- (d) where an authorized officer requests information respecting the name, flag state, location, route or destination of the vessel, or the circumstances under which it entered maritime zone of India, the master of the vessel shall promptly convey the information to the officer.

15. - Fishing or scientific research, investigation, etc. - Where a foreign vessel is to be used for fishing within any maritime zone of India for the purpose of carrying out any scientific research or investigation or for any experimental fishing, the Central Government may grant a permit to such foreign vessel under section 8 of the Act. Where such a permission is granted, the Central Government may apply all or any of the terms and conditions prescribed for the licence under rule 5 or for permit under rule 8, as well as such additional conditions as may be specified.

16. - Contravention of conditions of licence, permits of rules. -Contravention of any of the provisions of these rules shall be punishable with fine, which may extend to Rs. 50,000 without prejudice to the penalties which may be awarded under the Act.

SCHEDULE I

[See rule 5(1)(a)]

Amount payable under rule 5(1) (a)

Purpose of licence		Amount Payable
1.	Fishing by squid jigging	Rs. 1,000/per tonne of fish the vessel is permitted by the terms and conditions of the licence.
2.	Fishing by trawling	Rs. 2,000/per tonne of fish the vessels is permitted by the terms and conditions of the licences.
3.	Fishing by long lining/ gill-netting	Rs. 1,500/per tonne of fish the vessel is permitted by the terms and conditions of the licence.
4.	Fishing for tuna by long-lining/ purse-seining/pole and line fishing	Rs. 1,000/per tonne of fish the vessel is permitted by the terms and conditions of the licence.
5.	Transporting of fish	Rs. 500/per tonne of fish carrying capacity of the vessel for each voyage.
6.	For any other purpose mentioned in rule 3(4)	Rs. 200/per gross registered tonne of the craft for each voyage.

SCHEDULE II

[See rule 8(1)(c)]

Schedule of purchase of vessels

No of vessels/ or pair of vessels	No. of months from the beginning of the charter operation when obligatory purchase and fishing operation becomes due				
	First vessel of first pair of vessel	Second vessel of second pair of vessel	Third vessel of third pair of vessel	Fourth vessel of fourth pair of vessel	Fifth vessel of fifth pair of vessel
1	18	..	..	..	..
2	18	30	..	..	..
3	18	24	33	..	..
4	18	24	33	42	..
5	18	24	33	42	51

Form of Application of Licence

To: The Secretary to the Government of India  
Department of Agriculture and Cooperation  
Ministry of Agriculture  
Krishi Bhavan  
New Delhi-110001  
India

Sir,

I hereby apply for a licence under section 4 of the Maritime Zones of India (Regulation of Fishing by Foreign Vessels) Act, 1981, in respect of which the following particulars are furnished:

1. Name of the applicant and postal address.
2. Status of the applicant and his financial position (if the applicant is a company, full details thereof).
3. Present activities of the applicant including the specific activities relating to fishing.
4. Details of fishing: vessels/fish processing units/export/import of fish as in the past three years.
5. Details of the proposed fishing project indicating particulars on fishing vessels, number of vessels to be operated, anticipated fish catch, project economies, processing and marketing arrangements, area and base of operation, etc.
6. Description of the vessel, equipment and complements:
  - (a) Name of the Vessel:
  - (b) Flag state and home port of Vessel:
  - (c) Country and port of registration:
  - (d) (Registration number:
  - (e) Radio call sign/signal letter/radio frequencies:
  - (f) Name of owner and master of the vessel:
  - (g) Nationality and address of owner and master: (h) Purpose of vessel (kind of vessel):
  - (i) Kind of vessel's hull:
  - (j) Vessel's year (date of construction) and date of launching:
  - (k) Number of deck:
  - (l) Number of mast:
  - (m) Registered length:
  - (n) Registered breadth:

- (o) Registered depth (draft):
  - (p) Gross tonnage and net tonnage:
  - (q) Fish Hold capacity and Refrigeration Capacity:
  - (r) Kind of main engine, name and place of main engine manufactured:
  - (s) Rated H.P. of main engine:
  - (t) Kind of propeller:
  - (u) Class of equipments (list):
  - (v) Certified crew capacity:
  - (w) Service limitations of the vessel:
  - (x) Name and address of the ship builder:
  - (y) Value of the vessel:
  - (z) Any other remarks:
7. The electrical specifications of the craft and its equipment.
8. Description of the proposed fishing operations:
- (a) the species to be fished;
  - (b) the method of fishing and type and dimensions of gear to be used and mesh sizes of different parts of fishing net;
  - (c) area/areas to be fished;
  - (d) the amount of fish to be caught;
  - (e) the period of time for which licence is sought;
  - (f) the place in which the fish is to be landed and/or processed;
  - (g) a description of support operations and the name and licence number (if any) of fishing vessels in support of which related activities are to be carried out.
9. Name and address of the person resident in India appointed by the owner to represent him in all dealings with the Government and evidence of the extent to which he is authorised to undertake legal and financial obligations on behalf of the owner.
10. Plans for the use of Indian facilities in the support, provisioning and maintenance of vessels.
11. Such other information as may be required by the Government of India.
- Dated: ..... Day ..... of ..... of the year .....

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Signature of the applicant

[See rule 3(4)]

Government of India

MINISTRY OF AGRICULTURE

Department of Agriculture and Cooperation

New Delhi

No. : .....

Dated: .....

Licence to Fish in the Exclusive Economic Zone of India

1. This Licence is granted in pursuant to section 4 of the Maritime Zones of India (Regulation of Fishing by Foreign Vessels) Act, 1981 (42 of 1981).
2. The foreign fishing vessel described hereunder is hereby licensed for the purposes specified in paragraph 3 of this licence and in accordance with the conditions set out in paragraphs 6 and 8 of this licence and shall be subject to all the Indian laws that apply to the vessels in the Maritime Zones of India.

Description of the vessel

Name of the vessel .....

Name of the owner .....

Type of vessel .....

Country of registration/Flag State .....

Registration number .....

Overall length .....

Gross tonnage .....

International radio call sign and radio frequency .....

Name and address of the master .....

3. The purposes for which the vessel may be used:
4. Area:
5. Period:
6. The licensee shall be bound by the terms and conditions specified in rule 5 and the additional condition/restriction specified in paragraph 8.
7. Exemptions in the terms and conditions, if any:
8. Additional conditions:
9. Names of the foreign crew:
10. List of required equipments:

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11. Subject to the provisions of the Maritime Zones of India (Regulation of Fishing by Foreign Vessels) Rules, 1982, this licence is valid from the ..... day of ..... 198 ..... in the day ..... of .....198..
12. This licence is not transferable.

Secretary to the Government of India

FORM C

[See rule 5(i)(h)(ii)]

Data on catch of prohibited fish species

1. Name and address of fishing company:
2. Particulars of fishing vessels:  
Name:  
Size:  
Horse Power of Main Engine:  
Base of operation:
3. Licence Number and period of validity:
4. Description of fishing operations authorised in the licence.
5. Details of fishing gear used: (a) Length of headline  
(b) Greatest depth  
(c) Mesh size
6. Description of the catch

SI. NO	Location of the vessel	Date & Time	Gear in operation	Fish. Zone	Depth (metre)	Species (prohib.)	Average Length (CM)	Average Weight (Kg)	No.	
	Latit.	Longit.								
1	2	3	4	5	6	7	8	9	10	11

1.  
2.  
3.

7. Place of surrendering the catch.
8. Conditions of the catch at the time of surrendering.
9. Comments of the Master/Skipper.

Signature of owner/owners representatives

[See rule 5(l)(h)(iv)]

Data on quantity of fish caught in excess of permitted quantum

1. Name and address of the fishing company:
2. Particulars of fishing vessels:  
Name:  
Size:  
Horse Power of Main Engine:  
Base of operation:
3. Licence Number and period of validity:
4. Description of fishing operations authorised in the licence:
5. Species-wise quantity of fish permitted in the licence.
6. Details of catch particulars:

---

No.	Location of fishing vessel	Date & Time	Fishing Zone	Length & mesh size of fishing gear	Species Caught	Raw weight (Kg.)	Processed products prepared on board the vessel if any	Weight (Kg.)	Total catch (Kg.)
1	2	3	4	5	6	7	8	9	10

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- 
7. Details of excess catch.

---

SI No.	Location of fishing vessel	Date & Time	Fishing Zone	Depth (Metres)	Species Caught in excess	Average weight (Kg.)	Average length (cm)	Condition of fish	Reasons for excess catch
1	2	3	4	5	6	7	8	9	10

---

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8. Particulars of excess catch surrendered.

Species	Weight (Kg.)	Place of Surrendering	Authority to whom surrendered
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9. Remarks of Master/Skipper.

Signature of owner/owners representatives

FORM E

[See Rule 5(1)(h)(vi)]

Daily Cumulative catch Log

1. Name and address of the fishing company:
2. Particulars of fishing vessels:  
Name:  
Size:  
Horse Power of Main Engine:  
Base of operation:
3. Licence Number and period of validity:
4. Description of fishing operations authorised:
5. Species-wise quantity of fish permitted in the licence:
6. Fishing Area:
7. Date of entry to Indian Exclusive Economic Zone:

No.	Vessel No.	Position	Date & Time	Time of shooting gear	Time of hauling gear	Hours of fishing	Depth (metre)	Type of gear
1	2	3	4	5	6	7	8	9

Mehs size	Species caught	Quality	Disposition	Cumulative total	Cumulative disposition	Details of transshipment
10	11	12	13	14	15	16

Details of Disposition of catch

Items Quality (Kg.)

- (a) Consumption:
- (b) Fish gutted:
- (c) Head on (or off):
- (d) Dilletted.
- (e) Deown.
- (f) Canned.
- (g) Fish meal.
- (h) Oil.

Signature of owner/owner's representative

FORM F

[See rule 5(1)(i)(iii)]

Particulars of transshipment

1. Name and address of the fishing company:
2. Particulars of fishing vessels:
  - Name:
  - Size:
  - Horse Power of Main Engine:
  - Base of operation:
3. Licence Number and period of validity:
4. Catch and Effort Data:

Area	Species	Number of Days fished	Catch (in Kg.)	Product from vessel
------	---------	-----------------------	----------------	---------------------

5. Licence Number and side number of vessel receiving transshipment.
6. Position at the time of transshipment:
  - Latitude
  - Longotide
7. Date of message from vessel:

8. Species and quantities transferred:

Species                      Gross weight (Kg.)                      Value

---

Signature of own .licencee/his representatives

FORM G

[See rule 5(1)(i)]

Particulars of processing operations on board the vessel under licence

1. Name and address of the fishing company:
2. Particulars of fishing vessels:  
Name:  
Size:  
Horse Power of Main Engine:  
Base of operation:
3. Licence Number and period of validity:
4. Description of fishing operations authorised in licence:
5. Name of the port to be used as base:
6. Processing Machinery and Equipment:

Type	Number of Units	Specifications and daily capacity	Percentage utilization of capacity
------	-----------------	-----------------------------------	------------------------------------

8. Store and holding Nature of storage	Number of species	Dimensions/volume of fish hold
---	-------------------	--------------------------------

9. Processing details

Species	Area of Operation	Date of Operation	Duration of Operation From	Catch particulars To	Products prepared on vessel & quality (Kg.)
---------	-------------------	-------------------	----------------------------	----------------------	---

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(Enter in this column, types of products processed on board the vessel by species, viz.: fish gutted, head on (or off) filleted, salted, frozen, canned, meal & oil, etc.)

10. Position and time of reporting:

Latitude

Longitude

Time

Date

---

Signature of owner/owner's representative

FORM H

[See rule 6(2)]

Form of Application for "Permit"

Outline Details Required for Proposed Operations

1. Name of the applicant and postal address.
2. Whether the applicant is a registered company under the Companies Act, if so, furnish the following particulars:
  - (a) Date and number of Registration and Place.
  - (b) Authorized, Subscribed and paid up share capital.
  - (c) Attach latest Balance-sheet.
  - (d) If the company comes under the provision of Monopolies and Restrictive Trade Practices Act, 1969 (54 of 1969), please state whether necessary clearance is available.
3. The foreign collaborator's name, address, telephone number, telex number and name of Bankers and their activities in India and in other countries.

4. Present activities of the applicant, if any:
  - (a) Specified activities undertaken;
  - (b) Details of fishing vessels/fish processing units and fish export made during the past three years.
  - (c) Name of all Directors/Chief Executive/Operations Manager/other employees of the Indian Company, their experience in marine fisheries indicating specified fields.
5. Details of the Project proposed to be taken up (enclose project report covering particulars on fishing vessels, anticipated fish production, processing and marketing organisation, management, including financial sources, economics of operation, area and base of operation, identity of fishery resources to be exploited, catching methods, gear to be employed, etc.)
  - (a) Type of vessels, type of gear and number of vessels proposed to be chartered (Enclose detailed specifications and general arrangement drawings and also a full list of machinery and equipment, navigational lights, life saving appliances, fire fighting equipment, inventory items, etc.).
  - (b) Description of the vessel, equipment and crew complement (Enclose certificate given by competent authorities regarding valuation and sea worthiness of the vessels):
    - (i) Name of the vessel
    - (ii) Flag state and home port of vessel
    - (iii) Country and port of registration
    - (iv) Registration number
    - (v) Radio call sign/signal letter/radio frequencies
    - (vi) Name of owner and master of the vessel
    - (vii) Nationality and address of owner and master
    - (viii) Purpose of vessel (kind of vessel)
    - (ix) Kind of Vessel's hull
    - (x) Vessel year (date of construction and date of launching)
    - (xi) Number of deck
    - (xii) Number of mast
    - (xiii) Registered length
    - (xiv) Registered breadth
    - (xv) Registered depth (draft)
    - (xvi) Gross tonnage and net tonnage
    - (xvii) Fish Hold capacity and refrigeration capacity
    - (xviii) Kind of main engine, name and place of main engine manufactured
    - (xix) Rated Horse Power of main engine
    - (xx) Kind of propeller
    - (xxi) Class of equipments (list)
    - (xxii) Certified crew capacity
    - (xxiii) Service limitations of the vessel
    - (xxiv) Name and address of the ship builder
    - (xxv) Value of vessel
    - (xxvi) Any other remarks

- (c) Number, classification and experience of foreign crew.
  - (d) Number and names of foreign personnel to be employed ashore.
  - (e) Enclose authenticated copy of the offer received from foreign collaborator.
6. Duration of charter.
  7. Annual rate of charterage or charterage for entire duration.
  8. Whether the charterer retains option to purchase vessels after the charter period and terms thereof.
  9. Whether the foreign collaborator is willing to assist in export of catches, if so, the terms and conditions.
  10. Arrangements for training of Indian-counterparts.
  11. Statement of foreign exchange inflow anticipated (excluding payments in foreign exchange out of total earnings by way of exports) for the duration of charter.
  12. Total income, total expenditure and net profit anticipated for the duration of charter.
  13. Form of charter party proposed to be entered into.
  14. Financial arrangements (Describe in detail).
  15. Proposals of shore establishment (if any).
    - (i) Intended location and description of any shore based plant.
    - (ii) Proposal for registration and date of completion of any shore based plant as a Registered Export Establishment.
    - (iii) Arrangements for processing catch.
    - (iv) Estimated annual output of the plant.
    - (v) Percentage of total catch to be processed and/or exported.
    - (vi) Export market and marketing arrangements for total catch.

DECLARATION

I/we ..... by this declaration subscribed by me/us pursuant to and in compliance with section 5 of the Maritime Zones of India (Regulation of Fishing by Foreign Vessels) Act, 1981, (42 of 1981), fully understand all the provisions of the said Act and Rules and orders issued thereunder and agree to abide by them.

I/we ..... further declare that the particulars furnished in the above application are true to the best of my/our knowledge.

Signature of the applicant(s)

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FORM I

[See rule 6(4)]

Government of India

MINISTRY OF AGRICULTURE

Department of Agriculture and Cooperation

New Delhi

No. ....

Dated: .....

Permit to Fish in the Exclusive Economic Zone of India

1. This Permit is granted in pursuant to section 5 of the Maritime Zones of India (Regulation of Fishing by Foreign Vessels) Act, 1981 (42 of 1981).

2 ..... is hereby permitted to use the foreign fishing vessels under charter described hereunder for the purposes specified in paragraph 5 of this permit and in accordance with the conditions set out in paragraphs 8 and 10 of this permit and shall be subject to all the Indian laws that apply to the vessels in the Maritime Zone of India.

3. Description of the vessel:

- (i) Name of the vessel
- (ii) Type of vessel
- (iii) Country of registration
- (iv) Registration number
- (v) Overall length:
- (vi) Gross tonnage:
- (vii) International radio call sign and radio frequency
- (viii) Name and address of the master
- (ix) Name and address of the foreign collaborators.

4. Details of charter fee, mode of payment and any other stipulation.

5. The purposes for which the vessel may be used.

6. Base and area of operation.

7. Period of operation of the vessel.

8. The permit holder shall bound by the terms and conditions specified in rule 8 and the additional conditions/restrictions specified in paragraph 10.

9. Exemptions in the terms and condition if any.

10. Additional conditions.

11. Names of foreign crew.

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12. Subject to the provisions of the Maritime Zones of India (Regulation by Foreign Vessel) Rules, 1982, this permit is valid from the ..... day of .....198 ..... to the ..... day of .....198...

13. This permit is not transferable.

Dated: .....

Secretary of the Government of India

FORM J

[See rule 8(1)(p)]

Voyage-wise Statement to be Furnished by the Charterer

1. Name and address of the Charterer:

2. Particulars of fishing vessels:

Name:

Size:

Over length:

Gross Registered Tonnage:

Horse Power of Main Engine:

Base of operation:

3. Number of crew:

Foreign

Indian

4. Period of voyage:

(i) Date of departure from foreign port:

(ii) Date of entry into the Maritime Zone of India:

(iii) Date of reporting at the base of operation:

(iv) Period of fishing: From To

(v) Date of departure from the base of operation:

(vi) Date of leaving the Maritime Zone of India:

5. Details of each fishing operation (for each haul).

(i) Haul Number:

(ii) Type and size of Gear:

(iii) Position

Shotting

Hauling

Latitude

Longitude

(iv) Time

Shot

Hauled

(v) Depth (metres)

(vi) Total catch (in kilograms)

Maintain species caught

Weight (kilograms)

1.

2.

3.

4.

5.

6.

etc.

6. (i) Value declared at customs for the total catch and for each variety (in foreign currency)

(ii) Value realised on domestic marketing for each variety (in Indian rupees).

7. Quantity, value and country to which each item was exported.

8. Payment made to foreign collaborator:

In foreign exchange.

In Rupees.

9. Payment received from foreign collaborator

In foreign exchange

In Rupees.

Signature of the Charterer

(h) Notification by Ministry of Agriculture, (19 February 1933)

S.O. 127(E). - In exercise of the powers conferred by sub-section (1) of Section 9 of the Maritime Zones of India (Regulation of Fishing by Foreign Vessels) Act, 1931 (42 of 1981), the Central Government hereby authorises all Officers of the Coast Guard constituted under the Coast Guard Act, 1978 (30 of 1978) and the Commissioned Officers of the Indian Navy to exercise powers under sub-section (1) of Section 19 of the said Act,



INDO (i)

/INDONESIA/

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\* Title only

1. LIMITS OF NATIONAL JURISDICTION

(a) Act N° 4 Concerning Indonesian Waters, 18 February 1960

Article 1. - (1) The Indonesian waters consist of the territorial sea and the internal waters of Indonesia.

(2) The Indonesian territorial sea is a maritime belt of a width of 12 nautical miles, the outer limit of which is measured perpendicular to the baselines or points on the baselines which consist of straight lines connecting the outermost points on the low water mark of the outermost islands or part of such islands comprising Indonesian territory with the provision that in case of straits of a width of not more than 24 nautical miles and Indonesia is not the only coastal state the outer limit of the Indonesian territorial sea shall be drawn at the middle of the strait.

(3) The Indonesian internal waters are all waters lying within the baselines mentioned in paragraph (2).

(4) One nautical mile is one sixtieth of a degree of a meridian.

Article 2. - On the map annexed to this Act is indicated the position of the points and baselines mentioned in article 1 paragraph (2).

Article 3. - (1) Innocent passage through the internal waters of Indonesia is open to foreign vessels.

(2) The innocent passage as mentioned in paragraph 1 shall be regulated by Government Ordinance.

Article 4. - (1) This Act comes into force on the date of its promulgation.

(2) Article 1 paragraph 1 sub-paragraph 1 to 4 of the Territorial Sea and Maritime Circles' Ordinance of 1939 is no longer valid as from the date mentioned in paragraph 1.

In order that the Act be known to everybody whomsoever it is instructed that this Act be promulgated by publication in the Government Gazette.

LOCATION OF POINTS OF BASELINES  
OF THE INDONESIAN WATERS

Note  
U - Utara        - North  
S - Selatan     - South  
T - Timur       - East  
B - Barat       - West

REFERENCE	CO-ORDINATES OF POINTS		LOCATION
	LATITUDE	LONGITUDE	
1.	01° - 13.8 U	104° - 35.6 T	Tg. Berakit.
1A	01 - 02.9 U	104 - 40.7 T	Sentut.
2.	00 - 56.0 U	104 - 55.8 T	Merapas.
3.	00 - 24.4 U	104 - 33.7 T	Kuju.
4.	00 - 18.0 S	105 - 01.0 T	Meranti.
5.	00 - 45.7 S	104 - 56.2 T	Sa ja.
6.	01 - 08.5 S	105 - 16.9 T	P. Pekatjang.
7.	00 - 54.5 S	105 - 45.4 T	Toty.
8.	02 - 36.0 S	106 - 03.0 T	Punggul.
9.	02 - 16.4 S	106 - 26.7 T	-
10.	02 - 24.1 S	107 - 04.8 T	Gaspar.
11.	02 - 31.8 S	107 - 37.0 T	Langkuas.
12.	02 - 31.4 S	107 - 49.1 T	Tg. Siantu.
13.	02 - 38.5 S	108 - 12.2 T	Busung Serlang.
14.	01 - 42.0 S	108 - 41.1 T	Serutu.
15.	01 - 16.9 S	108 - 52.4 T	Leman.
16.	00 - 07.2 U	108 - 36.1 T	Datu.
17.	00 - 14.7 U	108 - 01.5 T	Pengiki.
18.	00 - 05.9 U	107 - 14.0 T	Pendjantan.
19.	00 - 33.1 U	106 - 58.2 T	Anak Awur.
20.	00 - 55.2 U	106 - 44.5 T	Tokong Kemudi.
21.	01 - 32.2 U	106 - 26.6 T	Kaju Ara.
22.	02 - 18.1 U	105 - 35.5 T	Malang Biru.
23.	02 - 44.6 U	105 - 23.0 T	Damar.
24.	03 - 05.5 U	105 - 35.0 T	Mangkai.
25.	03 - 19.8 U	105 - 57.0 T	Nanas.
26.	03 - 26.5 U	106 - 16.0 T	Balajar.
27.	03 - 18.0 U	107 - 33.9 T	Noord Hooiberg.
28.	03 - 55.0 U	107 - 54.0 T	Salor.
29.	04 - 31.1 U	107 - 43.9 T	Semioen.
30.	04 - 48.0 U	103 - 01.9 T	Sekatoeng.
31.	04 - 01.1 U	108 - 25.9 T	Senua.
32.	03 - 03.3 U	108 - 52.2 T	Subi.
33.	02 - 38.5 U	109 - 10.5 T	Kepala.

REFERENCE	CO-ORDINATES OF POINTS		LOCATION
	LATITUDE	LONGITUDE	
34.	02° - 04.1 U	109° - 06.9 T	Merundung.
35.	02 - 05.2 U	109 - 38.3 T	Tg. Datu.
36.	04 - 10.0 U	117 - 53.7 T	Tg. Saima.
36A	04 - 07.6 U	117 - 55.3 T	-
36B	04 - 03.7 U	117 - 55.5 T	-
37.	03 - 28.5 U	117 - 52.5 T	Tg. Arang.
38.	02 - 22.2 U	118 - 12.2 T	Pandjang.
39.	02 - 19.0 U	118 - 33.8 T	Tg Bui Tuwattan
40.	01 - 46.4 U	119 - 01.7 T	Sambit.
41.	01 - 01.3 U	118 - 59.5 T	Tg Mangkalihat
42.	00 - 35.5 U	119 - 47.9 T	Tuguan.
43.	01 - 00.5 U	120 - 12.8 T	Lingian.
44.	01 - 20.5 U	120 - 47.6 T	Straat Kapar.
44A	01 - 22.6 U	120 - 53.5 T	Dalangan.
45.	01 - 19.2 U	121 - 28.1 T	H. Kandi.
46.	01 - 02.2 U	122 - 27.0 T	Tg. Sumalata.
47.	00 - 58.0 U	123 - 15.0 T	Tg. Dulang.
48.	01 - 09.6 U	124 - 20.1 T	Tg. Lainpangi.
49.	01 - 45.2 U	124 - 43.9 T	Yanterawu.
50.	02 - 21.5 U	125 - 17.6 T	Pasige.
51.	02 - 44.5 U	125 - 9.5 T	Makalehi.
52.	03 - 42.9 U	125 - 23.9 T	Tg. Talawid.
53.	04 - 14.0 U	125 - 19.1 T	Kawalusu.
54.	04 - 40.4 U	125 - 25.6 T	Kawio.
55.	04 - 44.5 U	125 - 28.5 T	Marore.
56.	05 - 34.8 U	126 - 36.5 T	Miangas.
57.	04 - 45.0 U	127 - 09.0 T	Marampit.
58.	04 - 37.4 U	127 - 09.2 T	Kakarutan.
59.	03 - 45.4 U	126 - 51.2 T	Darnau.
60.	02 - 38.5 U	128 - 33.5 T	Tg. Sopi.
61.	02 - 30.2 U	128 - 40.4 T	Tg. Gorango.
62.	01 - 32.7 U	128 - 43.9 T	Gam Tjaka.
63.	00 - 43.5 U	129 - 08.1 T	Jiew.
64.	00 - 20.8 U	129 - 52.4 T	Ai.
65.	00 - 32.0 U	130 - 44.0 T	Budd.
66.	01 - 04.7 U	131 - 15.6 T	Fani.
67.	00 - 36.0 U	131 - 11.9 T	Aju eiln.
68.	00 - 11.0 S	131 - 18.8 T	H. Lamarche.
69.	00 - 43.5 S	131 - 32.5 T	Dore Hoem Bi.
70.	00 - 20.2 S	132 - 10.5 T	Mios Soe.
71.	00 - 21.8 S	132 - 43.0 T	Valsche Kaap.
72.	00 - 56.8 U	134 - 17.2 T	Mapia Eil.
73.	00 - 11.6 S	134 - 59.1 T	Ajawi.

REFERENCE	CO-ORDINATES OF POINTS		LOCATION
	LATITUDE	LONGITUDE	
74.	00° - 23.5 S	135° - 16.1 T	Bepondl.
75.	00 - 41.4 S	135 - 23.5 T	Tg. Imbieri.
76.	00 - 42.1 S	135 - 48.. 5 T	Tg. Praisbari.
77.	01 - 04.9 S	136 - 23.3 T	Tg. Warari.
78.	01 - 27.8 S	137 - 55.0 T	Hoek d*
79.	01 - 35.5 S	138 - 43.0 T	Uriville Liki.
80.	02 - 18.5 S	140 - 07.0 T	Tg. Kamdara.
80A	02 - 26.2 S	140 - 36.9 T	-
81.	02 - 36.2 S	141 - 00.0 T	Oinake.
82.	09 - 12.7 S	141 - 01.7 T	-
83.	09 - 00.4 S	140 - 49.9 T	Wanme.
84.	08 - 09.9 S	139 - 52.8 T	Biak R.
85.	08 - 12.8 S	139 - 20.0 T	Weleb.
86.	08 - 22.9 S	138 - 54.6 T	Kaap Kaol.
87.	08 - 25.1 S	138 - 47.7 T	Mom Boem.
88.	08 - 27.0 S	137 - 35.1 T	Kaap Valsch.
89.	06 - 55.1 S	138 - 32.5 T	De Jong's punt.
90.	06 - 22.0 S	138 - 24.5 T	-
91.	05 - 43.1 S	138 - 05.0 T	Cook R.
92.	05 - 22.5 S	137 - 43.0 T	Laag E.
93.	04 - 55.0 S	136 - 49.8 T	Kp. Steenboom.
94.	04 - 38.8 S	136 - 07.0 T	Amarapaja.
95.	04 - 27.7 S	135 - 12.8 T	Tg. Namaripi.
96.	05 - 19.3 S	134 - 35.0 T	Warilade.
97.	05 - 22.4 S	134 - 44.1 T	Djedah Eil.
98.	06 - 04.5 S	134 - 52.0 T	Kawaera ell.
99.	06 - 19.7 S	134 - 52.2 T	Penambulai.
100.	06 - 52.5 S	134 - 43.4 T	Kultu bal.
101A	07 - 01.8 S	134 - 40.1 T	Karang.
101.	07 - 07.0 S	134 - 28.9 T	Enu.
102.	06 - 57.2 S	134 - 10.6 T	Tg. Ngabordamlu
103.	06 - 00.5 S	132 - 50.2 T	Tg. Weduar.
104.	07 - 15.0 S	131 - 59.0 T	Larat.
105.	08 - 03.8 S	131 - 17.5 T	Asutubun.
106.	08 - 08.0 S	131 - 10.5 T	Adaut.
107.	08 - 21.6 S	130 - 48.5 T	Bat Arkdusu.
108.	08 - 13.7 S	129 - 50.1 T	Masela.
109.	08 - 22.0 S	128 - 31.0 T	Meaty Mirang.
110.	08 - 14.9 S	127 - 38.0 T	Luhulele.
111.	08 - 06.4 S	127 - 09.5 T	Jen Tu.
112.	07 - 58.7 S	126 - 28.2 T	Eden.

REFERENCE	CO-ORDINATES OF POINTS		LOCATION
	LATITUDE	LONGITUDE	
113.	08° - 01.1 S	125° - 48.6 T	Pibla.
114.	08 - 59.0 S	124 - 24.0 T	-
115.	09 - 08.0 S	124 - 00.. 0 T	-
116.	09 - 28.0 S	125 - 05.1 T	Mota Massin.
117.	09 - 38.3 S	124 - 58.7 T	Tg. We Toh.
118.	10 - 09.1 S	125 - 00.0 T	-
119.	10 - 16.5 S	124 - 01.0 T	-
120.	10 - 49.6 S	123 - 13.4 T	Puleh.
121.	11 - 00.9 S	122 - 52.5 T	Dana.
122.	10 - 37.5 S	121 - 50.8 T	Tg. Merabu.
123.	10 - 50.0 S	121 - 17.0 T	Dana.
124.	10 - 19.0 S	20 - 27.2 T	Tg. Ngudju.
125.	10 - 20.6 S	120 - 06.8 T	Atangudu.
126.	09 - 48.0 S	119 - 23.6 T	Tg. Rua.
127.	09 - 45.5 S	119 - 11.6 T	Tg. Mambo.
128.	09 - 40.5 S	119 - 02.0 T	-
129.	08 - 53.6 S	118 - 29.9 T	Toro Doro.
130.	09 - 06.8 S	117 - 02.0 T	Tg. Talonan.
131.	08 - 54.9 S	116 - 00.0 T	Tg. Pangga.
132.	08 - 50.0 S	115 - 50.3 T	Tg Bt Gendang.
133.	08 - 49.4 S	115 - 35.9 T	Nusa.
134.	08 - 51.0 S	115 - 08.1 T	Tafelhock.
135.	08 - 46.4 S	114 - 30.9 T	Tg. Bantenas.
136.	08 - 44.5 S	114 - 20.8 T	Tg. Purwa.
137.	08 - 39.0 S	114 - 01.5 T	Mustaks.
138.	08 - 30.0 S	113 - 18.5 T	Barung.
139.	08 - 24.0 S	111 - 42.2 T	Skel.
140.	08 - 12.1 S	110 - 42.2 T	-
141.	08 - 08.5 S	110 - 33.0 T	Bt. Tugur.
142.	07 - 47.0 S	109 - 25.2 T	Kambangan.
143.	07 - 47.5 S	109 - 02.1 T	-
144.	07 - 49.0 S	108 - 26.1 T	Tg. Gedeh.
145.	07 - 44.9 S	107 - 50.0 T	Genteng.
146.	07 - 23.2 S	106 - 24.5 T	-
147.	07 - 01.2 S	105 - 31.6 T	Deli.
148.	06 - 50.5 S	105 - 14.5 T	Tg Goha Kolah.
149.	06 - 37.8 S	105 - 06.0 T	Ganaila.
150.	05 - 57.0 S	104 - 35.8 T	Balimbing.
151.	05 - 39.1 S	104 - 18.1 T	-
152.	05 - 14.5 S	103 - 54.5 T	Og. Walor.
153.	04 - 49.0 S	103 - 20.1 T	Tg. Bandar.
154.	05 - 33.1 S	102 - 19.0 T	-
155.	05 - 22.1 S	102 - 05.3 T	Tg. Kooma.
156.	04 - 02.0 S	101 - 02.1 T	Mega.

REFERENCE	CO-ORDINATES OF POINTS		LOCATION
	LATITUDE	LONGITUDE	
157.	03° - 21.3 S	100° - 27.8 T	-
158.	03 - 18.0 S	100 - 19.9 T	Baru - Baru.
159.	02 - 50.0 S	99 - 59.6 T	Tg. Ratai.
160.	02 - 18.0 S	98 - 36.2 T	Tg. Simailupa.
161.	01 - 41.0 S	98 - 52.8 T	Siberut.:
162.	01 - 12.4 S	98 - 35.0 T	Siberut.
163.	00 - 31.8 S	98 - 17.0 T	Tg. Hatik.
164.	00 - 05.5 S	97 - 51.0 T	Serauk.
165.	00 - 35.2 U	97 - 40.2 T	Laguadi.
166.	00 - 49.8 U	97 - 20.0 T	Bawa.
167.	01 - 12.0 U	97 - 04.7 T	Wunga.
168.	01 - 24.1 U	97 - 03.1 T	Tg. Tojolawa.
169.	02 - 04.1 U	96 - 37.5 T	Babi.
170.	02 - 38.0 U	95 - 47.0 T	-
171.	02 - 58.9 U	95 - 23.0 T	Kokos Eil.
172.	04 - 07.5 U	96 - 06.7 T	Meulaboh.
173.	04 - 36.9 U	95 - 34.0 T	Tjalang Bi.
174.	04 - 52.0 U	95 - 22.0 T	Roja.
175.	05 - 17.0 U	95 - 11.9 T	Rusa.
176.	05 - 48.0 U	94 - 57.5 T	Noord West E.
177.	06 - 05.0 U	95 - 07.0 T	Rondo.
178.	05 - 54.0 U	95 - 20.0 T	Ie Meule.
179.	05 - 30.4 U	95 - 53.0 T	Og. Pidie.
180.	05 - 16.5 U	96 - 49.5 T	Og. Peusangan.
181.	05 - 17.0 U	97 - 29.0 T	-
182.	04 - 53.0 U	97 - 55.0 T	Og. Peureula.
183.	03 - 55.3 U	98 - 40.2 T	Og. Temiang.
184.	03 - 47.4 U	99 - 29.6 T	Berhala.
185.	02 - 52.0 U	100 - 33.8 T	Noordrots.
186.	02 - 9.4 U	101 - 39.5 T	Tg. Medang.
187.	01 - 06.0 U	102 - 59.0 T	Tg. Kedabu.
188.	01 - 11.6 U	103 - 21.0 T	Iju Karimun.
189.	01 - 10.0 U	103 - 23.4 T	Nipa.
190.	01 - 09.2 U	103 - 39.3 T	-
191.	01 - 7.9 U	103 - 42.0 T	Berhantl.
192.	01 - 10.9 U	103 - 52.9 T	Nongsa.
193.	01 - 12.5 U	104 - 04.3 T	Tg. Sading.
194.	01 - 12.3 U	104 - 23.5 T	Tg. Berakit.

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(b) Déclaration of an Indonesian Exclusive Economic Zone of 21 March 1980

1. The Exclusive Economic Zone of Indonesia is the area beyond the Indonesian Territorial Sea as promulgated by virtue of Law N 4 of 1960 concerning Indonesian Waters, the breadth of which extends to 200 nautical miles from the baselines from which the breadth of the Indonesian Territorial Sea is measured.
2. In the Exclusive Economic Zone, Indonesia has and exercises:
  - (a) sovereign rights for the purpose of exploring and exploiting, managing and conserving living and non-living natural resources of the sea-bed and subsoil and the superjacent waters and sovereign rights with regard to other activities for the Economic exploration and exploitation of the zone, such as the production of energy from the water, currents and winds,
  - (b) jurisdiction with regard to:
    - (1) the establishment and use of artificial islands, installations and structures;
    - (2) marine scientific research;
    - (3) the preservation of the marine environment;
    - (4) other rights based on international law.
3. The sovereign rights of Indonesia as referred to in paragraph 2 of this Government Declaration shall, with respect to the sea-bed and subsoil, continue to be exercised in accordance with the provisions of the laws and regulations of Indonesia concerning Indonesian Waters and the Indonesian Continental Shelf, international agreements and international law.
4. In the Exclusive Economic Zone of Indonesia, the freedoms of navigation and overflight and of the laying of submarine cables and pipelines will continue to be recognized in accordance with the principles of the new international law of the sea.
5. Where the boundary line of the Exclusive Economic Zone of Indonesia poses a problem of delimitation with an adjacent or opposite State, the Indonesian Government is prepared, at an appropriate time, to enter into negotiations with the State concerned with a view to reach an agreement.
6. The above provisions will further be regulated by a law and regulations.

(c) Law N° 5 of 1983 on the Indonesian Exclusive Economic Zone

#### PART I - GENERAL REGULATIONS

Article 1. - What is meant in this Law by:

- (a) Natural living resources are all kinds of animals including also those that are found on the seabed and in the waters within the Indonesian Exclusive Economic Zone;
- (b) Natural non living resources are all the elements different from the living resources that are found on the seabed, in its subsoil as well as in the waters within the Indonesian Exclusive Economic Zone;
- (c) The scientific surveys are all the activities connected with research on all the aspects of sea surface, sea waters, seabed and its subsoil within the Indonesian Exclusive Economic Zone;
- (d) The conservation of the natural resources consists in all the efforts aiming at the protection and conservation of the natural resources in the Indonesian Exclusive Economic Zone;
- (e) The protection and preservation of the marine environment consist in all the efforts aiming at taking care of and safeguarding the wholeness of the maritime ecosystem in the Indonesian Exclusive Economic Zone.

#### PART II - THE INDONESIAN EXCLUSIVE ECONOMIC ZONE

Article 2. - The Indonesian Exclusive Economic Zone consists of the sealines external to and bordering on the Indonesian territorial waters within an outermost borderline as far as 200 sea miles from the baseline, as it is stipulated in the laws on the Indonesian waters, which include seabed, its subsoil and all the sea waters of Indonesia.

Article 3. - (1) In the event that the Indonesian Exclusive Economic Zone overlaps the exclusive economic zones of other coastal or facing states, the boundaries of the Indonesian Exclusive Economic Zone shall be fixed by means of international treaties between the Republic of Indonesia and the concerned foreign States.

(2) As long as the international treaties, mentioned in paragraph (1) herein, are not yet signed, and there are no particular situations requiring consideration, the boundaries between the Indonesian Exclusive Economic Zone and those of the coastal or facing foreign states shall be the mean line or a line equally far from the baseline of Indonesia or the farthest points off Indonesia and the baselines of the territorial sea or the farthest points off the foreign States, unless a provisional agreement connected with the boundaries of the Indonesian Exclusive Economic Zone has been established.

### PART III - SOVEREIGN RIGHTS, OTHER RIGHTS, JURISDICTION AND RESPONSIBILITIES

Article A. - (1) In the Indonesian Exclusive Economic Zone, the Republic of Indonesia owns and carries out:

(a) The sovereignty rights to perform exploration and exploitation, to manage and protect the natural living and non living resources on the seabed, in its subsoil as well as in the waters, and to conduct all other activities connected with the exploration and the economic exploitation in the aforesaid zone, including the exploitation of energy from water, its currents and from the wind.

(b) Jurisdiction on:

- (i) Building and utilizing artificial islets, installations and other structures;
- (ii) Conducting scientific research on the sea;
- (iii) All other rights and responsibilities in accordance with the treaties connected with the International Law of the Sea.

(2) With regard to the seabed and its subsoil, the sovereign rights, the other rights, jurisdiction and the responsibilities of Indonesia, as stipulated in section (1) herein, are exercised in accordance with the laws concerning the Indonesian Continental Shelf, with the agreements between Indonesia and the neighbouring countries, and with the International Law.

(3) In the Indonesian Exclusive Economic Zone, the freedom of navigation and overflight, laying submarine cables and pipelines is recognized according to the principles of the International Law of the Sea.

### PART IV - THE ACTIVITIES IN THE INDONESIAN EXCLUSIVE ECONOMIC ZONE

Article 5. - (1) Without failing to recognize the provision in Article 4, section (2), anybody who conducts exploration and/or exploitation of the natural resources or other activities, such as drawing energy out of the waters, currents and wind, in the Indonesian Exclusive Economic Zone, is obliged to act in accordance with a permit or an international agreement with the Indonesian Government, and conform to the clauses of the permit or to the provisions of the international agreement.

(2) Without disregarding the provisions of section (1) herein, the exploration and/or exploitation concerning the natural living resources shall be conducted in accordance with the provisions on their administration and preservation enforced by the Government of the Republic of Indonesia.

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(3) Without disregarding Article 4, section (2), the Government of the Republic of Indonesia shall licence foreigners, foreign entities or a foreign Government to explore and exploit a natural living resource in a definite area within the Indonesian Exclusive Economic Zone, provided that the number of catches allowed by the Indonesian Government for that type of catch exceeds the Indonesian capacity of utilization.

Article 6. - Anybody who builds and/or utilizes artificial islets or installations or other structures in the Indonesian Exclusive Economic Zone is obliged to act in accordance with a permit issued by the Government of the Republic of Indonesia, and to abide by the conditions established in the aforesaid permit.

Article 7. - Anybody who conducts scientific research in the Indonesian Exclusive Economic Zone is obliged to obtain a previous approval and to abide by the conditions stated by the Government of the Republic of Indonesia.

Article 8. - (1) Anybody who conducts activities in the Indonesian Exclusive Economic Zone is obliged to take the necessary steps to prevent, limit, bridle and suppress the damages of pollution in the marine environment.

(2) The disposai of waste in the Indonesian Exclusive Economic Zone can be carried out only if a permit is granted by the Government of Indonesia.

PART V - INDEMNITIES

Article 9. - Anybody who conducts actions contrary to the provisions of the Regulations of the Republic of Indonesia or to the international law of the sea, causing damages to artificial islets, installations and other structures in the Indonesian Exclusive Economic Zone, shall be liable for the payment of an indemnity to the owner of the aforesaid artificial islets, installations and other structures.

Article 10. - Without disregarding the provisions in Article 7, anybody who conducts scientific research in the Indonesian Exclusive Economic Zone, contrary to the provisions of the Régulations of the Republic of Indonesia and to the international law, causing damages shall be liable for the payment of an indemnity to the Republic of Indonesia.

Article 11. - (1) Without disregarding the provision in Article 8, and bearing in mind the maximum limits of a definite indemnity, anybody who causes the pollution of the marine environment and/or the spoiling of the natural resources shall be absolutely liable to pay quickly an appropriate indemnity for the rehabilitation of the marine environment and/or of the natural resources.

(2) The absolute responsibility stated in section (1) is excepted if the concerned party is able to prove that the pollution of the marine environment or the damage to the natural resources resulted from:

- (a) A natural event that cannot be controlled by it;

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(b) Damages partially or wholly caused by an action or negligence caused by third persons.

(3) The form, kind and amount of the indemnity due because of the pollution of the marine environment and/or the spoiling of the natural resources shall be based on the results of ecological research.

Article 12. - The definition of the maximum limits of the indemnity, as stated in Article 11 herein, shall be regulated in accordance with the laws, as stated in Article 20 herein.

PART VI - THE ENFORCEMENT OF LAW

Article 13. - As regards the application of the sovereign rights, other rights, jurisdiction and the responsibilities, stated in Article 4, section (1), the officers of the Republic of Indonesia who are responsible for the enforcement of law are entitled to take the necessary measures in order to impose the observance of law, in accordance with the provisions of Law N 8 of 1981 on the Criminal Procedure Code, except that:

- (a) The capture of vessels and/or persons suspected of transgressions in the Indonesian Exclusive Economic Zone includes the measures of detaining a vessel and giving in charge the vessel and/or the persons to the authority of the nearest port where they can be prosecuted as soon as possible;
- (b) The aforesaid vessel and/or persons shall be placed in charge of authority as soon as possible within no more than 7 (seven) days, except the cases of force majeure;
- (c) In the interest of the detainees the penal measures as regulated in Articles 16 and 17 herein fall within the cases of penal measures stated in Article 21, section (4) (b) of Law N° 8 of 1981 on the Code of Criminal Procedure.

Article 14. - (1) The officers qualified to enforce the law and to conduct inquiries in the Indonesian Exclusive Economic Zone are the officers of the Indonesian Navy designated by the Commander-in-Chief of the Indonesian Armed Forces.

(2) The prosecutor is the Attorney at the Court, as designated in section 3.

(3) The Court qualified to try for the violations to this Law is the Court qualified for the area of the port where the vessel and/or the persons have been detained in accordance with Article 13(a).

Article 15. - (1) A request to bail on behalf of the vessel and/or the persons which are detained as suspected of a violation to this Law or to other provisions of regulations enforced on the basis of this Law, can be submitted in every moment before the Court delivers the sentence.

(2) The request to bail, as stated in section (1), shall be accepted if the party has paid the proper sum as fixed by the Court.

#### PART VII - PENAL PROVISIONS

Article 16. - (1) Anybody who conducts actions violating the provisions in Articles 5(1), 6 and 7 is liable to be sentenced to the payment of a maximum fine of 225,000,000 (two hundred twentyfive million) rupiah.

(2) the judge is authorized to order in the sentence the confiscation of the catch resulting from the violation, of the vessel and/or of other means used in the criminal action stated in section (1).

(3) Anybody who intentionally commits actions that cause the spoiling and/or pollution of the natural living environment in the Indonesian Exclusive Economic Zone is liable to be tried according to the Regulations on the preservation of the natural living environment.

Article 17. - Anybody who damages or destroys the objects used in committing a crime, which should be produced as evidence for the prosecution, as meant in Article 16, section (1), with the purpose of eluding the confiscation of the aforesaid objects during the inquire, is liable to be sentenced to the payment of a fine of no more than 75,000,000 (seventy-five million) rupiah.

Article 18. - The crimes are those mentioned in Articles 16 and 17.

#### PART VIII

Article 19. - All the provisions concerning the exploration and exploitation of the natural living resources, issued before the enforcement of this Law are still in force until they are modified by new regulations issued on the basis of this Law.

#### PART IX

Article 20. - (1) The application of the provisions of this Law shall be regulated in a more detailed way by the provisions of other laws.

(2) A Government Decree that shall regulate the application of the provisions of this Law can add a penal fine of no more than 75,000,000 (seventyfive million) rupiah for the violations of the aforesaid provisions.

Article 21. - This law shall be in force since its date.

2. BASIC FISHERIES LEGISLATION

Law N° 9 of 1985 on Fisheries

PART I - GENERAL REGULATION

Article 1. - In this Law there shall be understood by:

1. "Fisheries" - any activity the purpose of which is to exploit or make use of fishery resources;
2. "Fishery resources" - all species of fish, including all organisms living in the sea;
3. "Exploitation of the living resources of the sea" - ail the activities the purpose of which is to derive optimum benefits from fishery resources on a continuous basis;
4. "To exploit fishery resources" - the activity of fishing or fish breeding;
5. "Fishery activities" - any efforts by individuals or corporate bodies with a view to catching or breeding fish, including the catching and breeding of fish by way of trade;
6. "Fishing" - that activity where the purpose is to catch fish which are not being bred, by means of gear or whatever action, including the use of vessels for transportation, preservation, freezing, or otherwise processing fish;
7. "Fishing gear" - implements and tools or the means used in order to catch fish;
8. "Fishing vessel" - any ship or boat or other craft used for fishing, including any vessel used for survey and fish exploration;
9. "Fish breeding" - that activity where the purpose is to keep, raise and harvest fish;
10. "Fishermen" - persons whose means of subsistence is fishing;
11. "Fish farmers" - persons whose means of subsistence is breeding fish;
12. "Fish environment" - the waters in which fishery resources liye, including all other living organisms, and the natural features of their environment;
13. "Pollution of natural fishery resources" the introduction of any artifacts, extraneous substances, energy or other éléments into natural fishery resources by human action, so that those natural fish resources décline in abundance or in fitness or become a danger for those who are to exploit them;

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14. "Spoiling of natural fishery resources" - any occurrence resulting in the depleting of the potential of fishery resources in such a way that the conservation of the aquatic environment is endangered as a consequence of the action of individuals or bodies corporate causing a disturbance in the biological equilibrium and in the living conditions of fishery resources;
15. "Pollution of the marine environment" - any living creatures, matter, energy or other things entering or introduced into the marine environment in such a way that the quality of the fishery resources is impaired to a degree at which they fail to respond less to their intended purpose;
16. "Spoiling of the marine environment" - the consequence of the action of any individual or body corporate causing any physical, chemical or other natural changes in the marine environment in such a way that it is impaired or destroyed as a habitat for living resources;
17. "The Government" - the Government of the Republic of Indonesia;
18. "The Minister" - the Minister responsible for fisheries.

PART II - THE FISHERIES TERRITORY

Article 2. - The fisheries territory of the Republic of Indonesia consists of:

- (a) the Indonesian maritime waters;
- (b) the rivers, lakes, reservoirs, swamps and other water-pools within the territory of the Republic of Indonesia;
- (c) the Indonesian Exclusive Economic Zone.

PART III - CONTROL OF FISHERIES

Article 3. (1) The purpose of the control of the fishery resources in the fisheries territory of the Republic of Indonesia shall be to secure the greatest possible benefit for the Indonesian people.

(2) For the purpose stated in subsection (1), the Government shall maintain a strict and guided regulation of fishery resources such as to secure their preservation together with the protection of the environment for the benefit and welfare of the Indonesian people.

Article 4. In the matter of the control of the fishery resources the Minister shall make regulations on:

1. fishing gear;
2. the technical specifications for fishing with which fishing vessels are required to conform in order to comply with the regulations designed to ensure safety of navigation;

INDO 15

3. the volume and type of catch as well as the size of the allowable catch;
4. fishing grounds, fishing areas, times and seasons;
5. the prevention of pollution and spoiling, the preservation and improvement of the fishery resources and of the environment;
6. the dissemination of new species of fish;
7. fish breeding and the protection of this activity;
8. fish disease and pest control;
9. any other matters needed for the control of fishery resources.

Article 5. Catching living fish in inter-island waterways or between the Indonesian waters and other countries shall come within the purview of the fish quarantine regulations.

Article 6. (1) All individuals and bodies corporate engaging in fishery activities or fish farming shall refrain from using equipment or materials liable to endanger the preservation of the fishery resources or the environment.

(2) The use of equipment or materials mentioned in subsection (1) in fishery activities or fish farming for scientific or related purposes shall conform to Government regulations.

Article 7. (1) Individuals and bodies corporate shall refrain from any actions causing the pollution or spoiling of the fishery resources or the environment.

(2) Research and other scientific activities conducted in accordance with Government provisions shall be exempt from the prohibition laid down in subsection (1).

Article 8. (1) For scientific or cultural purposes, and for the preservation of the aquatic environment, the Government shall prescribe the species of fish protected, and any fishing grounds intended as fish reserves, in the light of the peculiar species of fish or other characteristics encountered in the aquatic habitat.

(2) Under the provisions concerning the matter referred to in subsection (1) the Government shall be authorized to prescribe limitations on fishery activities, fish farming and any other activities in the grounds there mentioned.

Article 9. (1) Fisheries in the Indonesian fishing waters may be engaged in only by individuals or bodies corporate of Indonesian nationality.

(2) Exceptions to subsection (1) shall be allowed only for fishing, under the responsibility of the Indonesian State, as provided for in international treaties and in accordance with the principles of international law.

INDO 16

Article 10. (1) An individual or body corporate engaging in fishery activities shall be required to obtain a fishing permit.

(2) Fishermen and small-scale fish farmers or other persons that obtain their livelihood from fishery activities shall be exempt from the fish permit requirement prescribed in subsection (1).

(3) The provisions laid down in subsection (1) and (2) shall be a matter for Government regulations.

Article 11. (1) Every individual or body corporate engaging in fishing or fish farming activities in the sea or fresh waters within the territory under the sovereignty of the Republic of Indonesia shall be required to pay a fishing fee.

(2) Fishermen and small-scale fish farmers that obtain their livelihood from fishery activities shall be exempted from paying the fishing fee.

(3) The provisions laid down in subsections (1) and (2) shall be a matter for Government regulations.

Article 12. (1) Fishing vessels used by Indonesian subjects, whether individuals or bodies corporate, engaging in fishery activities within the fisheries territory of the Republic of Indonesia shall be required to fly the Indonesian flag.

(2) Research and other scientific activities in the fisheries territory of the Republic of Indonesia and fishery activities in the Indonesian Exclusive Economic zone shall be exempted from the provisions in subsection (1).

Article 13. Fishing and fish farming activities in the fisheries territory of the Republic of Indonesia for non-commercial purpose shall be regulated by the Minister.

PART V - DEVELOPMENT SUPPORT

Article 14. The Government shall organize an information system and shall undertake the collecting, processing and dissemination to the widest possible extent of both technical and production data on fisheries, with a view to providing support for the most efficient management possible of the fishery resources and the development of all fishery activities.

Article 15. (1) The Government shall organize and develop research and other scientific activities in fisheries.

(2) In the organization of the activities referred to in subsection (1) the Government shall be authorized to cooperate with national private institutions, and international and foreign institutions.

Article 16. (1) The Government shall be responsible for providing education, training, and developing information programmes in fisheries.

INDO 17

(2) In developing the programmes referred to in subsection (1), the Government shall be authorized to enlist the cooperation of the communities and the social rehabilitation institutions.

Article 17. The Government shall support, promote and protect the efforts of fishermen and fish farmers through fishing cooperatives, and fish farming cooperatives in particular.

Article 18. (1) The Government shall install and develop basic facilities for the fishing sector.

(2) The provisions for the establishment, the management and the use of the basic facilities referred to in subsection (1) shall be enforced by means of Government regulations.

Article 19. The Government shall prescribe rules for the fish trade and for improving the quality of fish products.

Article 20. The Minister is hereby authorized to make rules prohibiting the export or import of particular species of fish into or from the territory of the Republic of Indonesia.

PART VI - DECENTRALIZATION OF AFFAIRS AND LOCAL COLLABORATION

Article 21. The transfer of certain fishery affairs to the local governments and any recall thereof to the Central Government shall be a matter for Government regulations.

Article 22. The Central Government is hereby authorized to call on the collaboration of local governments in fishery affairs.

PART VII - CONTROL AND SUPPORT

Article 23. (1) In order to secure the implementation of the- control and exploitation of the fishery resources in a profitable and efficient manner, attentive care and guidance of fishery activities shall be required.

(2) Rules In furtherance of the aims referred to in subsection (1) shall be introduced by Government regulations.

PART VIII - OFFENCES AND PENALTIES

Article 24. Any person who in the fisheries territory of the Republic of Indonesia, within the meaning of section 2 (a\_) and (b), contravenes section 6(1) and section 7(1) shall be guilty of criminal offence and shall be liable to be punished with a term of imprisonment of ten years or with a fine of 100 million rupiah or to both such imprisonment and fine.

IKDO 18

Article 25. Any person engaging in fishing activities in the territory of the Republic of Indonesia within the meaning of section 2 (a) and (b) without being in possession of a fishing permit as required by section 10 shall be liable:

(a) to a term of imprisonment of five years or to a fine of 50 million rupiah, if he makes use of a motor vessel of 30 GT or over;

(b) to a term of imprisonment of two years and six months or to a fine of 25 million rupiah, if he makes use of a motor vessel of less than 30 GT.

Article 26. Any person who engages in fish farming in the fisheries territory of the Republic of Indonesia within the meaning of section 2 (a.) and (b) without being in possession of a permit, as required by section 10, shall be liable to imprisonment for a term of six months or to a fine of 5 million rupiah fine.

Article 27. (1) Any person who contravenes section 4 shall be liable to a fine of 25 million rupiah.

(2) Any person who contravene section 20 shall be liable to a fine of 5 million rupiah.

Article 28. (1) Offences under sections 24 and 25 shall be criminal offences.

(2) Offences under sections 26 and 27 shall be lesser offences.

Article 29. Any objects used in committing offences under sections 24, 25, 26 and 27, as well as those obtained by means of any actions associated therewith may be seized on behalf of the Indonesian State.

Article 30. Any person who contravenes this Law in the Indonesian Exclusive Economic Zone shall be prosecuted in accordance with Law No. 5 of 1983<sup>1</sup>.

**PART IX - FURTHER PROVISIONS**

Article 31. (1) The officers qualified to investigate offences under this Law in Indonesian waters shall be those mentioned in section 14 (1) of Law No. 5 of 1983<sup>1</sup> on the Indonesian Exclusive Economic Zone.

(2) Powers to investigate offences under this Law may be assigned to public officers qualified in fishery matters.

(3) Public officers qualified in fishery matters referred to in subsection (2) shall for the purposes of their assignment have authority;

(a) to receive reports or note any accusations referring to offences under this Law;

INDO 19

- (b) to summon or to inspect persons suspected of contravening this Law;
  - (c) to search any fishing vessel, means of transport and any facilities for storing, fish icing and long-term préservation suspected of being placed where this Law is contravened;
  - (d) to confiscate fish obtained by means of any act contravening this Law together with the fishing gear and documents used for that purpose.
- (4) The aforesaid investigations and powers shall conform to Law No. 8 of 1981 and to the criminal procédure régulations.

PART X - TRANSITIONAL PROVISIONS

Article 32. All the provisions in the laws and régulations on fishery activities hitherto in force shall, where not in conflict with this Law, remain in force pending the making of new régulations.

PART XI - FINAL PROVISIONS

Article 33. At the time that this Law enters into force:

- (a) the General Régulations on pearl, mother-of-pearl, trepang and sponge fishing within not more than three seamiles off the coasts of the Netherlands Indies (Officiai Journal 1918, No. 157);
- (b) the Régulations for the protection of the fish resources (Officiai Journal 1920, No. 396);
- (c) the General Régulations on fisheries within the water territory of the Netherlands Indies (Officiai Journal 1927, No. 144);
- (d) the General Regulations on whaling within not more than three seamiles off the coasts of the Netherlands Indies (Officiai Journal 1927, No. 145);
- (e) the Régulations on fishing within the territorial sea and the maritime boundaries (Officiai Journal 1939, No. 442), except as regards the provisions on maintenance of justice on the seas; as amended, shall cease to be in force.

Article 34. All matters not sufficiently provided for by this Law shall be regulated by Government decree.

Article 35. This Law shall enter into force from the date of its enactment. In order to give notice to everybody this Law shall be published in the Officiai Journal of the Republic of

3. REGULATIONS

(e) Decree of the Minister for Agriculture N° 607/Kpts/Um/9/1976 on Fishing Areas

PROVISION I

Without disregarding the provisions on the shipping lanes enforced by the Government, the following fishing areas are established:

1. Along the northern-eastern-southern coasts of Sumatra from Ule Lhee, Aceh (95° 17' east longitude) to Tanjung Cina, Lampung (5° 56' south latitude), including the islands of We, Breueh and Panasi/Dedap, Riau Archipelago, the islands of Bangka and Biliton;
2. Along the western coast of Aceh between 3 north latitude and 4 north latitude, and the waters around the island of Nias;
3. Along the northern and eastern coasts of Java from east of Merak (105 57' east longitude) to Tanjung Sloko, Blambangan (115 35' east longitude) and along the coasts of the island of madura;
4. Along the southern coast of Java, from 108 east longitude to 111 east longitude;
5. Along the coasts of Bali;
6. Along the western-southern-eastern coasts of Borneo from Tanjung Datu (2° 4' north latitude) to the surroundings of Ambarawang (117° east longitude), including the islands Laut and Sebuku;
7. Along the coast of North Celebes in the east of 122 east longitude;
8. Along the coast of South Celebes from Tanjung Rangas (118 57' east longitude) to Ujung Lasa (120 29' east longitude) including the island of Salayar;
9. Along the coast of the island of Ambon, as follows:
  - (a) The I Fishing area consists of the coastal waters with a 3 mile width measured from the deepest point at low tide;
  - (b) The II Fishing area consists of the waters with a 4 mile width measured from the outer bordeline of I fishing area;
  - (c) The III fishing area consists of the waters with a 5 sea-mile width, measured from the outer borderline of the II fishing area;
  - (d) The IV fishing area are the waters out of the III fishing area.

## PROVISION II

The use of vessels and fishing gears in each of the fishing areas established above, is regulated as follows:

- (a) The I fishing area is out-of-bounds for:
  1. Fishing vessels with inboard engine a size of more than 5 GT, or fishing vessels with outboard motor with more than 10 HP;
  2. All types of trawl nets: beam trawl, otter trawl, pair (bull) trawl;
  3. All nets with ring or belt meshes and similar purse-seine nets;
  4. Incircling gill nets and drift gill nets;
  5. Drag-nets, lark-nets, clap-nets, lampara nets, casting nets with a more than 120 m. length from the rim of a wing to the opposite wing rim.
- (b) The II fishing area is out-of-bounds for:
  1. Fishing vessels with inboard engine and a size of more than 25 GT or fishing vessels with inboard engine of more than 50 GT HP;
  2. Trawl nets with otterboard having upward/downward ropes longer than 12 meters;
  3. Mid-water trawl (or pelagic trawl) and pair (bull) trawl (nets pulled by two craft);
  4. All nets having ring or belt meshes or similar types, longer than 300 meters.
- (c) The III fishing area is out-of-bounds for:
  1. Fishing vessels with inboard engine over 100 GT or fishing vessels with inboard engine of more than 200 HP;
  2. Sea-bed trawl nets with otterboard having upward/downward ropes longer than 20 meters;
  3. Pair (bull) trawl;
  4. All nets having ring or belt meshes, or similar types, longer than 600 meters.

INDO 22

(d) The IV fishing area is allowed to:

All types of vessels and legitimate fishing gears, except pair (bull) trawl, which are allowed to operate only in the Indian Ocean.

PROVISION III

All nets with mesh size lesser than 25 mm. and the tuna fishing purse seine with meshes measuring less than 60 mm. are prohibited in all the fishing areas.

PROVISION IV

Beside what is provided by provisions II and IV herein, in the waters of the Strait of Madura and of the Strait of Bali the use of beam trawl, otter trawl, bull (pair) trawl for catching sea-bed or pelagic fish is prohibited.

PROVISION V

The prohibitions in the II and IV Provisions herein do not apply to:

"The fishing motor vessels conducting their activities on behalf of the Directorate General of Fisheries, fishing services of local governments and other scientific organizations operating with the agreement of the Directorate General of Fisheries in the fields of fishing training, research/survey, exploration/exploitation specially aimed at the development of fishery".

PROVISION VI

A particular regulation shall be enacted for the fishing vessels owned by the State fishing entities when operating for the development of the people's fishery.

PROVISION VII

The prohibition to enter fishing areas not allowed to certain fishing vessels shall be annotated in the fishing permits granted to the fishing entities and in the fishing permits delivered to the vessels.

PROVISION VIII

The fishing vessels referred to in the Provision VII which violate the provisions regulating their activities are liable to withdrawal of their fishing permits.

PROVISION IX

The application of the provisions of this Decree shall be regulated in more details by the Director General of Fisheries.

**PROVISION X**

With the enforcement of this Decree the Decree of the Minister for Agriculture N° 317/Kpts/Um/7/1975 on PROVISIONS FOR THE UTILIZATION OF THE FISH RESOURCES IN THE WATERS OF THE NORTHERN COASTS OF JAVA AND MADURA are abrogated.

**PROVISION XI**

This decree shall come into force on the 30th September of 1976.

- (f) Decree of the Minister for Agriculture N° 609/Kpts/Um/9/1976 on the Fishing Areas for sea-bed trawlers

#### PROVISION I

Without disregarding the provisions on the fishing areas established by the Government, THE SEA-BED (DEMERSAL) FISHING WATERS IN THE MARINE ENVIRONMENT OF INDONESIA ARE DIVIDED INTO THE FOLLOWING AREAS:

##### I. Fishing area A:

The waters of the Indian Ocean adjacent the western and southern coasts of Sumatra, the southern coasts of Java and the Nusa Tenggara Islands as far as Timor, delimited by:

- 95 17' east longitude (Ule Lhee) to the borderline of the Indonesian waters between the coordinate points 6 south latitude - 104° 30' east longitude and 6° 50' 30" south latitude - 105° east longitude (Sunda Strait);
- 8° 30' south latitude along the islands of Nusa ATenggara southwards;
- 125 east longitude (from the island of Timor to the borderline of the Indonesian waters);

##### II. Fishing area B:

Parts of the Indian Ocean, of the Straits of Malacca, the Southern part of the Southern Chinese Sea, delimited by the following lines:

- North: the borderline of the waters of the Republic of Indonesia;
- East: the coast of Borneo;
- South: 1 south latitude;
- West: 95° 17' east longitude.

##### III. Fishing area C;

The straits of Karimata, Java Sea, and the Straits of Macassar, delimited by the following lines:

- North; 1° south latitude (West of Borneo), and the borderline of the waters off Indonesia;
- East: 120° 20' east longitude;
- South: 8° 30' south latitude;
- south-west between the coordinate points 6° south latitude - 104 ° 30' east longitude and 6° 50' 30" south latitude - 105° east longitude (Straits of Sunda);
- West: the coast of Sumatra.

IV. Fishing area D:

The eastern waters delimited by:

- North: the borderline of the Indonesian waters;
- East: the borderline of the Indonesian waters;
- South: 8 30' south latitude, as far as it crosses 125 east longitude and the borderline of the waters of the Republic of Indonesia, east of 125 east longitude;
- West: 120° 20' east longitude.

PROVISION II

The delimitation of the fishing areas as established in the first provision herein, is applied only to sea-bed trawl fishing vessels, that shall be allowed only to catch fish in the area or the part of an area as stated in their fishing permits.

PROVISION III

- (a) Every trawl vessel is obliged to have a coloured mark showing the fishing area designated for its fishery activities:

"In the midst of the side of the vessel between bow and stern, a tenth part of the length of the ship shall be painted in a defined colour, with 10 (ten) cm. wide edges."

- (b) The fishing area identification colours shall be as follows:

- |      |              |                 |
|------|--------------|-----------------|
| I.   | Fishing area | A: dark red;    |
| II.  | " "          | B: dark green;  |
| III. | " "          | C: deep yellow; |
| IV.  | " "          | D: black.       |

PROVISION IV

The trawl vessels referred to in the second provision herein, which have been granted a regular permit by the qualified authority, are allowed to conduct their fish catching operations by means of different legitimate gears, with the limitation that they are allowed to operate only in the fishing area or in the part of a fishing area as assigned.

PROVISION V

The sea-bed trawl vessels operating on behalf of the Directorate General of Fisheries, of the Fishery Services of local governments, or of other scientific organizations, with the agreement of the Directorate General of Fisheries, in the field of fishing training, research/survey/exploration/exploitation for the development of fishery, are exempted from the provisions of this Decree.

**PROVISION VI**

The trawl vessels mentioned in provisions IV and II herein, that violate any provision referring to them are liable to withdrawal of their fishing permits.

**PROVISION VII**

The control and guidance of the level of intensity for fishery in the fishing areas shall be regulated in a more detailed way by the Director General of Fisheries.

**PROVISION VIII**

The application of the provisions of this Decree shall be regulated by the Director General of Fisheries.

**PROVISION IX**

This decree shall come into force on the 30th September, 1976.

- (g) Government Decree N 15 of 1984 on Fisheries Resources Management in the Indonesian Exclusive Economic Zone

#### PART I - GENERAL

Article 1. In these Regulations there shall be understood by:

- (a) "Management" - all efforts and actions by the Government with a view to directing and controlling the benefits that are obtainable from the natural resources in the Indonesian Exclusive Economic Zone;
- (b) "Conservation of natural resources" - all efforts with a view to protecting and rendering self-sustaining the natural resources of the Indonesian Exclusive Economic Zone;
- (c) "Fishing activities" - activities directed to catching fish, other than fish raised in fish farms, from the waters by means of gear or in any manner, and includes activities entailing the use of vessels for transport, preservation, cold storage, long term conservation and management;
- (d) "Fishing vessels" - vessels or boats or other craft used to carry out fish catching, and includes vessels, boats and other craft used for fisheries surveys or exploration;
- (e) "Allowable catch" - quantity of natural resources that may be taken compatibly with their conservation in the Indonesian Exclusive Economic Zone;
- (f) "Fishing fee" - the sum that a foreign fishing firm that has obtained a fishing permit for the Indonesian Exclusive Economic Zone is required to pay to the Indonesian Government.

#### PART II - UTILIZATION

Article 2. (1) The natural resources in the Indonesian Exclusive Economic Zone shall be utilized for the development of Indonesian fisheries.

(2) Pursuant to sub-regulation (1), the Government shall organize facilities with a view to increasing the capacity of the Indonesian fisheries.

(3) In order to achieve optimum utilization of the natural resources of the Indonesian Exclusive Economic Zone, individuals and bodies corporate of Indonesian nationality shall be allowed to operate together with foreign nationals or bodies corporate in joint ventures or under other kinds of cooperation in accordance with the law.

Article 3. Foreign nationals or bodies corporate shall be admitted to engage in fishing activities in the Indonesian Exclusive Economic Zone if the Indonesian nationals or bodies corporate engaging in fishing activities are unable to make complete use of the catch volume allowed by Government regulations.

### PART III - CONSERVATION

Article 4. (1) The Minister for Agriculture shall determine the allowable catch for each species of fish resource in the Indonesian Exclusive Economic Zone.

(2) The allowable catch shall be determined in the light of the findings of research, surveys, evaluation of fishing activities.

Article 5. The Minister for Agriculture shall determine the number of fishing vessels and the fishing gear allowed to each vessel bearing in mind the allowable catch determined pursuant to regulation 4.

Article 6. In order to ensure the conservation of natural resources it shall be prohibited to engage in fishing activities in the Indonesian Exclusive Economic Zone by means of explosives, poisons, electricity and other dangerous matters or tools.

### PART IV - PERMITS

Article 7. Individuals or bodies corporate engaging in fishing activities in the Indonesian Exclusive Economic Zone shall be required to be in possession of a permit issued by the Government of the Republic of Indonesia.

Article 8. Permits to engage in fishing activities in the Indonesian Exclusive Economic Zone shall be granted to individuals and bodies corporate of Indonesian nationality engaging in fishery activities in accordance with the fisheries laws.

Article 9. (1) Permits to engage in fishing activities in the Indonesian Exclusive Economic Zone shall not be granted to individuals or bodies corporate, as stated in regulation 3, unless an agreement has been first signed between the Government of the Republic of Indonesia and the foreign country whose nationals such individuals or bodies corporate are.

(2) The permits mentioned in sub-regulation (1) shall be granted only if the nationality of the fishing vessel or vessels is the same of the foreign individuals or foreign bodies corporate concerned.

Article 10 (1) Foreign individuals or bodies corporate intending to engage in fishing activities in the Indonesian Exclusive Economic Zone shall be required first to apply to the Minister for Agriculture or to an official designed by that Minister for a fishing permit.

INDO 29

- (2) In the letter of application referred to in sub-regulation (1), the applicant shall state:
1. the number of vessels to be used;
  2. name, address and nationality of the owner of the vessel or vessels;
  3. the name of the vessel or vessels;
  4. the call-sign used to identify the vessel or vessels;
  5. country of registration, registration number and the flag flown by the vessel or vessels;
  6. overall length of the vessel or vessels;
  7. gross tonnage of the vessel or vessels;
  8. horsepower rating of the vessel or vessels;
  9. fish hold capacity of the vessel or vessels;
  10. name, address and nationality of the master;
  11. number of crew;
  12. kind and number of fishing gear used/transported by each vessel;
  13. intended fishing grounds.

Article 11. (1) The fishing permit for foreign individuals or bodies corporate allowed to fish in the Indonesian Exclusive Economic Zone shall be issued in the form of a letter by the Minister for Agriculture or by the official designated by the Minister.

(2) In the permit letter referred to in sub-regulation (1), the following data shall be annotated.

1. name and nationality of the vessel owner;
2. name of the vessel;
3. call-sign of the vessel;
4. country of registration, registration number and flag flown by the vessel;
5. overall length of the vessel;
6. gross tonnage of the vessel;
7. horsepower rating of the vessel;
8. fish hold capacity of the vessel;
9. name, address and nationality of the master;
10. number of crew;
11. kind and number of fishing gear transported or used by each vessel;
12. intended fishing grounds;
13. identification marks that the vessel is required to display;
14. port or other place of reporting;
15. conditions to be complied with as regards catch.

Article 12. (1) The fishing permit letter referred to in sub-regulation 11(1) shall be valid for one year.

(2) Foreign nationals or bodies corporate intending to continue fishing activities in the Indonesian Exclusive Economic Zone following the expiry of the fishing permit referred to in sub-regulation (1), shall be required to submit an application for a fresh permit in accordance with these Regulations, not less than 30 days before the previous permit expires.

Article 13. (1) The fishing permit shall be issued under the name of the applicant. Each vessel used for fishing must have its permit.

(2) The original fishing permit shall be kept on board at all times.

(3) The transfer of a fishing permit shall be prohibited.

Article 14. (1) Any foreign individual or body corporate using a fishing vessel and in possession of a fishing permit as referred to in regulation 13 shall report to the official appointed by the Minister for Agriculture, or by the official designated by the Minister, at the port or other place of reporting, before, during and following fishing activities.

(2) In the course of fishing activities in the Indonesian Exclusive Economic Zone any vessel used by the foreign individuals or bodies corporate shall take on board any inspectors appointed by the Minister for Agriculture or by an official designated by the Minister and allow them to inspect the vessel.

Article 15. Foreign nationals or bodies corporate that have been granted a fishing permit to operate in the Indonesian Exclusive Economic Zone in accordance with these Regulations, shall be required to appoint a legally established Indonesian firm to represent their interests, and to submit such appointment for the approval of the Minister for Agriculture or of an officer appointed by the Minister.

Article 16. (1) Foreign nationals or bodies corporate that have been granted a fishing permit to operate in the Indonesian Exclusive Economic Zone shall be required to pay a fishing fee in the amount and subject to formalities to be established by the Minister for Agriculture by agreement with the Minister for Treasury.

(2) The said fee shall comprise:

(a) a registration fee for each fishing vessel in respect of which a fishing permit is applied for;

(b) a fishing permit change fee, to be paid for every modification in the terms of the fishing permit;

(c) a fishing fee for each vessel used in fishing activities.

(3) In addition to the fees stated in sub-regulation (2), a fishing vessel shall pay anchorage dues when reporting in the port, in accordance with the regulations.

#### PART V - CRIMINAL REGULATIONS AND WITHDRAWAL OF PERMIT

Article 17. Any person engaging in fishing activities in the Indonesian Exclusive Economic Zone without being in possession of a fishing permit in accordance with these Regulations shall be prosecuted under section 16 (1) and (2) of Law No. 5 of 1983<sup>1</sup>.

INDO 31

Article 18. Any person who damages or destroys objects used in committing the offence referred to in regulation 17, with the intention to elude their confiscation when the vessel is being inspected, shall be prosecuted in conformity with section 17 of Law No. 5 of 1983<sup>1</sup>.

Article 19. The penalty for any fishing vessel making use of any gear or substances prohibited under regulation 6, for fishing in the Indonesian Exclusive Economic Zone, shall be a fine of not more than 75 million rupiah and the withdrawal of the fishing permit.

Article 20. If a fishing vessel used by an applicant who was granted a fishing permit in accordance with these Regulations violates the conditions laid down in the fishing permit, the penalty shall be a fine of 25 million rupiah and the withdrawal of the fishing permit.

Article 21. (1) Offences under regulations 17, 18 and 19 shall be criminal offences.

(2) An offence under regulation 20 shall be lesser offence.

PART VI - TRANSITIONAL PROVISIONS

Article 22. (1) Within not more than three months from the entry into force of these Regulations, all fishing permits granted to foreign fishing vessels to operate in the Indonesian Exclusive Economic Zone shall be renewed in accordance with these Regulations.

(2) For all the foreign fishing vessels renewing their fishing permits as required by sub-regulation (1), the applicants shall be required to pay the fishing fees provided for in regulation 16.

PART VII - FURTHER PROVISIONS

Article 23. The Minister for Agriculture shall In agreement with the Minister of Transport and the Commander-in-chief of the Armed Forces designate the port of reporting and shall prescribe the reporting formalities for foreign fishing vessels and the inspection procedures required by regulation 14.

Article 24. The Minister for Agriculture shall make detailed regulations for all the matters having to do with the use made of the natural resources in the Indonesian Exclusive Economic Zone not governed by these Regulations, in consultation with other Ministers on individual matters that fall within their respective terms of reference.

PART VIII - FINAL PROVISIONS

Article 25. These Regulations shall enter into force on the date of promulgation.

INDO 32

- (h) Decree of the Minister for Agriculture N° 473a/Kpts/IK.250.6/1985 on The Determination of Total Allowable Catch in the Indonesian Exclusive Economic Zone

REGULATIONS

Article 1. The number of allowable catch according to the genders of living natural resources in the areas belonging to the Indonesian Exclusive Economic Zone is established as follows:

POTENTIAL AND NUMBER OF LIVING NATURAL RESOURCES  
IN THE INDONESIAN EXCLUSIVE ECONOMIC ZONE

Gender	Potential Tons/years	N° of allowable catch
Bonita ( <i>Euthynnus pelamis</i> )	1.285.900	1.115.731
Tuna	83.435	75.915
Great Tuna ( <i>Katsuwonus pelamis</i> )	98.760	88.884
Demersal fish catch	647.500	582.731

Article 2. The number of vessels allowable to operate in the Indonesian Exclusive Economic Zone will be established on the basis of the productivity of each of them according to the kind of gears they use and to the number of allowable catch for each gender of catch.

Article 3. The number of allowable catch as shown in the first regulation herein is subject to modification at all times according to the results of research, survey, evaluation and/or to the yield of fishing.

Article 4. This decree will be in force from its date.

INDO 33

- (i) Decree of the Minister for Agriculture N° 475/Kpts/IK.120/7/1985 prescribing rules governing permits for fishing in the Indonesian Exclusive Economic Zone by Foreign Individuals and Bodies Corporate

RULES

The granting of permits for fishing in the Indonesian Exclusive Economic Zone by foreign individuals or bodies corporate shall be subject to the following rules:

Article 1. - (1) Applications for fishing licences in the Indonesian Exclusive Economic Zone by foreign individuals or bodies corporate shall be submitted by those concerned to the Director General of Fisheries through their diplomatic representatives.

(2) The said application may be submitted only if the foreign State to which the foreign individuals or bodies corporate belong has signed a fisheries cooperation agreement with the Indonesian Government.

(3) The application required by sub-rule (1) shall be compiled in conformity with the model appearing in Schedule I to this Decree.

Article 2. (1) The Director General of Fisheries shall refuse or accept the application mentioned in rule 1 in the light of the amount of allowable catch and of an evaluation of the benefit for Indonesian fisheries in the Indonesian Exclusive Economic Zone, and of international agreements referred to in Rule 1(2).

(2) If an application referred to in sub-rule (1) is accepted, the Director General of Fisheries shall issue a fishing permit on behalf of the applicant for each vessel in conformity with the model appearing in the Schedule II to this Decree, shall inform the applicant accordingly and shall by a letter require him to pay the registration fee, and by a further letter require him to pay fishing fees.

(3) Once the applicant has made the payments provided for in sub-rule (2), the Director General of Fisheries shall issue him with the fishing permit.

Article 3. (1) The holder of a fishing permit may apply to the Director General of Fisheries in order for the provisions in the fishing permit to be amended.

- (2) The possible changes in the fishing permit, as mentioned in sub-rule (1) shall be:
  - (a) in the master or the number of crew, as noted in the fishing permit;
  - (b) in the port of reporting as noted in the fishing permit;
  - (c) for replacing a fishing permit that has been lost or is so damaged that it cannot be read clearly.

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- (3) If he accepts an application to amend the fishing permit the Director General of Fisheries shall issue a new fishing permit and inform the applicant and in writing require him to pay the fee for the change in the fishing permit.
- (4) The new fishing permit mentioned in sub-rule (3) shall be delivered to the applicant once the fee for the change in the fishing permit has been paid.

Article 4. (1) A fishing permit shall be valid for one year.

(2) If the fishing permit expires and the foreign individuals or bodies corporate intend to continue fishing activities in the Indonesian Exclusive Economic Zone they shall be required to apply for a new permit.

(3) The application referred to in sub-rule (2) should be submitted thirty days before the expiration of the fishing permit referred to in sub-rule (1).

Article 5. The original copy of the fishing permit shall be kept on board the vessel at all times.

Article 6. It shall be prohibited to transfer the ownership of a fishing permit or to use it in respect of another vessel.

Article 7. Foreign individuals or bodies corporate that have obtained fishing permits to operate in the Indonesian Exclusive Economic Zone shall be required to appoint an Indonesian fishing firm, subject to approval by the Director General of Fisheries, as their representative for the safeguarding of their interests.

Article 8. An applicant who has obtained a fishing permit shall be required to keep on board a vessel identification card in accordance with the model appearing in Schedule III to this Decree.

Article 9. The master of a vessel for which a fishing permit has been obtained shall:

- (a) report to the Port Officer or other official as indicated in the fishing permit, when the vessel begins fishing activities and during and after these;
- (b) accept on board an inspector to monitor fishing activities;
- (c) accept the officials in accordance with this Decree of the Ministry of Agriculture prescribing rules for fishing activities in the Indonesian Exclusive Economic Zone.

Article 10. No vessel for which a fishing permit has been obtained shall:

- (a) fish by means of explosives, poison, electricity or other devices or gear that are dangerous or contravene the rules indicated in the fishing permit;

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- (b) take on board persons or goods not listed in the fishing permit, at the moment it begins fishing, during fishing, while leaving the Indonesian Exclusive Economic Zone, and while proceeding to or leaving the designated port of reporting.

Article 11. A fishing permit shall cease to be valid:

- (a) after its expiry date; or
- (b) if revoked because the vessel has contravened the rules indicated in the fishing permit; or, again
- (c) it is so damaged that it cannot be read clearly, or has been lost.

Article 12. (1) Offences under rule 10, viz.:

- (a) fishing by means of explosives, poison, electricity and other devices and gear that are dangerous, shall be criminal offences pursuant to regulation 19 of Government Decree No. 15 of 1984; and
- (b) fishing in contravention of the rule indicated in the fishing permit shall render the person concerned liable to criminal indictment in accordance with regulation 20 of the Government Decree No. 15 of 1984.

(2) All regulations on fishing licencing for foreign individuals or bodies corporates in the Indonesian Exclusive Economic Zone prior to this Decree are hereby repealed.

- (3) This Decree shall enter into force on the date of promulgation.

SCHEDULE I

To:

The Director General of Fisheries

Department of Agriculture

Jl. Saleraba Raya N° 16

Jakarta Pusat

Indonesia

\_\_\_\_\_, \_\_\_\_\_ 19\_\_

Dear Sir,

On behalf of the Government of \_\_\_\_\_, I hereby apply for fishing permit(s) for fishing in the Exclusive Economic Zone of Indonesia for \_\_\_vessel(s) data relating to which are appended hereto.

The owner of each vessel will comply with all Regulations concerning fisheries in the Indonesian Exclusive Economic Zone.

For the Government

\_\_\_\_\_  
(\_\_\_\_\_)

APPLICATION FOR FISHING PERMIT IN THE EXCLUSIVE ECONOMIC ZONE OF INDONESIA

1. Name of owner of vessel: \_\_\_\_\_  
Address: \_\_\_\_\_  
Nationality: \_\_\_\_\_
2. Name of vessel: \_\_\_\_\_  
Registration N : \_\_\_\_\_  
Port of registration: \_\_\_\_\_  
Callsign: \_\_\_\_\_  
Flag: \_\_\_\_\_  
Length overall: \_\_\_\_\_  
Gross tonnage: \_\_\_\_\_  
Horsepower rating: \_\_\_\_\_  
Fish hold capacity: \_\_\_\_\_  
Type and number: \_\_\_\_\_
3. Name of master: \_\_\_\_\_  
Address: \_\_\_\_\_  
Nationality: \_\_\_\_\_  
Number of crew: \_\_\_\_\_
4. Fishing ground: \_\_\_\_\_  
Home port: \_\_\_\_\_  
Port of reporting: \_\_\_\_\_  
Species to be caught: \_\_\_\_\_  
Particulars of vessel and general layout enclosed.

Applicant

\_\_\_\_\_

SCHEDULE II

GOVERNMENT OF THE REPUBLIC OF INDONESIA  
PERMIT FOR FISHING IN EXCLUSIVE ECONOMIC ZONE OF INDONESIA

N° \_\_\_\_\_

1. Owner/Company
  - a. Name: \_\_\_\_\_
  - b. Nationality: \_\_\_\_\_
2. Vessel
  - a. Name: \_\_\_\_\_
  - b. Registration N°: \_\_\_\_\_
  - c. Call sign: \_\_\_\_\_
  - d. Flag: \_\_\_\_\_
  - e. Length overall: \_\_\_\_\_
  - f. Gross tonnage: \_\_\_\_\_
  - g. Horsepower rating: \_\_\_\_\_
  - h. Fish hold capacity: \_\_\_\_\_
3. Master
  - a. Name: \_\_\_\_\_
  - b. Address: \_\_\_\_\_
  - c. Nationality: \_\_\_\_\_
  - d. Certificate: \_\_\_\_\_
4. Number of crew: \_\_\_\_\_
5. Type of fishing gear: \_\_\_\_\_
6. Fishing ground: \_\_\_\_\_
7. Identification of vessel: \_\_\_\_\_
8. Port of reporting: \_\_\_\_\_
9. Validity of permit: \_\_\_\_\_

Issued in: \_\_\_\_\_

On: \_\_\_\_\_

Director-General of Fisheries

\_\_\_\_\_

The conditions to be performed

- a. The original permit is to be kept on board and shall be produced for the Indonesian Government officer for inspection.
- b. The Permit is not valid for other vessels and may not be transferred.
- c. The vessel may be inspected by an Indonesian Government officer any time.
- d. The use of explosives, poisons, electricity or other dangerous substances or devices is prohibited.
- e. It is prohibited to carry or use any type of fishing gear other than as stated in the permit.
- f. Not later than 24 hours before entering Indonesian Exclusive Economic Zone, the master shall inform the port officer by means of electronic communication equipment.
- g. Before or after fishing operations, the master of any vessel obliged to enter the designated port shall report to the officer in the port stated in the permit.
- h. The master or owner of the vessel shall complete the report forms and submit these to the port officer or the officer designated by the Director General of Fisheries.
- i. For as long as the vessel is engaged in fishing operations, the master shall every 24 hours, or upon the request by the Indonesian Government officer, inform the officer of his position by means of his electronic communication equipment.
- j. Not later than 72 hours before the foreign fishing vessel leaves the Indonesian Exclusive Economic Zone, the master shall report to the port officer on the vessel's position and fishing data, using the report forms for this purpose.
- k. While in transit through Indonesian territory all fishing gear on the vessel concerned must be stowed in the hold or other place provided for that purpose.
- l. Other.

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SCHEDULE III

REGULATIONS OF THE MINISTER FOR AGRICULTURE

N° 475/Kpts/IK.120/7/1985 OF 1 JULY 1985

relative to

PERMITS FOR FISHING BY FOREIGN INDIVIDUALS OR BODIES  
CORPORATE IN RESPECT OF FISHERY ACTIVITIES IN THE  
INDONESIAN EXCLUSIVE ECONOMIC ZONE

REGULATIONS ON IDENTIFICATION CARDS FOR FOREIGN FISHING VESSELS THAT  
HAVE A PERMIT TO FISH IN THE INDONESIAN EXCLUSIVE ECONOMIC ZONE  
ACCORDING TO THE TYPE OF FISHING GEAR USED AND  
THE PERMIT NUMBER

- 1) 1/3 of the bows of the ship (port and starboard) should be painted yellow;
- 2) on that part the numbers should be painted in black and as large and clear as possible;
- 3) the first number shows the fishing gear used by the vessel;
- 4) the following numbers show the permit number;
- 5) code numbers for the fishing gear are as follows:
  - (a) Number 1 for Longline;
  - (b) Number 2 for Pole and Line;
  - (c) Number 3 for Purse Seine;
  - (d) Number 4 for Gillnet;
  - (e) Number 5 for other types of gear.

Explanations:

1 : Longline;

006 : permit number 6

2 : Pole & Line;

009 : permit number 9

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- (j) Decree of the Minister for Agriculture N° 476/Kpts/IK.121/7/1985 on the Reporting Stations for Licensed Fishing Vessels Fishing in the Indonesian Exclusive Economic Zone

REGULATIONS

1. The report stations for foreign vessels allowed to fish in the Indonesian Exclusive Economic Zone and the procedures of their reporting are regulated as follows:

Article 1. - The report stations for the foreign vessels at the moment they begin, during and after their fishing operation are established as follows:

- (a) The general port of Tanjung Pinang, province of Riau.
- (b) the general port of Tarakan, province of East Borneo.
- (c) The PN-Perikani Sulawesi Utara/Tengah fishing harbour, at Bitung, North Celebes.
- (d) The general port of Biak, West New Guinea.
- (e) The fishing harbour PT Samudera Besar, Benoa, Bali.
- (f) The general port of Benoa, Bali.
- (g) The fishing harbour Samudera Jakarta, Jakarta.
- (h) The fishing harbour PN, Samudera Besar, Sabang, Special Territory of Aceh.

Article 2. - The foreign fishing vessels are subject to report at the beginning, during and after their fishing operations to the port officer in one of the ports listed in Article 1 herein, as stated in their permit, in accordance with the following procedure:

- (a) Not later than 24 hours before entering the Indonesian Exclusive Economic Zone, the master is obliged to inform the officer of the port by electronic communication instruments (radio, telex, telegraph or SSB);
- (b) A foreign fishing vessel which, because of the position of its fishing ground, as stated in its permit, will cross the Indonesian waters or shall take aboard an inspector, is obliged to enter the designed port;
- (c) During its fishing operation, the master is obliged to report by electronic instruments the position of the vessel to the port officer every 24 hours or at every moment when requested by the port officer;

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- (d) Not later than 72 hours before the foreign fishing vessel leaves the Indonesian Exclusive Economic Zone, the master shall report his position and the fishing data according with the report form that he received with the fishing permit, in order to make easier inspection as well as the delivering of the permit;
- (e) The foreign fishing vessels meant in section (b) herein are obliged to enter the designed port in order to take back an inspector or to deliver a form after filling it.

Article 3. - A foreign fishing vessel which because of the position of its fishing ground shall cross the Indonesian waters following the course stated in its fishing permit is obliged to own a sailing permit issued by the Directorate General of Sea Communications and a security clearance issued by the Headquarters of the Indonesian Armed Forces.

Article 4. - The officer who ascertains a fact that can be considered as an infringement of whatever regulation concerning fishery or whatever else shall report to the concerned authority for further investigation.

Article 5. - Before, during and after fishing operation in the Indonesian Exclusive Economic Zone the foreign fishing vessels are obliged to take aboard the officers of the Indonesian security service for inspection, in accordance with Article 14 of Law N° 5, 1983.

Article 6. - (1) In order to carry out a technical and administrative control of the foreign fishing vessels operating in the Indonesian Exclusive Economic Zone the Director General of Fisheries shall set up a team for technical/administrative surveillance, composed of members from the Directorate General of Fisheries, the Headquarters of the Indonesian Armed Forces, the Directorate General of Sea Communications, the Directorate General of Taxes and Customs, the Directorate General of Immigration.

(2) The Director General of Fisheries shall assign officers from the Directorate General of Fisheries to the report ports in order to collect the reports and to inspect aboard the foreign fishing vessels that bear fishing permits.

(3) The Director General of Fisheries shall assign the tasks and work procedures to the team for technical/administrative surveillance, the port officers and the inspectors.

Article 7. - The Director General of Fisheries shall establish the terms of accommodation, meals and daily allowance for the inspectors, to which the vessel owner shall provide.

2. This Decree is valid from its date.

INDO A3

- (k) Decree of the Minister for Agriculture N° 477/Kpts/IK.120/6/1985 on Fees charged for Foreign Individual or Foreign Legal Body engaged in Fishing in Indonesian Exclusive Economic Zone

REGULATIONS

1. The fishing fees levied on foreign individuals or bodies corporate operating in the Indonesian Exclusive Economic Zone are regulated as follows:

Article 1. - (1) The foreign individuals or bodies corporate authorized to fish in the Indonesian Exclusive Economic Zone are subject to fees.

- (2) The fees mentioned in section (1) consist of:
- (a) A registration fee for each vessel for which a fishing permit In the Indonesian Exclusive Economic Zone was requested,
  - (b) A permit modification fee for changing the specifications in a fishing permit or in order to obtain a new permit letter because of lost or deterioration of a previous permit letter.
  - (c) A catch fee for each vessel used in fishing in the Indonesian Exclusive Economic Zone.

Article 2. - The amount of the fees shall be regulated as follows:

- (a) Registration fee: US\$ 3.- for every GT vessel;
- (b) Modification fee: US\$ 100.- for each modification in the fishing permit;
- (c) Fishing fee, per year with the following rates:
  - (1) US\$ 69.- for every cubic meter of fish hold capacity, for vessels using long line;
  - (2) US\$ 82.- for every cubic meter of fish hold capacity, for vessels using pole & line;
  - (3) US\$ 85.- for every cubic meter of fish hold capacity, for vessels using purse seine;
  - (4) US\$ 44.- for every cubic meter of fish hold capacity, for vessels using gill net or other fishing gears, excluding trawl.

Article 3. - (1) The registration fee and the catch fee shall be paid before the fishing permit is delivered to the applicant.

(2) The permit modification fee shall be paid before the new fishing permit is delivered to the applicant.

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Article 4. - The payment of the fees is regulated as follows:

- (a) The Director General of Fisheries issues an order of payment of the fee for each applicant in four copies, specifying the amount due in US currency, of which:
  - (1) The first and second copies are sent to applicant.
  - (2) The third copy is sent to the Director General of Internal Finance, Ministry of the Treasury.
  - (3) The fourth copy is kept for office use.
- (b) The applicant shall make the payment at the Bank Indonesia Pusat into the account of Bendahara Umum Negara, N 502.000, as a State revenue, Fishery sector, and shall deliver the second copy of the order of payment.
- (c) The Bank Indonesia Pusat issues the receipt on three copies, of which:
  - (1) The first copy for the applicant/payer.
  - (2) The second copy for the Director General of Fisheries.
  - (3) The third copy for the Director General of Internal Finance.

Article 5. - The amount collected according to article 4, letter b. herein shall be immediately deposited into the account of the Department of the Treasury N 508.071 for Fishery development.

2. This Decree is valid from its date.

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\* Title only



IRAN 1

1. LIMITS OF NATIONAL JURISDICTION

- (a) Act dated 12 April 1959 amending Act relating to the Breadth of the Territorial Sea and Contiguous Zone of Iran dated 19 July 1934

Article 1. - The sovereignty of Iran extends beyond its land territory and its internal waters to a belt of the sea adjacent to its coast, described as the territorial sea.

Article 2. - This right of sovereignty extends to the air space over the territorial sea as well as to its bed and subsoil.

Article 3. - The breadth of the Iranian territorial sea is twelve maritime miles measuring from its baseline. The baseline will be determined by the Iranian Government in accordance with the established rules of International Law. A maritime mile is equal to 1,852 meters.

Article 4. - Where Iranian coasts are adjacent or opposite to the coast of another State, in the absence of agreement to the contrary, the boundary of the Iranian territorial sea and that State is the median line, every point of which is equidistant from the nearest points on the baseline of the other State.

Article 5. - Every island belonging to Iran, whether it is within or beyond the Iranian territorial sea, has its own territorial sea according to this law. Islands separated from each other by the distance of less than twelve maritime miles are considered as one single island and the baseline of its territorial sea measures from the islands which are farthest from the centre of the archipelago.

Article 6. - The waters between the Iranian coast and the baseline, as well as the waters between islands belonging to Iran, whose distance from each other does not exceed twelve maritime miles, are considered as internal water of the country.

Article 7. - The fishing rights and other rights of Iran beyond its territorial sea remain intact.

Article 8. - Articles contained in the Act of 24 Tir 1313 (Corresponding to 19 July 1934) and articles contained in any other acts which are incompatible with the present Act, are null and void.

....

IRAN 2

(b) Proclamation of 30 October 1973

Article 1. - The outer limits of the exclusive fishing zone of Iran in the Persian Gulf shall be the outer limits of the superjacent waters of the continental shelf of Iran.

- (a) In areas where the continental shelf of Iran has been delimited under bilateral agreements with other States, the outer limits of the exclusive fishing zone of Iran shall correspond to the outer limits of the continental shelf of Iran as specified in those agreements.
- (b) Where the outer limits of the continental shelf of Iran has not yet been delimited under bilateral agreements, unless otherwise agreed, the outer limits of the superjacent waters of the continental shelf of Iran shall be, for the purpose of delimitating the exclusive fishing zone of Iran, the median line every point of which is equidistant from the nearest points of the baselines from which the breadth of the territorial seas of the parties concerned are measured.

Article 2. - The outer limits of the exclusive fishing zone of Iran in the sea of Oman shall be 50 nautical miles from the baseline from which the breadth of the territorial sea of Iran is measured.

In areas where the exclusive fishing zone of Iran and that of another coastal state may overlap, unless otherwise agreed, the boundary shall be the median line every point of which is equidistant from the nearest points of the baselines from which the breadth of the territorial seas of the parties concerned are measured.

Article 3. - Fishing and all related activities by non-Iranians in the exclusive fishing zone of Iran are prohibited unless prior authorization is obtained from the Government of Iran.

Article 4. - The outer limits of the exclusive fishing zones of Iran in the Persian Gulf and the Sea of Oman shall be drawn on Maritime Charts.

Article 5. - The provisions of this proclamation shall be without prejudice to the right of international navigation exercised in accordance with the rules and principles of International Law.

IRAN 3

(c) Proclamation of 22 May 1977

The exclusive fishing zone of Iran in the Sea of Oman specified in the Proclamation of October 30, 1973 as 50 nautical miles from the baselines from which the breadth of the territorial sea of Iran is measured, shall hereby be extended to the median line of the sea of Oman, every point of which is equidistant from the nearest points of the baselines from which the breadth of the territorial seas of Iran and Oman are measured.

The outer limits of the exclusive fishing zones of Iran in the Sea of Oman shall be drawn on maritime Charts.

3. REGULATIONS

- (a) Temporary Regulations for Catching Fish, Shrimp and other Sea Animals in Persian Gulf, Oman Sea and all Rivers of Southern Parts of Iran, 2 December 1973

CHAPTER I - LIMITS OF THE FISHING GROUNDS

Article 1. - The operating area for catching fish and shrimp and other sea animals, subject to these regulations is the Persian Gulf waters and Oman Sea and the rivers entering the said waters in the Iranian coasts.

CHAPTER II - CLASSIFICATION OF THE FISHERMEN

Article 2. - The fishermen who are engaged in fishing in the southern waters are divided in the following groups:

- (a) "Free fishermen" - Free fisherman is a person who is catching fish with his fishing gears for earning his livelihood;
- (b) There are some group of fishermen who are fishing with their motorized and non-motorized boats for someone else, and they are paid in cash or in kind (fish or foodstuff) or both;
- (c) "Fishermen of the fishing cooperatives" - They are a group of fishermen who are engaged in fishing according to the regulations and provisions of the cooperative societies under supervision of Shilat Jonoub Iran;
- (d) "Tenant fishermen" - They are some fishermen who rent the rivers in the south;
- (e) "Special fishermen of Shilat Jonoub Iran" - They are some fishermen who are fishing for Shilat Jonoub Iran and deliver their catch to Shilat Jonoub against payment;
- (f) Real and legal persons and companies of Iranian or foreign nationality, who might be fishing only by getting permission from Shilat Jonoub Iran or concluding contract with this company.

Article 3. - All of the fishermen mentioned in Article 2 should have fishing licence issued by Shilat Jonoub Iran. Request for fishing licence should be made either from Shilat Jonoub Iran's main office or its branches at the southern ports of Iran.

Note: From the date of approval of these regulations, the fishermen have at maximum three months time to refer to the offices mentioned in Article 3 and obtain new fishing licenses, and deliver their old licenses to Shilat Jonoub Iran.

IRAN 5

Chapter III - REGISTERING THE NAME AND PARTICULARS AND NUMBERING THE FISHING VESSELS AND BOATS

Article 4. - Any kind of the fishing vessels and boats or fish carriers should register their name and particulars in the books of Shilat Jonoub Iran, and obtain the number and relative signs from Shilat Jonoub against payment of the charges.

The said regulations includes the following fishing vessels and boats as well:

- (a) Fishing vessels and shrimpers and special vessels for processing the fishing products;
- (b) Motor launches for fishing fish and shrimp with trawls, and floater, hook and gargour, etc;
- (c) Motor boats and rowing boats which are fishing with gargour and or other fishing gear.

Note: All of the above mentioned fishing vessels and boats should have a licence issued by Shilat Jonoub Iran, so that the name of the owner, particulars of the vessel be mentioned therein. Besides the sign and number of each fishing vessel and boat should be written on both sides of the hull of the vessel (larger than 15 centimeters).

CHAPTER IV - FISHERY TRANSACTIONS AND FISH HEALTH AND HYGIENE

Article 6. - Any real or legal person who in different ways are authorized by Shilat Jonoub Iran to be engaged in the transactions and sale and purchase of the fish and other sea animals and fishery products of the Persian Gulf and Oman Sea as well as the fishing gears, should obtain special licence from Shilat Jonoub Iran. Furthermore no one can export the fish or other sea animals and fishery products, unless it is proved that the person or the firm who want to export the said products is qualified to provide and export the fishery products with due consideration of all hygienic principles.

In such case export permit would be issued by Shilat Jonoub Iran for the said exporter according to the regulations. The validity of this export permit is one year, and at its expiring date the eaxporter should request its extension from Shilat Jonoub Iran.

Note: The fishing licence is not transferable to any one else, unless Shilat Jonoub Iran, due to their policy, authorize such a transer.

Article 7. - Preparing the sea products and their sale and purchase by the person and firms mentioned in Article 6, should be done with due considerations of all hygienic principles, and for this purpose the following points should be considered carefully:

IRAN 6

- (a) The fishing boats should have refrigerator containing crushed ice, and the fishermen should wash and clean the fish immediately after catching and mix them with ice and place them in the refrigerator, and keep them there until delivery at the port or until their sale;
- (b) The vessels or boats used for carrying and transportation of the fish or fishery products should be equipped with refrigeration or cold store and or refrigerator containing crushed ice with necessary degree of temperature, so that within the whole period of transportation of the said products could have necessary temperature to avoid spoiling or deterioration of the products. If the carrier is equipped with refrigeration for the frozen products its temperature should not be less than - 18 centigrade degrees;
- (c) The fishery products which are carried from the sea to the shore by vessels until they are distributed among the wholesalers, and also when the said products are sold to the retailers they should be kept mixed with crushed ice or to be kept in the refrigerators. The frozen fish should be carried by the refrigerated wagons and trucks, which their temperature should not be less than - 18 centigrade degrees.

Non-consideration of the provisions mentioned in paragraph (a), (b) and (c) of Article 7 for the first time causes of the confiscation of the offender's licence for a period of three months, and should the violation of the said provision is repeated the licence of the offender will be cancelled and their fishery activities will be stopped.

CHAPTER V - FISHING OPERATIONS OF THE FOREIGN NATIONALS AND FOREIGN VESSELS IN THE IRANIAN WATERS

Article 8. - Except the cases that some contracts and agreements had been signed with the foreign countries or foreign firms for the fishery exploitation in the southern waters of Iran, the foreign fishing vessels or boats, and persons having foreign nationality cannot be engaged to fishing operations in the Iranian waters.

Article 9. - The foreign fishing vessels and boats which according to the contracts and or agreements have the right to do fishing operation in Iranian waters should consider the provisions of the fishing regulations and other regulations of the Iranian government and governmental organizations completely, and Shilat Jonoub Iran has the right to control operations of the<sup>o</sup> said vessels and boats in this respect.

CHAPTER VI - FISHING GROUNDS AND CONSIDERING THE FISHING PRINCIPLES

Article 10. - Until promulgation of new provisions the fishing grounds in all of the southern waters of Iran for everyone of the local fishermen, with due consideration of the text mentioned in Article 2 and 3 these regulations, will be those fishing grounds in which they had fishing activities in the previous years.

IRAN 7

Article 11. - No fisherman has the right to run his fishing boat in the fishing ground of the other fishermen in which they have shoot their fixed and floating nets, or their other fishing gears as gargour etc. or by using his fishing gears cause tearing their net or destroying their fishing gears.

Article 12. - In the undetermined on non-specified fishing grounds i.e. the areas which are not related to special fishermen, those fishermen who started fishing operations before and have shoot their net ... have right to continue their fishing operations, and until the time they have not taken out their net from the water, another fisherman should not do fishing .operations in the said area, or cause tearing and destroying their net.

Note: The fishermen who intend to do fishing operations in the non-specified fishing grounds, they should use purse seine or floating nets and such fishermen have priority to those fishermen using fixed nets.

Article 13. - Any fisherman shooting his fixed or floating net in the sea, he should specify its location and put signs there. In day time this sign is to fix a flag to the buoys and floaters with at least 1.5 meters high from the sea water surface, and in night time by fixing flag and a long piece of wood on which a light is installed.

CHAPTER VII - FISHING GEARS

Article 14. - Floating fixed nets:

(a)	For the catch of Halva and Ghobad fish size of the mesh	60 mm
(b)	“ “ Shirmahi “ “ “	70 mm
(c)	“ “ Rashgoo “ “ “	50 mm
(d)	“ “ Saboor “ “ “	40 mm
(e)	“ “ Biah “ “ “	20 mm
(f)	“ “ Short “ “ “	20 mm
(g)	“ “ Sardine “ “ “	18 mm
(h)	“ “ Havoor and Zardeh “ “	70 mm

Article 15. - Coastal drift nets:

(a)	For catch of Biah fish size of the mesh to be	20 mm
(b)	“ “ Sardine “ “ “	18 mm
(c)	“ “ Shrimp “ “ “	15 mm
(d)	“ “ Other species of fish the minimum size	35 mm

Article 16. - Drift net with sack;

(a) The mesh size for Sardine 9 mm.

Note: The minimum mesh size in wings to be 18 mm.

Article 17. - Traps (Gargoor, Milan, Sokar):

- (a) Gargoor - for catch of bottom fish as Sangsar, Sorkhoo etc. the mesh size should be at least 50 mm;
- (b) Milan - the minimum distance between the two legs to be 30 mm;
- (c) Sokar - mesh size should be 30 mm.

Article 18. - Hooks:

- (a) Catch of shark is permitted with all kinds of hooks and in any season.
- (b) For catch of Shirmahi, Zardeh, Havoov etc. with hooks the principles which will be stipulated by Shilat Jonoub should be observed.

Article 19. - Personal gear including Mashk, Salik and sport gear:

- (a) Mashk is used for the coastal and river fishing. The minimum size to be 20 mm;
- (b) The sport fishing should be done according to Shilat Jonoub's rules.

Article 20. - Trawl nets (purse seine) specifications of the local trawl nets for catch of shrimp:

- (a) The mesh size in trawl sack 20 mm;
- (b) “ “ “ back 25 mm;
- (c) “ “ “ back 30 mm;
- (d) “ “ “ wings 35 mm;

Article 21. - Specifications of the local push trawl nets for shrimp:

- (a) The mesh size in the sack 20 mm (minimum);
- (b) “ “ mouth 25 mm.

Article 22. - Foreign companies having a contracta with Shilat for thea catch of shrimp should observe Shilat's regulations regarding the specifications of the fishing gear with due consideration to the climatic conditions of the Persian Gulf and the Sea of Oman.

Article 23. - The specifications of trawl nets used by foreign companies for catch of bottom fishes in Iranian waters:

- (a) The mesh size in the sack 60 mm;
- (b) “ “ back 65 mm;
- (c) “ “ wing 95 mm;

Note: 1. Measurement of the side of a net mesh: eleven knots of the thread of a wet neta must be measured and this must be divided by 10 to find the side of a mesh;

IRAN 9

2. Catch, purchase and sale of immature and semimature fish and shrimp in the Persian Gulf and Sea of Oman and the adjacent rivers are prohibited. The fishermen have to return these catches to the sea alive.

CHAPTER VIII - THE AUTHORIZED SIZE FOR CATCH OF FISH AND SHRIMP

Article 24. - Sardine: the minimum length 13 cm.

Article 25. - The minimum length of Havoor, Zardeh and Masghati should be 67, 62 and 58 respectively.

Article 26. - The authorized size for the catch of shrimp in Bander Abbas is 10 cm. in Ra'sol Motaf 12 cm. and in Hendijan 14 cm.

CHAPTER IX - PROHIBITED AREAS

Article 27. - Fishing is prohibited in the mouth of all the rivers in Iran that enter the Persian Gulf and Sea of Oman.

Article 28. - Catch of fish and shrimp and other sea life is prohibited in the spawning areas. The limits of these areas will be indicated later.

Article 29. - Catch of all species of fish and shrimp is prohibited in Gheshm, Khomair and other main coasts of the Persian Gulf which are the nursery areas for immature shrimp.

CHAPTER X - PROHIBITED SEASON

Article 30. - Catch of Sardine (Hashineh) is prohibited in the spawning season from 21st of April to 21st of June in Bander Abbas area.

Article 31. - Catch of shrimp is prohibited in the spawning season 21st of April to 6th of July in the Persian Gulf and Sea of Oman.

CHAPTER XI - DETRIMENTAL MATERIALS AND TOOLS

Article 32. - Catch of fish and shrimp and other sea life with explosives, chemicals or poisonous materials is prohibited in the Persian Gulf or the Sea of Oman and all of the rivers entering these seas in Iran.

Article 33. - Pouring of sewage and dumping of plant wastes, oil products and any other detrimental materials in the Persian Gulf and the Sea of Oman as well as adjacent rivers are prohibited. If the plants which pour unpurified sewage in the waters fail to take action for the purification of their sewage, within six months after the approval of this regulations, their operations would be stopped. In any case the rules governing the environmental control, whether accepted through bilateral agreements or enacted by Iranian government, are binding.

Note: Permit for industrial operations along the above coasts can be issued provided that the plant owners undertake to consider the rules regarding the environmental control.

## CHAPTER XII - REGULATIONS PERTINENT TO THE RIVERS

Article 34. - Making any dam or wooden walls or any movable or immovable obstacles in the said rivers (except Milan trap under conditions mentioned in Article 17) which would prevent free movement of the sea life are prohibited.

Article 35. - Catch of fish by hooks, salik, fixed and floating nets as well as Milan near the mouth of the rivers and in the authorized seasons is free provided that all rules regarding the mesh size etc. are observed.

Article 36. - Catch, purchase and sale of immature fishes are prohibited. Fishermen are required to return the immature fishes to the sea alive.

Article 37. - No fisherman is authorized to carry out fishing in prohibited parts of the rivers or the gulfs.

Article 38. - Fishing is prohibited in rivers in certain periods of the year for fish preservation purposes.

Article 39. - Fishing is permitted in the free areas and during the free seasons by tenants and native fishermen etc.

Article 40. - All tenants or the fishermen fishing in the rivers should have fishing permit.

Article 41. - All people whether real or corporate who do not have a fishing permit are not allowed to catch fish or other sea life. The deviators will be treated according to the provisions of these regulations.

## CHAPTER XIII - VIOLATIONS

Article 42. - No deviation is allowed from the provisions of the articles 27, 28, 29, 32, 34, 36, 37, 38 and 41, as well as the article pertaining to the usage of the nets with unauthorized meshes.

Article 43. - Making of dams and obstacles is prohibited in rivers.

Article 44. - The evidence for the deviation from the provision of these regulations is the procès verbal drawn up by the disciplinary officials and representative or representatives of Shilat Jonoub.

Article 45. - These regulations are enforced tentatively and are valid so long as they are not amended.

Article 46. - According to article 8 of the law of the establishment of Shilat Jonoub approved by the two houses in the year 1349 and article 2 of the company's articles of association approved by the council of ministers these regulations was propounded and approved in the session of 2/12/73 of Shilat Jonoub's general assembly.

IRAN 11

(b) Temporary Regulations for the Activities of Fishing Vessels (Traditional and Industrial) in the Persian Gulf and Oman Sea, as revised June 1984

A. Persian Gulf

1. Regulations for industrial fishing vessels

- 1.1. The maximum authorized gross registered tonnage (GRT) for bottom trawlers is 200 tons.
- 1.2. The total authorized tonnage for bottom trawlers for industrial fishing is 7000/tons per year.
- 1.3. The particulars of bottom trawls for the above vessels are as follows:
  - Mesh size in trawl wings and belly to be 95 to 100 mm.
  - " " "cod end 75 to 80 mm.
  - " " "apron 100 mm.
- 1.4. Fishing area for bottom trawlers in the Persian Gulf has been set beyond the 12 mile limit of territorial waters at water depths more than 20 fathoms at longitude 50°E to 52°E along the coastlines of Bandar Daylam as far as the limit of Ra'asalmetaf (Bandar Kangan) and also the area located at longitude 53°E to 56°E along the coast lines of Lavan Island as far as the coastlines of Hengam Island.
- 1.5. The activities of Industrial fishing bottom trawlers in the Persian Gulf is prohibited from mid April (First of Ordibehesht) to the beginning of June (Khordad) due to the spawning season of most fin fishes.

2. Regulations for shrimp catch by industrial fishing sector in the Persian Gulf

- 2.1. The overall number of present bottom trawlers for shrimp catch (whether industrial or private or belonged to P.G.F.C.) should be stabilized at present level.
- 2.2. The season for shrimp catch in the Persian Gulf (Bushehr area) starts from August (Mid-Mordad) and continues to February (Mid-Behman) by taking into account the shrimp growth conditions. The closure of season will be determined and announced by the Fishery Research Centre of Bushehr. The above season for the area of Hormozgan starts from October (beginning of Mehr) and continues to February (Mid-Bahraan) whose termination will be determined and announced by the fishery Research Centre of Bandar Abbas.
- 2.3. Industrial fishing vessels are authorized to catch shrimp by standard-nets beyond the limit of six miles from coastlines.

IRAN 12

- 2.4. The particulars of trawl nets for catching shrimp for industrial fishing vessels are as follows:
- Mesh size in trawl wings and belly to be 50 mm.
  - ""cod end to be 43 mm.
  - ""apron to be 75 to 100 mm.
3. Artisanal fishing in the Persian Gulf
- 3.1. Fishing activities for artisanal fishermen by using traditional fishing gears (e.g. gillnets, traps, cast nets, hook, etc.) is authorized throughout the year. Within the 12 mile limit of territorial waters in the Persian Gulf provided that the trap laying conditions for the waters of Bushehr are taken into consideration.
- 3.2. The exclusive trap laying areas within the waters of Bushehr is determined as follows:
- Daiyer area located at longitude 51°21' E to 52°9'E.
  - Bushehr area located at longitude 50°43' E to 51°18'E.
  - Genaveh area located at longitude 50°7' E to 50°39'E.
- 3.3. Using fixed - pound - net during the months of April to September (Farvardin to Shahrivar) is absolutely prohibited in the coastlines of Hormozgan province.
- 3.4. Using fixed - pound - net with mesh size of 70 mm. throughout the other months of the year (Mehr through Esfand) is authorized.
- 3.5. Using barrier nets in the estuaries of Hormozgan is absolutely prohibited.
- 3.6. Traditional bottom trawlers are authorized to catch fish within the limit of 3 to 6 miles from the coastlines provided that the water depth is more than 10 meters and the following standard mesh sizes are taken into account:
- Mesh size in trawl wings and belly to be 75 mm.
  - ""cod end to be 60 mm.
  - ""apron to be 60 to 70 mm.
- 3.7. In order to prevent the interference of industrial and traditional fishing gears in one another, the period for net casting is determined to be from five o'clock in the evening to the five in the morning for the traditional pelagic gillnetters and from five in the morning to the five in the evening for the industrial fishing trawlers.
4. Shrimp catch by traditional sector in the Persian Gulf
- 4.1. The particulars of nets for shrimp catch for traditional sector are as follows:

IRAN 13

- Mesh size in net belly and wings to be 45 mm.
- " " " net cod end to be 40 mm.
- " " " net apron to be 50 to 70 mm.

- 4.2. The time for catching shrimp by the traditional fishermen will be similar to that determined for the industrial fishing sector.
- 4.3. Shrimp catch by barrier nets with authorized mesh size of 50 mm. from November (beginning of Aban) to mid December (mid Azar) and from February (mid-Bahman) to mid March (mid Esfand) is authorized only in the estuaries of Mahshahr area (Khuzestan).
- 4.4. Shrimp catch is prohibited in all other areas throughout the year excluded in the said cases above.

B. OMAN SEA (GULF OF OMAN)

1. Industrial fishing activities in Oman Sea

- 1.1 Considering the potentiality of demersal fish resources of Oman Sea, the total gross registered tonnage for bottom trawlers in the above sea is determined to be 1000/ to 2000/ tons per year.
- 1.2 Catching fish by the bottom trawlers whose gross registered tonnage is more than 200 tons, is not authorized in Oman Sea.
- 1.3 The particulars of bottom trawls for the above vessels are as follows:
- Mesh size in trawl wings and belly to be 95 to 100 mm.
  - " " " cod end to be 75 to 80 mm.
  - " " " apron to be 100 mm.
- 1.4 Fishing area for bottom trawlers in Oman Sea is set beyond the twelve mile limit of territorial waters at longitude 60°E to 61°21'E (Bandar Govater).
- 1.5 Effective from the date the regulations are enforced, any fishing activity by bottom trawlers in the area located at longitude 57°40'E to 60°20'E is prohibited for one whole year so that the resources are revived.
- 1.6 The increase in total tonnage of fishing vessels in Oman Sea (over 2000 tons) is permitted on the condition that it is directed toward the development of exploitation of pelagic (sardine) and mesopelagic fish resources.

2. Catching shrimp by industrial fishing sector in Oman Sea

- 2.1. Shrimp catch by fishing vessels is authorized provided that the said cases for the shrimp catch in the Persian Gulf be taken into consideration.

IRAN 14

3. Catching fish and shrimp by traditional sector in Oman Sea
- 1.1 Catching fish by traditional fishing gears such as gillnet, traps, beachseine (for catching sardine) and hook is authorized throughout the year within the twelve mile limit of territorial waters in an area located between longitude 56°30'E to 60°E.
- 3.2 Using traditional bottom trawlers for catching fish in Oman Sea is authorized provided that this matter will not interfere the activities of traditional fishermen using traditional traps and that the following mesh sizes will be taken into consideration:
  - Mesh size in trawl wings and belly to be 75 mm.
  - " " "cod end to be 60 mm.
  - " " "apron to be 60 to 70 mm.
- 3.3. Standard mesh sizes for catching shrimp by traditional fishermen are as follows:
  - Mesh size in trawl net and belly to be 45 mm.
  - " " " cod end to be 40 mm.
  - " " "apron to be 75 to 100 mm.

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IRQ 1

1. LIMITS OF NATIONAL JURISDICTION

(a) Republican Ordinance N° 435 of 15 November 1958

Article 1. - The Iraqi territorial sea, its bed and subsoil and the air space above it shall be under the sovereignty of the Iraqi Republic, subject to the rules recognized by International Law pertaining to the innocent passage of the ships of other countries through the said sea.

Article 2. - The Iraqi territorial sea extends twelve nautical miles (a nautical mile is equivalent to 1852 metres) in the direction of the high sea, measured from the low-water line of the Iraqi coast.

Article 3. - In case the territorial sea of another State interlaps with the Iraqi territorial sea, the limits between the two territorial seas shall be determined by agreement with the State concerned in accordance with the recognized rules of international law or with such understanding as may be reached between the two States.

Article 4. - No provisions in this Ordinance shall infringe Iraq's other internationally recognized rights in the two maritime belts known as the contiguous zone and the continental shelf following the Iraqi territorial sea in the direction of the high sea. Nor shall any provisions in this Ordinance infringe the official announcements previously issued by the Iraqi Government in this respect.

IRQ 2

(b) Law N" 71 of 1958 delimiting the Iraqi territorial waters

Article 1. - The Iraqi territorial sea, its bed and subsoil and the air space about it shall be under the sovereignty of the Iraqi Republic, subject to the rules recognized by International Law pertaining to the innocent passage of the ships of other countries through the said sea.

Article 2. - The Iraqi territorial sea extends twelve nautical miles (a nautical mile is equivalent to 1852 metres) in the direction of the high sea, measured from the low-water mark following the sinuosities of the Iraqi coast.

Article 3. - In case the territorial sea of another State interlaps with the Iraqi territorial sea, the limits between the two territorial seas shall be determined by agreement with the State concerned in accordance with the recognized rules of International Law or with such understanding as may be reached between the two States.

Article 4. - No provisions in this Law shall infringe Iraq's other internationally recognized rights in the two maritime belts known as the contiguous zone and the continental shelf following the Iraqi territorial sea in the direction of the high sea. Nor shall any provisions in this Law infringe the official proclamations previously issued by the Iraqi Government in this respect.

2. BASIC FISHERIES LEGISLATION

Law N° 48 of 1976 for regulating and exploitation of aquatic life and its protection

CHAPTER ONE - BREEDING AND PROTECTION OF AQUATIC LIFE

Article 1. - The following shall be interdicted categorically:

- (1) The use of mass destruction methods for fishing aquatic life, such as poisons, explosive and chemical materials as well as electrical energy. Aquatic life shall mean the animals and plants living in public waters and of nutritive or commercial or scientific value or can be utilized by aquatics of economic value.
- (2) The use of fishing means and gear which may harm the eggs and frys which shall be specified by a proclamation issued by the State Fisheries Company and published in the Official Gazette.
- (3) To throw factory and laboratory wastes, sewerage, chemicals and petroleum in public waters if such are deterring to aquatic life.
- (4) To alter the course of flowing waters for the purpose of fishing.
- (5) To use certain gear which may close up water flow entirely.

Article 2. - (1) The State Fisheries Company shall undertake the following by means of a proclamation to be published in the Official Gazette and local administrations:

- (a) Determine closed seasons.
  - (b) Determine prohibited areas.
  - (c) Determine the type of fishing gears and its measurements.
  - (d) Determine the minimum size of fish to be caught.
  - (e) Determine the location where fish screen or fish ladders should be installed.
  - (f) To force owners of pumps installed on public waters to take necessary measures to prevent fish frys from going through.
- (2) The Company shall be exempted from the provisions of this Article for scientific purposes.
- (3) The Company may exempt certain scientific agencies from the provision of this Article or some of its Paras, in case of necessity according to the scientific research program submitted thereto.

IRQ 4

Article 3. - The owners of factories, laboratories and places of industrialization and dealing with chemical and petrochemical materials, petroleum pipes, sewerage and the like, should not draw off the waste containing poisonous materials to public waters except after removal of poisonous effect in cooperation with the Company.

Article 4. - The Company shall undertake breeding of aquatic life in public waters. Public waters shall mean inland waters including rivers, lakes, Hors, reservoirs, fish farms, temporary and permanent marshes, drains, irrigation canals, ponds, connected bays and streams as well as territorial waters and the Hors, marshesponds and bays branched therefrom.

Article 5. - The Minister of Agriculture and Agrarian Reform may, pursuant to a recommendation of Company, hire or designate any area of public waters to the public sector or cooperative or mixed sector for a limited period for the purpose of pisciculture if its product of aquatic life is uneconomical with due regard to the following:

1. The necessity of application of the technical instructions issued by the Company.
2. Priority in the cooperative sector shall be given to the cooperative societies of fishermen which enjoy material and technical efficiency.

Article 6. - (1) The Company may establish farms and ponds for the production and breeding of aquatic life on economical and scientific basis and for commercial and experimental purposes.

(2) Farms and ponds for breeding aquatic life may be established within the limits of the due portion of waters entitled to the lands with due regard to the following;

- (a) Obtaining of a licence from the Company.
- (b) The licensee should apply the technical instructions issued by the Company.

Article 7. - The Company shall have the right of production and importation and breeding improved categories of aquatic life and sale it to the public or cooperative or mixed or special sectors which are licenced for breeding aquatic life, it may import and breed and sale ornamental fish.

Article 8. - (1) The Company should establish certain centres for applied researches and training for breeding and increasing of aquatic life, it may render assistance to the public, cooperative, mixed and special sectors in this regard.

(2) The Company should render guidance services to the parties which are dealing with breeding of aquatic life when necessary free of charge.

## CHAPTER TWO - ORGANIZING OF FISHING

Article 9. - Fishing in the territorial waters of the Arab Gulf shall be governed by a special regulation to be promulgated within one year from the date of promulgation of this Law.

Fishing shall mean catching of aquatic life from the public waters by any means and for any purpose.

Article 10. - The Company shall have the right of fishing in public and international waters.

Article 11. - (1) Every fishing boat should obtain a licence to be given to its owner in which the minimum and maximum number of fishermen shall be fixed, a number of juveniles may work on the boat who should not exceed one third of the fishermen working thereon for the purpose of training them on fishing profession with due regard to the Regulation N" (37) of 1972 for the Employment and Regulating of Juveniles Work.

A fishing boat shall mean any floating body with fishing supplies and fishing gear used in public or international waters whatever means used for its motion. It is provided that granting this licence shall be according to the following conditions:

- (a) The owner of the boat should obtain a navigation licence if such be deemed necessary according to the laws in force.
  - (b) The fishing boat should be in a suitable condition according to the conditions decided by the Company.
- (2) Numbering the boat by a registration number.
  - (3) The licence should be kept in the fishing boat and should be presented to the competent official when so required.
  - (4) The above mentioned shall not be considered as exception from the Registration of Vessels Law N" (19) of 1942 in case of fulfilment of its conditions in the same boat.

Article 12. - (1) Every professional fisherman shall be subject to obtain a personal fishing licence, a professional fisherman shall mean any person of full legal age practising fishing.

- (2) The Company may limit the number of the licences in any public waters area.
- (3) Fishing of amateurs and establishment of fishing clubs shall be according to certain instructions to be issued by the Minister.

IRQ 6

Article 13. - The Company or whom It may authorize shall keep in each fishing harbour as to sea fishing and in the centre of each administrative unit as to inland fishing waters, certain records of fishing boats, fishermen and quantity of catching and its kind according to the forms to be specified by the Company.

CHAPTER THREE - FISHING GEAR

Article 14. - (1) The public sector shall undertake fishing gear industry and all its other implements and their importation provided that it be according to certain specifications to be specified by the Company.

(2) Fishing gear shall not be sold except to persons licenced for fishing.

Article 15. - (1) All fishing gears which contradict the specifications of the Company shall be confiscated, and those who seize same or give information about it shall be remunerated with a financial remuneration of not less than 15 % of its value according to the Company's estimation.

(2) Seized materials shall be deposited at the Company in order to re-export it or damage it or to dispose therewith according to public interest exigencies.

CHAPTER FOUR - MARKETING AND INDUSTRIALIZATION OF AQUATIC LIFE

Article 16. - The Company shall undertake supervision over trading with aquatic life by wholesale or retail and to organize it and for purpose of realization same it may undertake the following measures:

(1) To organize purchase operations in wholesale and retail markets.

(2) To grant licence for the sale of aquatic life by wholesale or retail.

(3) To inspect and supervise aquatic life sale markets in coordination and cooperation with the competent authorities.

Article 17. - The Company shall have the right of trading with aquatic life by wholesale and undertake whatever measures relating therewith such as establishment of markets, cooling stores, ice plants and means of transportation and the like.

Article 18. - (1) Sale of aquatic life shall not be permissible except in the markets and places where health and commercial conditions are fulfilled.

(2) Purchasing of aquatic life shall be regulated on the basis of weight.

(3) Wholesalers of aquatic life should keep certain register showing the quantity of sold aquatic life classified according to its kinds in conformity with form to be proposed by the Company.

IRQ 7

Article 19. - Exportation and importation of aquatic life and its products by the mixed and private sectors shall not be permissible in any way or for any purpose except with the approval of the Minister pursuant to the recommendation of the Company.

Article 20. - The Company shall have the right to establish factories for industrialization of aquatic life and its products.

CHAPTER FIVE - DUES AND LICENCES

Article 21. - The Company or whom it may authorise shall grant the following annual licences and its renewal against payment the dues mentioned thereagainst:

- |   |  |
|---|--|
| 1) Fishing boat without motor                         | ID. 1/- One Dinar  |
| 2) Fishing boat without board motor                   | ID. 2/- Two Dinars   |
| 3) Fishing board in board motor exceeding h.p.        | ID. 10/- Ten Dinars up to 100 h.p. for each  |
| 4) Professional fishermen licence                     | ID. 2/- Two Dinars   |
| 5) Matures fishermen licence                          | -/ 250 Fils  |
| 6) Retailing of aquatic life licence                  | ID 5/- Five Dinars   |
| 7) Wholesale of aquatic life licence                  | ID 20/- Twenty Dinars  |
| 8) Establishment of fishing club licence for amatures | ID 50/- Fifty Dinars for the first time and shall be renewed against payment a due of ID. 20/- Twenty Dinars   |
| 9) Establishment of aquatic life ponds licence        | ID. 2/500 Two Dinars and five hundred Fils for each Donum of area of water for ponds, it shall be renewed against payment of a due of ID. 1/- one Dinar for each Donum annually. |

Article 22. - (1) Renewal of the licences mentioned in Article 31 of this Law shall be done on the first of January of each year.

(2) The licences granted according to this Law shall be considered as personal, relinquishment or sale or disposal with the licence shall not be permissible.

Article 23. - The Company may refrain from renewal of the licence mentioned in this Law, it may withdraw it or abolish it temporarily or permanently in case its owner shall breach against the duties stipulated in this Law and the Regulations, Instructions and Notifications issued accordingly, the decision issued in this respect may be objected at the Minister within 15 days from the date of notification therewith, the decision of the Minister in this regard shall be final.

IRQ 8

Article 24. - In case the licence shall be lost or destructed, then its owner should submit an application to the Company or whom it may authorize to obtain its substitute after payment of 50 % of its original value.

Article 25. - (1) The amounts collected for granting and renewal of the licences in accordance with this Law shall be registered as final revenue for the Company as well as the amounts resulting from confiscation of aquatic life, fishing gear and boats.

(2) Cooperative societies of fishermen and collective farms and its members shall be exempted from the dues of granting or renewal of the licence stipulated in this Law.

Article 26. - The licences stipulated in this Law shall be regulated according to certain instructions to be proposed by the Company.

Article 27. - When the Company shall undertake regulating operations of aquatic life sale by wholesale, it may collect service fees of 5 % of purchase value to be born by the seller when the Company shall not be a party in sale operation, the said percentage shall be reduced to half for cooperative societies and collective farms.

CHAPTER SIX - PENALTIES

Article 28. - (1) Whoever contravenes the provisions of this Law shall be punished with a fine not exceeding ID. 200/- or with imprisonment for a term not exceeding 9 months or with both and with confiscation of the catch.

2) Nothing in this Law which may prevent pursuit in accordance with other Law if the crime requisites severer punishment.

3) Fishing gear or its boat or aquatic life prepared for exportation or importation may be confiscated in case of recontravention the provisions of this Law, these materials may be disposed with it or with its prices according to the Law.

Article 29. - The court may consider the report submitted by an official entrusted to execute the orders issued according to this Law, as an evidence of conviction if it shall be supported by his testimony and after an oath, and if no prove shall be otherwise established.

Article 30. - The aquatic life seized because of contravention of the provisions of this Law, by the Company or whom it may authorize, shall be sold by a public auction a report should be prepared showing its quantity, kind and its sale price and stating the contravention. Its price shall be deposited in trust until the court shall issue its judgement in this regard and aquisition of this judgement its final stage.

IRQ 9

Article 31. - The competent officials of the Company and administrative authorities and police forces shall be authorized to arrest any person contravening the provisions of this Law and present him to the nearest police station for taking legal actions against him.

Article 32. - The competent officials of the Company or whom it may authorize, shall be authorized to enter the places, except dwelling houses, in the areas where there is no judge, for inspection, if they think, for justified reasons, that there are fishing gears contrary to the provisions of this Law provided that he should be accompanied by a policeman and write down an inspection report.

Article 33. - The Minister of Justice, pursuant to the proposal of the Ministers of Interior and Agriculture and Agrarian Reform, may authorize Mudir Al-Nahiya in the Nahiyas (Subdivisions) where there is no Magistrate Court, second class magisterial powers to issue the decisions of judgement for application of this Law.

CHAPTER SEVEN - GENERAL PROVISIONS

Article 34. - Regulations may be issued to facilitate the execution of the provisions of this Law.

Article 35. - (1) Law N° 32 of 1965 for Fishing of Aquatic Life and its amendments shall be repealed, the regulations, notifications and instructions issued accordingly which are not contravening this Law shall remain in force until the issuance of its substitute.

(2) The Provisions of any text which contradict the provisions of this Law shall not be valid.

Article 36. - This Law shall be published in the Official Gazette and the Competent Ministers shall undertake the execution of its provisions.



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\* Title only



1. LIMITS OF NATIONAL JURISDICTION

(a) Interpretation Ordinance 1954 (as amended)

PART I - GENERAL PRINCIPLES

Article 1. - In this Ordinance, and in all other enactments now in force or hereafter to be issued, all expressions which are contained in this Article shall have the meaning herein stated:

"Israel" includes the territorial waters of Israel;

...

"territorial waters" means any part of the sea along the coasts of Israel within three nautical miles from the low water mark on the coast;

...

(b) Territorial Waters Law of 1956

...

Article 1. - In the definition of "territorial waters" in section I of the Interpretation Ordinance (new version), the words "three nautical miles" shall be replaced by the words "six nautical miles".

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2. BASIC FISHERIES LEGISLATION

(a) Law N° 25 for the Organization of Fishing, 1943.

Article 1. - This Law is called (Law for Fishing) and will be implemented one month after its publication in the Official Gazette.

Article 2. - The expressions and words in the Law will have the following meaning:

The word "Fish" means every aquatic animal either from the fish species, or not, and comprising sponge, animals with scales, sea turtles and aquatic mammals.

"Fishing" means fishing in East Jordan and also bringing it to Jordan even if it was not fished there.

"Licensing Authority" means every authority that has the power to issue licenses for this Law.

"East Jordan Waters" means the part of the sea on the boundary of East Jordan and 3 miles from the nearest boundaries.

Article 3. - The regulations of this Law coincide with fishing in the sea only and is for those working in fishing for commercial purposes.

Article 4. - It is forbidden for any person to work in fishing unless he has a licence and pays a fee of 100 fils for each year.

Article 5. - Each person or company working in fishing should pay fees as shown below for each 3 kilo of fish brought to land or transferred from a boat to a ship, as follows:

a) Fish not cleaned and sponge	5 fils
b) Fish gutted and head remaining	6 fils
c) Fish gutted and head removed	7 fils
d) Sliced and dried fish	10 fils
e) Aquatic species with hard scales and turtles	3 fils

Article 6. - The Council of Ministers can allow a person or company to pay a yearly sum to be specified by them towards Article IV of this Law.

Article 7. - It is forbidden for any person fishing in the sea or in fresh waters to use any explosives for commercial fishing or otherwise.

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Article 8. - For implementation of this Law, any legislative official, police or customs official or any other official with a permission from the Prime Minister can:

- (a) Ask any person working in fishing to show his licence, or question the implements used for fishing.
- (b) Board a boat or ship dealing with fishing and inspect the fish and equipment.
- (c) Arrest any person or ship suspected for crime and take them to the nearest police post or port,, keep them until a case in the court is heard, sell the fish and keep the money.
- (d) Ask any person with fish from where he got that fish.
- (e) Seize any fish fished by explosives or poison.

Article 9. - The Council of Ministers will issue regulations for: -

- (a) Appoint a licensing authority within this Law, the conditions for issuing licenses and payment of fees in accordance with Articles IV and V of this Law.
- (b) Changing of fees in accordance with Articles IV and V of this Law.
- (c) Implementing this Law on fishing in fresh waters.
- (d) Forbidding any methods of fishing that will harm fish maintenance and increase.
- (e) Declaring the places in which fishing is prohibited.
- (f) Forbidding the fishing of a special kind of fish.
- (g) Declaring the amount of fish to be sold.
- (h) Declaring the kind and mesh of fishing nets.
- (i) General execution of this Law.

Article 10. - Anyone transgressing Article VII of this Law and is found with fish that had been fished by explosives, will be punished:

- (a) By the Judge, for the first time, by imprisonment of 3 months or with a fine of JD. 20.
- (b) By the Judge, for the second time, by imprisonment of 3 months and with a fine of JD. 20 -50.

(c) For the third time, imprisonment for 6 months to 2 years and a fine of JD. 20 -100.

Article 11. - Anyone transgressing Articles IV and V of this Law will be imprisoned for a month or pay a fine of JD. 10.

Article 12. - Anyone transgressing this Law or any Regulation of it, will be imprisoned for 3 months or pay a fine of JD. 50, or both.

Article 13. - If a company transgressed Articles 10, 11, 12 of this Law, they will have to pay JD. 100 for each month of imprisonment set by the Law.

Article 14. - If Articles 10, 11 and 12 of this Law were transgressed, the Judge can confiscate the boat, ship or fish.

Article 15. - If the punishment was for Articles 10, 11 and 12 of this Law, the Licensing Authority can cancel the fishing license.

Article 16. - The Prime Minister can pay to any person giving information of any crime committed against this Law, he can give him a sum not exceeding JD. 100.

Article 17. - All Ottoman Laws and Regulations published in the official Gazette N° 559,375 will be cancelled.

(b) Code of Agriculture of 1973

PART IV - AQUATIC RESOURCES

Article 180. - For the purposes of this part:

The word "fish" indicates any water animal whether a fish or not, and includes sponge, molluscs, crustacea, water reptiles and mammal water animals.

The word "fishing" indicates fishing operations in the territorial waters and the landing of catch even if it were caught outside these territorial waters.

Article 181. - The provisions of the present part are applicable only to persons fishing for commercial purposes.

Article 182. - Fishing is forbidden without authorization from the Minister.

Article 183

(a) It is forbidden to use explosives, harmful or poisonous materials to catch fish whether for commercial purposes or otherwise.

(b) It is forbidden to damage or remove the coral rocks of the territorial waters.

Article 184. - The Minister will issue decisions on the following matters:

(a) Granting fishing authorizations.

(b) Limiting fishing areas in sea or fresh water.

(c) Prohibition of fishing methods and techniques which are likely to cause damage to fish fields and to effect their conservation and reproduction.

(d) Fixing the areas and seasons where fishing may be forbidden or be allowed only for specific kinds of fish.

(e) Fixing the size of catch from a specific kind of fish.

(f) Determination of the size of the mouth and mesh of nets which can be used in fishing.

(g) Any other matter relevant to the purposes of the present Part.

Article 185. - The Minister may give a financial reward to any person who provides information or helps in detecting violations of the provisions of the present Part on condition that the value of this reward does not exceed half the value of the fine and in any case not be less than five Dinars.

Article 186. - Any violation of Articles 182, 183 and 184 will be liable to a fine not less than ten Dinars and not more than 50 Dinars.

3. REGULATIONS

Ordinance of Fish Sale and Transportation (Ordinance N° 2) of 1954.

Article 1. - This Ordinance is called (Ordinance of Fish Sale and Transportation).

Article 2. - It is forbidden to sell or expose fresh fish except by fishmongers licensed from the Municipality subject to authorization from the Veterinary Department.

Article 3. - The issue of a license for fish exposition and sale is submitted to the following conditions:

- (1) All the walls of the shop must be covered, for at least 2 meters high, with white tiles (mosaic), with a permanent painting of the rest of the walls.
- (2) The shop must have running water and adequate sewages.
- (3) The shop must be supplied with a refrigerator for keeping and selling frozen fish. Boxes, with sufficient ice, could be used for fresh fish sold.

Article 4. - Fish transportation

- (a) Fresh fish must be transported only in refrigerated cars. It could be also transported in refrigerated boxes, conditioned to the use of large quantity of ice.
- (b) Frozen fish must be transported in refrigerated cars.
- (c) The Veterinary Department examines the fish before transportation and then supplies a free-of-charge license for transportation from one place to another according to the above mentioned means.

Article 5. - Fish and Fishmongers' shops check

- (a) Well trained employees of the Veterinary Department examine the fish before arriving to the shops and destroy those of bad quality.
- (b) No compensation is given for destroyed fish.
- (c) The veterinary decision is final unless in contradiction with the decision of another Veterinary.
- (d) In case of contradicted decisions, the Director of the Veterinary Department can be consulted. The decision of the Director is definite.

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- (e) The Veterinary Department employees and the Inspectors in the Municipalities make the checking that fish sale is undertaken only in the licensed Fishmongers' shops.

Article 6. - This Ordinance abrogates every other ordinance in contradiction with it.



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\* Title only

\*\* Text not available in our collection



KEN 1

1. LIMITS OF NATIONAL JURISDICTION

(a) Territorial Waters Act (Cap. 371).

Article 1. - Short title. - This Act may be cited as the Territorial Waters Act.

Article 2. - Breadth of the territorial waters. - (1) Except as provided in subsection (4) of this section the breadth of the territorial waters of the Republic of Kenya shall be twelve nautical miles.

(2) The breadth of such territorial sea shall be measured in the manner set out in the Schedule to this Act calculated in accordance with the provisions of the Convention on the Territorial Sea and the Contiguous Zone done at Geneva on 29th April, 1958.

(3) For the purposes of Article 7 of the aforesaid Convention Ungwana Bay (sometime known as Formosa Bay) shall be deemed to be and always to have been an historic bay.

(4) On the coastline adjacent to neighbouring States the breadth of the territorial sea shall extend to a Median Line every point of which is equidistant from the nearest points on the baselines from which the breadth of the territorial waters of each of the respective States is measured.

Article 3. - Evidence. -If, in any proceedings before any court in Kenya, a question arises as to whether an act or omission takes place within or without the territorial waters of Kenya, a certificate to that effect signed by or on behalf of the Minister for the time being responsible for foreign affairs shall be received in evidence and be deemed to be so signed without further proof, and any such certificate shall constitute prima facie proof of the facts certified therein.

Article 4. - Modification of laws. - (1) Any reference occurring in any written law to the territorial waters shall be construed subject to the provisions of this Act.

(2) [Spent.]

SCHEDULE

(s. 2)

The area of the territorial waters of the Republic of Kenya extends on the coastline adjacent to the High Seas to a line twelve International Nautical Miles seawards from the straight baselines, low water lines or low tide elevations, hereinafter described as follows:

SCHEDULE. - (Contd.)

Commencing on the straight line joining Diua Damasciaca Island and Kiungamwina Island at the point at which this line is intersected perpendicularly by the Median straight line drawn from Boundary Pillar 29 (being the terminal pillar of the Kenya-Somalia land boundary).

thence continuing south westerly by a straight base line to Kiungamwina Island;

thence south westerly by a straight base line for about 7 km to an unnamed island;

thence south westerly by a straight base line for about 25 km to Little Head;

thence south westerly by a straight base line for about 11 km to Boteler Island;

thence south westerly by a straight base line for about 45 km to Ras Takwa;

thence south westerly by a straight base line for about 18 km to Kinyika Island;

thence south westerly by a straight base line for about 9 km to Tenewi Ya Juu Island;

thence south westerly by a straight base line for about 26 km to Ziwaiu Island;

thence south westerly by a straight base line across Ungwana Bay for about 56 km to the northernmost point of Ras Ngomeni;

thence continuing generally along the low water line to Ras Wasini [(provided that the following bays are internal waters and the inner boundary of the territorial sea shall follow the closing lines across their entrances

Sabaki River, Mida Creek, Kilifi Creek, Takaungu Creek, Mtwapa Creed, Mombasa and Kilindini Harbours, Mwachema River, Maftaha (Gazi) Bay, Funzi Bay)];

thence southerly across the Wasini Channel to Ras Kisinga Mkoni;

thence by the low water line to Mpunguti Ya Chini Island;

thence southerly by a straight base line for about 3 km to Mpunguti Ya Juu Island;

thence westerly by a straight base line for about 5 km to Kisite Island;

thence westerly by a straight base line for about 18 km to the terminal of the Kenya/Tanzania land boundary at Ras Jimbo.

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(b) Proclamation by the President of the Republic of Kenya of 28 February 1979

Whereas the Law of Nations is in the process of development by the Third United Nations Conference on the Law of the Sea, to recognize the right of a coastal state to establish beyond and adjacent to its territorial sea an area commonly referred to as an Exclusive Economic Zone, and to exercise thereon sovereign rights for the purpose of exploring, exploiting, conserving and managing the natural resources whether renewable or non-renewable, of the water column, sea-bed and sub-soil.

And whereas, it is already recognized by the said Law of the Sea Conference that the extent of the area referred to as the Exclusive Economic Zone, aforesaid, shall not exceed two hundred nautical miles measured from the same base line as the territorial sea.

And whereas, it is necessary that a declaration be made establishing the extent of the said Exclusive Economic Zone of the Republic of Kenya.

Now, therefore, I, Daniel Arap Moi, PRESIDENT AND COMMANDER-IN-CHIEF of the Armed Forces of the Republic of Kenya, do hereby declare and proclaim in accordance with the Constitution of the Republic of Kenya:

Article 1. - That notwithstanding any rule of law or any practice which may hitherto have been observed in relation to Kenya or the waters beyond or adjacent to the territorial Sea of Kenya, the Exclusive Economic Zone of the Republic of Kenya extend across the sea to a distance of two hundred nautical miles measured from the appropriate base line from where the territorial sea is measured as indicated in the Map annexed to this Proclamation. Without prejudice to the foregoing, the Exclusive Economic Zone of Kenya shall:

- (a) in respect of its southern territorial waters boundary with the United Republic of Tanzania be an eastern latitude north of Pemba island to start at a point obtained by the northern intersection of two arcs one from the Kenya Light-house at Mpunguti ya Juu, and the other from Pemba island Light-house at Ras Kigomasha.
- (b) in respect of its northern territorial waters boundary with Somali Republic be on eastern latitude South of Diua Damasciace Island being latitude 1° 38° degrees South.

Article 2. - That this Proclamation shall not affect or be in derogation of the vested rights of the Republic of Kenya over the Continental Shelf as defined in the Continental Shelf Act 1973.

Article 3. - All states, shall subject to the applicable laws and regulations of Kenya, enjoy in the Exclusive Economic Zone the freedom of navigation and overflight and of the laying of sub-marine cables and pipelines and other internationally lawful/recognized uses of the sea related to navigation and communication.

Article 4. - That the scope and regime of the Exclusive Economic Zone shall be as defined in the schedule attached to this Proclamation.

SCHEDULE: THE SCOPE AND REGIME OF EXCLUSIVE  
ECONOMIC ZONE

1 - In and throughout the zone Kenya exercises the following:

- (a) Sovereign rights for the purpose of exploring, exploiting, conserving and managing the natural resources, whether renewable or non-renewable of the water column, the sea-bed and the sub-soil thereof.
- (b) Sovereign rights with regard to other activities for the economic exploration and exploitation of the zone, such as the production of energy from the water currents, and winds.
- (c)
  - (i) Jurisdiction with respect to regulation control and preservation of marine environment including pollution control and abatement.
  - (ii) Exclusive jurisdiction with respect to authorization and control of scientific research.
  - (iii) Exclusive jurisdiction with respect to the establishment and use of artificial islands, installations, structures and other devices including customs, fiscal, health, public order and immigration regulations pertaining thereto.
  - (iv) Other rights and duties compatible with international conventions or protocols to which Kenya is or may become party.

2. - Kenya may permit other States or Nationals of such states to fish in the zone on such terms and conditions and subject to compliance with such regulations as it may prescribe. In particular and without prejudice to the generality of the foregoing these may inter alia relate to the following:

- (a) Licensing of fishermen, fishing vessels and gear including payment of fees and other forms of remuneration.
- (b) Conservation measures to preserve and manage the exploitation of fisheries resources including measures relating to and determining the species which may be caught and fixing quotas per vessel over a period of time or to the catch by nationals of any State during a specified period.
- (c) Regulating seasons and areas of fishing, the types, sizes and amount of gear, and the numbers, sizes and types of fishing vessels that may be used in the zone.
- (d) Fixing the age and size of fish and other species that may be caught.
- (e) Specifying information required of fishing vessels, including catch and effort statistics and vessel position reports.

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- (f) Requiring under the authorization and control of Kenya, the conduct of specified fisheries research programmes and regulating the conduct of such research, including the sampling of catches, disposition of samples and reporting of associated scientific data.
- (g) The placing of Kenyan observers or trainees on board such vessels.
- (h) The landing of all or any part of the catch by such vessels in the ports of Kenya.
- (i) Terms and conditions relating to joint ventures or other co-operative arrangements.
- (j) Requirements for training personnel and transfer of fisheries technology including enhancement of Kenya's capability of undertaking fisheries research, management and development of the living resources of the zone.
- (k) Measures for the enforcement of Law and regulations in accordance with this Proclamation.

2. BASIC FISHERIES LEGISLATION

(a) Crown Fisheries Act.

Article 1. - Short title. - This Act may be cited as the Crown Fisheries Act.

Article 2. - Authorization necessary for certain fishing. L.N. 210/1957, L.N. 172/1960. - It is not lawful for any person, unless he is authorized by the Minister, to take, acquire, win, carry away or export:

- (a) pearls, pearl or mother-of-pearl shells, or shellfish containing or believed to contain pearls or mother-of-pearl;
- (b) bêche-de-mer (for commercial purposes);
- (c) ambergris,

in or from the fisheries, or from any shore or banks in or about Kenya or the territorial waters thereof.

Article 3. - Pearls, etc., to be mature. - A person so authorized in respect of pearls or mother-of-pearl shall not acquire, win, carry away or export pearl or mother-of-pearl shells or shellfish save those which have attained maturity, and are of a diameter of four-and-a-half inches or more.

Article 4. - Ambergris to be surrendered. - Any person who discovers any ambergris shall forthwith deliver the same to the nearest regional Government agent or other Government officer.

Article 5. - Concealment an offence. - Any person who conceals or is privy to the concealment of any ambergris, or who buys, sells or otherwise deals in any ambergris which has not been delivered to a Government officer, shall be guilty of an offence.

Article 6. - Power to make rules for sale of ambergris. G.N. 1681/1955, L.N. 173/1960. - The Minister may by rules prohibit the sale of ambergris except by licensed persons, and may regulate the sale thereof by those persons, and any breach of rules so made shall be an offence.

Article 7. - Penalties. - Any person who is guilty of an offence under this Act or any rules thereunder shall be liable to a fine not exceeding two thousand shillings or to imprisonment for a term not exceeding two months, or to both, and the article in relation to which an offence has been committed shall be liable to forfeiture.

(c) fish Industry Act, 1968 (as amended)

Article 1. - This Act may be cited as the Fish Industry Act 1968.

Article 2. - (1) In this Act, except where the context otherwise requires:

"advisory council" means an advisory council established under section 4 of this Act;

"approved scheme" means a scheme prepared by the Minister with the approval of the Treasury under section 5 (1) of this Act;

"authorized officer" means a fisheries officer, a police officer of or above the rank of sub-inspector, an officer of the Kenya Navy or a person appointed by the Chief Fisheries Officer, by notice in the Gazette, to be an authorized officer for the purposes of this Act;

"fish" means vertebrate fishes (except trout) and marine invertebrates, and the spat, brood, fry, spawn, ova and young thereof, whether alive or dead;

"fish product" means any product obtained by processing fish and intended for animal consumption or use, and any portion of, or product secreted by, any fish which has a commercial or ornamental value.

"fisheries officer" means any person, appointed to the office in the public service of Chief Fisheries Officer, Senior Fisheries Officer, Fisheries Officer, Senior Fisheries Development Officer or Fisheries Development Officers, or an honorary fish warden;

"fishing vessel" means any vessel used for the purpose of catching, transporting or processing fish;

"honorary fish warden" means a person appointed honorary fish warden under section 8 of the Trout Act;

"loans committee" means a committee appointed under section 5 (3) of this Act;

"processing" in relation to fish means any action (including filleting, canning, freezing and fish meal production) taken to alter the shape, appearance or form of fish from that in which it was originally caught before it is sold for human or animal consumption or use;

"registered fishing vessel" means a fishing vessel registered under regulations made under this Act;

"trout" has the meaning assigned to it in the Trout Act.

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(2) A person shall be deemed to engage in the fish industry if he carries on the business of catching or landing fish, or if he carries on in Kenya the business of the cultivation of fish or of the selling of fish or fish products by wholesale or by retail or of processing fish.

Article 3. - For the purpose of reorganizing, developing and regulating the fish industry, the Minister shall have power to do all or any of the following things:

- (a) to carry on research and experiment, either alone or in collaboration with others, and for that purpose provide or acquire, equip and operate vessels or plants, and give financial assistance to others carrying on research or experiment;
- (b) to encourage persons engaged in the fish industry to make voluntary arrangements on a cooperative basis for the selling of fish or the buying of equipment, supplies and other requisites for the industry (including in particular gear, fuel and stores for fishing vessels), and to give financial or other assistance in bringing any such arrangements into operation;
- (c) to promote the export of fish by establishing or by encouraging, and giving financial or other assistance in the establishment of, selling agencies and storage facilities outside Kenya and by other means;
- (d) to provide or acquire and equip fishing vessels to be operated under charter from the Government;
- (e) to provide or acquire, equip and operate, either alone or in collaboration with others, plant for processing fish in Kenya in any locality in which the Minister thinks it necessary, so as to secure proper provision for the needs of the fishing industry;
- (f) to encourage, by means of publicity, advice and instructions, the improvement of conditions in the fish industry and the greater consumption of fish.

Article 4. - (1) The Minister may, if he thinks it expedient to do so, by notice in the Gazette establish one or more advisory councils to advise him on matters relating to the fish industry or any section thereof, either for the whole of Kenya or for a part thereof.

(2) An advisory council shall consist of not more than seven persons appointed by the Minister to represent such sections of the fish industry as he considers appropriate.

(3) The Minister may make rules for regulating the procedure of advisory councils, and subject to any such rules an advisory council may regulate its own procedure.

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Article 5. - (1) For the purpose of promoting modern fishing methods, the Minister may prepare a scheme, with the approval of the Treasury, providing for financial assistance by way of loans to fishermen in respect of expenditure incurred in the acquisition of fishing vessels or their gear, fishing nets and other equipment, and may provide financial assistance, in accordance with the scheme upon the conditions contained in the scheme.

(2) An approved scheme shall be published in such manner as the Minister thinks fit, and may be varied or revoked by him at any time.

(3) For the purpose of administering an approved scheme, the Minister may appoint one or more loans committees, and confer upon them such functions as he thinks necessary or expedient for that purpose.

(4) The Minister may give to a loans committee directions of a general or special character as to the exercise and performance of its functions (including its procedure), and the loans committee shall give effect to any such directions.

(5) Where the Minister has with the approval of the Treasury prepared a scheme of the kind described in sub-section (1) of this section which is in force immediately before the commencement of this Act, and has appointed a committee to administer it, that scheme shall upon such commencement be deemed to be an approved scheme, and the committee shall be deemed to be a loans committee.

Article 6. - The Minister may, with the consent of the Treasury:

- (a) make to an advisory council or loans committee such grants as may be necessary to enable it to discharge its functions under this Act;
- (b) pay to the members of an advisory council or loans committee (other than a member who is a public officer in receipt of a salary) such remuneration and travelling and other allowances as he may, with the approval of the Treasury, determine;
- (c) make such other payments as may be necessary to give effect to the provisions of this Act.

Article 7. - The Minister may make regulations for the reorganization, development and regulation of the fish industry, and for the protection of fish and the prevention of over-fishing, and, without prejudice to the generality of the foregoing, for all or any of the following purposes:

- (a) for regulating the manner in which any fish shall be caught, propagated or cultivated, for determining the times and seasons at which the catching of any fish shall begin and cease, and for protecting fish from any infection or disease;
- (b) for requiring fishing vessels and their gear to be registered, for regulating the construction and equipping of fishing vessels and for prescribing the form and construction of fishing nets, fishing gear and other equipment used in fishing;

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- (c) for regulating the handling and storage of fish on registered fishing vessels, for prescribing the places and times for the landing of fish and for regulating the handling of fish during or at any time after landing;
- (d) for timing landings of fish so as to secure regularity in the supply and prevent congestion in harbours and landing places, and for that purpose for requiring fishing vessels to land or delay landing their catch;
- (e) for regulating and directing the marketing, distribution, transportation, delivery, purchase or sale of fish or fish products, including the prescribing of specified markets and the organization of schemes for the allocation of markets or areas of operation to particular persons or classes of persons;
- (f) for prescribing the prices and grades, and the methods of analysis and testing, of any fish or fish product;
- (g) for regulating and controlling the processing of fish and prescribing the standards of quality for fish and fish products and limiting the purposes for which fish and fish products of a prescribed standard may be used;
- (h) for providing for the protection of any fish or fish product against contamination or infection, including prescribing standards and methods in relation to the processing, storage, packaging and treatment of fish and fish products;
- (i) for prescribing the receptacles, canning, labels, marking and descriptions for sale which may be used in relation to fish or fish products;
- (j) for requiring the registration of persons distributing or retailing fish or fish products and of any premises used for distribution or retailing;
- (k) for prescribing the accounts and records to be kept, and the information to be furnished, by producers, manufacturers, distributors or retailers of fish or fish products in relation to their business as such.
- (l) for regulating and controlling the taking or collection of corals and shells and other like fish products

Article 8. - Regulations made under section 7 of this Act may:

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- (a) make different provisions with respect to different cases or classes of case, with respect to different areas, seasons or circumstances, with respect to different kinds of fish (whether freshwater fish or sea fish), and with respect to persons who are and persons who are not citizens of Kenya, and may impose or provide for the imposition of conditions and restrictions and make or provide for the making of exceptions;
- (b) provide for the issue of licences upon or without conditions, and provide for the issue of a licence vesting in any person or persons, to the exclusion of all other persons, a right in respect of any matter referred to in section 7 of this Act in connexion with the catching or cultivating of any fish or the selling, purchasing, distributing, marketing and processing of any fish or fish product; and any such licence may relate to the whole of Kenya or any part thereof;
- (c) impose fees or charges for any licence, authority or registration issued or made, or any service performed or other thing done, under this Act or under the regulations;
- (d) prescribe the particulars, information, proof or evidence to be furnished as to any question or matter arising under this Act or under the regulations;
- (e) prescribe, in respect of any action required or permitted to be taken under this Act or under the regulations, the time and manner of taking that action, the procedure to be followed and the forms to be used;
- (f) impose, for breach of the regulations, a penalty not exceeding a fine of ten thousand shillings or imprisonment for a term not exceeding one year, or both such fine and such imprisonment;
- (g) impose on any person accused of an offence under the regulations the burden of proving particular facts (but not impose on any accused person any general burden of proving his innocence);
- (h) contain such incidental or supplementary provisions as appear to the Minister to be expedient for the purposes of the regulations.

Article 9. - (1) Without prejudice to any regulations made under this Act, no person shall catch or assist in catching fish in territorial waters otherwise than under and in accordance with the terms of a licence issued to him under regulations made under this Act and for the time being in force:

Provided that this sub-section shall not apply to:

- (i) a person employed by a licensee, or to a director of a company which is a licensee, in respect of any act done by him in the course of his employment or directorship, as the case may be though without prejudice to section 23 of the Penal Code; or

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(ii) a person catching fish for the consumption of himself or his family alone.

(2) Any person who contravenes subsection (1) of this section shall be guilty of an offence and liable to a fine not exceeding twenty thousand shillings or to imprisonment for a term not exceeding two years, or to both such fine and such imprisonment.

Article 10. - Any person who receives any fish or fish product knowing or having reason to believe that an offence under this Act or any regulations made thereunder has been committed in respect thereof shall be guilty of an offence and liable to a fine not exceeding five thousand shillings or to imprisonment for a term not exceeding six months, or to both such fine and such imprisonment.

Article 11. - On convicting a person for an offence under this Act or any regulations made thereunder, the court may, in addition to any penalty otherwise imposed, order any fishing gear used in connexion with the offence, or any fish or fish product in respect of which the offence was committed, to be forfeited or, where the fishing gear, fish or fish product has been disposed of otherwise than under section 12 of this Act so that it is not available for forfeiture, that the convicted person pay to the Government a sum of money not exceeding the value of that fishing gear, fish or fish product:

Provided that no fishing gear, fish or fish product shall be so forfeited, and no such payment in respect thereof shall be ordered, if the owner thereof satisfies the court that the offence was committed without his consent or connivance and that he exercised all due diligence to prevent its commission.

Article 12. - (1) An authorized officer shall have power without warrant to go on board any vessel within territorial waters or any registered fishing vessel outside territorial waters, or enter any premises which are not used only as a private dwellinghouse or board any vehicle where he has reasonable grounds for suspecting that fish or fish products are being kept, processed or carried for the purpose of ascertaining whether there is or has been on or in connexion with the vessel, premises or vehicle any contravention of this Act or of any regulations made thereunder and:

- (a) to carry out an inspection of the vessel, premises or vehicle and to take such samples and carry out such tests as he may reasonably require;
- (b) to require any person in occupation of the premises or any agent or servant of any such person, or any person in charge of the vessel or vehicle, to furnish all such information, to produce for inspection all such books, accounts and other documents and to furnish all such means of inspection as he may reasonably require for the purpose aforesaid;

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- (c) to seize or take copies of any books, accounts or documents which he has reasonable grounds for suspecting to afford evidence of an offence under this Act or any regulations made thereunder;
- (d) to seize or detain any fish, fish product, fishing gear, vessel, vehicle or other article which he has reasonable grounds for suspecting to afford evidence of an offence under this Act or any regulations made thereunder, and to remove, or order any person in charge thereof to remove, the same to such place of security as he may determine.

(2) At the time when anything is seized under this section, the person in whose custody or possession it then is shall be given a written receipt for it.

(3) Anything seized under this section shall, where practicable, be brought before a court, and section 121 of the Criminal Procedure Code shall apply as if it had been seized and brought before a court under that Code, but if no prosecution is brought, or having been brought fails, in respect of an offence to which the seizure relates, such thing shall be returned, or, if it has been disposed of under sub-section (4) or sub-section (5) of this section, the value thereof shall be paid to the person to whom it belonged.

(4) Where any fish or fish product seized under this Act is of a perishable nature, an authorized officer may, if that fish or fish product is of marketable quality and it is reasonably practicable in all the circumstances so to do, dispose of it by sale or otherwise, and the authorized officer shall, subject to any order made by the court under this section or under section 11 of this Act, be accountable to the owner for the reasonable value thereof.

(5) Without prejudice to the powers of an authorized officer under sub-section (4) of this section, any court may, on the application of an authorized officer, order any fish or fish product to be disposed of in such manner as it may determine (including the destruction thereof), and determine the reasonable value thereof for the purposes of sub-section (4) of this section.

Article 13. - (1) Any person who:

- (a) wilfully delays or obstructs an authorized officer in the exercise of his powers under section 9 of this Act; or
- (b) refuses or fails to answer any question, to furnish any information, to produce any document or to furnish any means of inspection, when required to do so under section 9 of this Act.

shall be guilty of an offence and liable to a fine not exceeding five thousand shillings or to imprisonment for a term not exceeding six months, or to both such fine and such imprisonment:

Provided that no person shall be required under this section to answer any question tending to incriminate him.

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(2) If a person exposing any fish or fish product for sale refuses to sell to an authorized officer the quantity of fish or fish product which he requires as a sample, after the officer has tendered the price for that quantity, or if a person having for the time being charge of any fish or fish product refuses to sell to the officer the quantity which he requires as a sample, then that person shall be deemed for the purposes of sub-section (1) of this section to have wilfully obstructed the officer:

Provided that, where any fish or fish product is exposed for sale in an unopened container, no person shall be required to sell" it except in the unopened container in which it is contained.

Article 14. - (1) The Fish Protection Act and the Control of Nets (Nyanza Province) Act (in this section referred to as the repealed Acts) are hereby repealed.

(2) Any subsidiary legislation made under either of the repealed Acts and in force immediately before the commencement of this Act shall continue in force after such commencement as if made under a corresponding provision in this Act.

(3) Any licence, authority or other document issued, given or made under either of the repealed Acts or under any subsidiary legislation made thereunder, and in force immediately before the commencement of this Act, shall continue in force after such commencement as if made under a corresponding provision in this Act or in subsidiary legislation made thereunder.

Article 15. - The Penal Code is amended by inserting, immediately after section 278A thereof, a new section as follows:

278B. If the thing stolen is a fishing net or fishing gear used in connexion with the catching of fish within the meaning of the Fish Industry Act 1968, the offender is liable to imprisonment for five years together with corporal punishment.

3. REGULATIONS

(a) Fish Protection (Registration of Fishing Craft, Sea Fisheries) Rules (Cap. 378) (as amended)

Article 1. - These Rules may be cited as the Fish Protection (Registration of Fishing Craft, Sea Fisheries) Rules, and shall apply to the whole of Kenya and the territorial waters (excluding inland waters).

Article 2. - In these Rules, except where the context otherwise requires:

"boat" means any vessel of any description;

"District Commissioner" includes any Assistant Regional Government Agent, Liwali or Mudir authorized by a District Commissioner to exercise the functions of a District Commissioner under these Rules;

"fishing" means capturing, killing, snaring or trapping any fish, and includes any action taken preliminary or immediately subsequent to such capturing, killing, snaring or trapping, but does not include the capture of fish by means of rod and line (held in the hand);

"register" means the register of registered fishing boats maintained by a fisheries officer or District Commissioner under these Rules.

Article 3. - (1) Every fisheries officer shall maintain a register of boats registered by him under these Rules in the form of duplicates of each certificate of registration issued by him hereunder; each District Commissioner to whom an application for registration is made shall upon the first approved application made to him hereunder likewise maintain such a register.

(2) Any cancellation of a registration and any approved change of ownership shall be noted by endorsement upon the relevant duplicate certificate in the register.

Article 4. - No person shall use for fishing any boat the owner of which engages in fishing wholly or partially for a livelihood, unless such boat is for the time being registered with a fisheries officer or a District Commissioner in accordance with the provisions of these Rules.

Article 5. - (1) Upon the registration of a boat, the fisheries officer or District Commissioner shall allot letters and a distinctive number or numbers (hereinafter called the identification marks) to the boat, and shall issue to the owner of such a boat a certificate of registration in Form A in the First Schedule to these Rules.

(2) Subject to the provisions of these Rules, registration shall remain effective until the 31st December next after the date of registration, and immediately thereafter application for re-registration shall be made; every re-registration shall expire on the 31st December next after application therefor.

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Article 6. - (1) Immediately upon registration of a boat, the owner thereof shall cause the identification marks to be clearly painted in Latin characters in black on a light background or white on a dark background on both sides of the bows of the boat; each letter and figure shall be at least nine inches in height, and the painted strokes thereof shall be at least one and a half inches in breadth.

(2) The owner of a boat for the time being registered under these Rules shall maintain the identification marks of the boat in proper and legible condition at all times.

(3) No person using any boat for the time being registered under these Rules shall cause or permit the identification marks of the boat to be effaced, covered or concealed in any way whatsoever.

Article 7. - Upon the change of ownership of any registered boat (including any interest or share therein), application shall be made by the registered owner to the fisheries officer or District Commissioner by whom the certificate of registration was issued for endorsement of such change upon the certificate; any such application shall be made in Form B in the First Schedule to these Rules.

Article 8. - Any fisheries officer or District Commissioner may, if he considers it in the interests of the conservation of fish so to do, refuse to register any boat or change of ownership as aforesaid or cancel the registration of any boat:

Provided that any person aggrieved may appeal against such refusal or cancellation to the Civil Secretary of the Coast Region whose decision shall be final.

Article 9. - In the event of a holder of a certificate of registration losing his certificate, he shall, on application to the fisheries officer or District Commissioner by whom the certificate was issued, be issued with a certified copy thereof.

Article 10. - The owner or any other person for the time being in possession or in charge of any boat shall, if called upon to do so by a fisheries officer, an administrative officer, a customs officer of a rank not below that of junior examining officer or preventive officer, a police officer of a rank not below that of sub-inspector or any person duly authorized in writing by a fisheries officer, produce the certificate or certified copy certificate of registration of the boat.

Article 11. - (1) In any proceedings taken for a contravention of these Rules, the register shall be conclusive evidence of the matters therein contained.

(2) In any such proceedings, the averment that a boat is an unregistered boat shall, until the contrary is proved, be sufficient evidence that the boat is one which was at the date of the offence required to be registered under these Rules and was not so registered.

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Article 12. - The fees specified in the Second Schedule to these Rules shall be payable in respect of the several matters therein specified.

Article 13. - Any person who contravenes the provisions of any of rules 4, 6, 7 and LO of these Rules shall be guilty of an offence and liable to a fine not exceeding one thousand shillings, or in default of payment to imprisonment for a period not exceeding three months.

FIRST SCHEDULE

FORM A

(r. 5)

Certificate No. ....

CERTIFICATE OF REGISTRATION OF BOAT

The boat [name of boat] ..... owned  
by [name of owner] ..... resident at [place of  
residence of owner] ..... has been  
registered in the Fishing Boats Register at [place of issuing certificate] ..  
..... for the purpose of fishing  
according to the Fish Protection Ordinance, and has been allotted the number of

Particulars of Boat

Description of boat [if native, give Swahili name of type of craft]

.....

Length (overall) .....

Beam (greatest width) .....

Depth (greatest depth) .....

Tonnage (if known) .....

Method of propulsion [state: sail, paddle/oars, engine and sail, engine alone,  
etc. ] .....

Date of issue .....

Fee paid .....

This certificate of registration expires on the 31st day of December, 19

\_\_\_\_\_  
Registering Officer

Note to officer effecting registration of this craft: Where possible this boat should be given the same registration number as last year.

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FORM B

(r. 7)

APPLICATION FOR ENDORSEMENT OF CERTIFICATE OF REGISTRATION OF BOAT

I, ..... of .....  
hereby authorize the transfer of my fishing boat [name of boat] .....  
..... Registration No ..... to the  
ownership of ..... of [place  
of residence] .....

Witness to the transfer .....

Signed .....

Date .....

The original and duplicate copy of certificate should be amended accordingly by the Registering Officer.

SECOND SCHEDULE

(r. 12)

FEES

Sh. cts.

1. Upon each application for registration or re-registration  
of a boat ..... 3 00
2. Upon each application for consent to a change of ownership  
of a boat..... 3 00
3. For each duplicate certificate ..... 1 00
4. Upon entering an appeal under rule 8 ..... 10 00

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(c) Fish Protection (Oysters) Rules (Cap. 378) (as amended)

Article 1. - These Rules may be cited as the Fish Protection (Oysters) Rules, and shall apply to the territorial waters of Kenya.

Article 2. - In these Rules:

"fish for" includes winning or taking, removing or carrying away or exporting by any means whatsoever;

"licence" means a licence issued under these Rules;

"licensee" means any person holding a valid licence issued under these Rules;

"oyster" means any mollusc of any species of the genus ostrea.

Article 3. - (1) Subject to the provisions of paragraph (4) of this rule, no person shall fish for any oyster otherwise than for his own consumption unless he is in possession of a valid licence to do so.

(2) Every application for a licence shall be made in writing to the Chief Game Warden, who may in his absolute discretion grant or refuse the same.

(3) Every licence shall:

(a) be in the form set out in the First Schedule to these Rules;

(b) subject to the provisions of paragraph (3) of rule 4 of these Rules, be valid for one year from the date of issue thereof;

(c) subject to the provisions of paragraph (3) of rule 4 of these Rules, permit the licensee to fish for oysters in unlimited quantities within the area or areas specified therein.

(4) Any licence may permit, in addition to the licensee, the servants, agents or employees of such licensee, to a maximum number to be specified therein, to fish for oysters pursuant to such licence.

Provided that, on every occasion when any such licensee is not present at and supervising such fishing, every such servant, agent or employee shall be in possession of an authority in writing, containing his name and that of the licensee and the number of the licence, correctly dated and signed by the licensee, and such authority shall be produced upon demand to any of the persons specified in section 8 of the Ordinance.

(5) Every licensee shall produce his licence whenever required to do so by any of the persons specified in section 8 of this Ordinance.

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- (6) There shall be payable for every licence the fee specified in the Second Schedule to these Rules.

Article 4. - (1) The area or areas to be included in any licence shall, before the issue thereof, be demarcated on the ground by the Fisheries Officer or by some person duly authorized by him, in the presence of the person applying for such licence or some other person duly authorized by him in writing in that behalf.

(2) The costs and expenses of any demarcation under paragraph (1) of this rule shall be assessed by the Chief Game Warden, and the amount thereof shall before the issue of any licence be paid to him by the person applying therefor.

(3) If in the opinion of the Fisheries Officer the operations of any licensee become, or may be likely to become, during the currency of any licence, detrimental to the survival of oysters in any area or areas specified in such licence or in any adjacent or neighbouring area or areas, the Fisheries Officer may in his absolute discretion, by notice in writing to the licensee, forthwith cancel such licence, or amend the same by deletion therefrom of any area or areas or any part or parts of any area or areas included therein.

Article 5. - (1) Any person who commits any breach of these Rules or fails to comply with any provisions thereof or of any licence thereunder shall be guilty of an offence.

(2) In any case where any person is convicted of any offence under paragraph (1) of this rule, the Fisheries Officers may, if such person is either:

- (a) a licensee; or
- (b) a servant, agent or employee of any licensee having the authority provided for by paragraph (4) of rule 3 of these Rules.

forthwith cancel the licence of such licensee.

Article 6. - Any person who is aggrieved by anything done by the Fisheries Officer pursuant to these Rules may, within thirty days of the notification thereof by the Fisheries Officer, appeal in writing to the Provincial Commissioner of the Coast Province, whose decision will be final.

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FIRST SCHEDULE

[r.3(3>]

LICENCE TO FISH

No \_\_\_\_\_

Licensee (full name in block, capitals) .....  
(address in block capitals).....

1. The above-named is licensed to fish for oysters in the area or areas specified hereunder for a period of one year from the date hereof.

2. Pursuant to this licence, the servants, agents or employees of the licensee, to the maximum number of ..... may, in addition to the licensee, fish for oysters.

Fee paid .....

Date of issue .....

Date of expiry .....

.....  
Chief Game Warden

I am aware of the conditions attached to this licence and of those imposed by the Fish Protection Ordinance and the Fish Protection (Oysters) Rules, under j which it is issued.

.....  
Licensee

AREA/AREAS

[Full description in words]

\*As shown on the sketch map attached hereto

\*Delete if inappropriate



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\*\* Text not available

1. LIMITS OF NATIONAL JURISDICTION

Decree of 17 December 1967 regarding the Delimitation of the Breadth of the Territorial Sea of the State of Kuwait.

Article 1. - The territorial sea of the State of Kuwait extends seaward for a distance of twelve miles from the baselines of the mainland and of Kuwaiti islands as hereinafter defined in Article 2 of this Decree.

Article 2. - The baselines from which the territorial sea of the State of Kuwait is measured are established as follows:

- (a) Whereas the shore of the mainland or of a Kuwaiti island is fully exposed to the open sea, the low-water line along the coast is the baseline;
- (b) Where there is a port or harbour, the outer-most permanent harbour works which form an integral part of the harbour system are considered as forming part of the coast;
- (c) Where there is a low-tide elevation situated not more than twelve miles from the mainland or from a Kuwaiti island, the outer edge of the said low-tide elevation constitutes the baseline for measuring the territorial sea of the mainland or, as the case may be, of the island off which the elevation is situated;
- (d) In the case of Kuwait Bay, the waters of which are internal waters, the baseline is the closing line across the entrance to the Bay established in Annex III to Law N 12 of 1964 regarding Prevention of the Pollution of Navigable waters by Oil.

Article 3. - In this Decree, the expression "island" means a naturally formed area of land surrounded by water, which is above water at mean high-water tides.

The expression "low-tide elevation" means a naturally formed area of land which is surrounded by and above water at low-tide but submerged at high-tide.

Article 4. - If the territorial sea of Kuwait measured in accordance with the provisions of this Decree overlaps the territorial sea of another State or of the Zone partitioned by the Agreement relating to the Partition of the Neutral Zone dated 7th July 1965, the boundary shall be determined in conformity with the provisions of Article 12 of the Geneva Convention on the Territorial Sea and Contiguous Zone, referred to in the Preamble of this Decree.

Article 5. - The enforcement of the provisions of this Decree shall not be understood as affecting in any way any rights of the interested parties in the submerged area to seawards of the Zone partitioned under the Partition Agreement of the Neutral Zone hereinabove mentioned.

KWT 2

Nor shall it be understood to detract in any way from any rights provided for in existing Concession Agreements between the Government of Kuwait and the Oil Companies operating in the territory of Kuwait, in the Partitioned Zone or in the sea-bed areas appertaining to each, particularly as regards the acreage of concession area as defined in the said agreements.

Article 6. - Nothing in the provisions of this Decree shall prejudice the rights of the State of Kuwait to an area contiguous to its territorial sea to be delimited later on, or to the exploitation of fish resources.

Article 7. - The President of the Council of Ministers and the Ministers shall, each within his competence, execute the provisions of this Decree which shall come into force as from the date of its publication in the Official Gazette.

2. BASIC FISHERIES LEGISLATION

Decree Promulgating Law N° 46 of 1980 on Conservation of Fisheries Resources.

Article 1. - Without prejudice to any other rights under laws and regulations, the right of fishing and exploitation of living animal and plant marine resources in the inland and territorial waters of Kuwait and any other fishing zone shall be determined by a decree; likewise, the State of Kuwait's right in exploiting the living natural resources at the bottom of the continental shelf shall be determined by a decree.

Article 2. - No foreign fishing vessel shall fish the marine resources mentioned in the previous Article without a licence issued by the competent minister according to an agreement specifying conditions and the fees to be paid to the Government.

In the cases not mentioned in the international covenant these vessels shall be subject to the provisions of the present Law and its regulations.

Article 3. - Without prejudice to the provisions of the Law on Marine Commerce and the Law on small vessels, any fishing vessel, owned by a resident in Kuwait under the conditions issued by the competent minister, shall be a Kuwaiti national.

The provisions governing fishing vessels shall be applicable to any marine craft utilized for fishing.

Article 4. - No Kuwaiti vessel shall practice fishing without a licence issued by the Fisheries Resources Department. The licence shall specify fishing techniques and gear and the vessel's specifications and crew.

Article 5. - It shall be unlawful to install marine fishing gear such as gill nets and others without a special licence issued by the Fisheries Resources Dept. The licence shall specify the location where the nets should be placed, and their measurements and meshes.

Article 6. - Anyone engaged in fishing on a Kuwaiti fishing vessel or using a fishing gear should have a licence from the Fisheries Resources Department specifying the type of work the licensee is permitted to perform.

Article 7. - The Fisheries Resources Department shall lay down the regulations for amateur fishing and the members of clubs and relevant bodies. This Department may ask from those concerned to obtain licences in certain cases.

KWT 4

Article 8. - In cooperation with departments concerned the competent minister shall issue regulations concerning fishing particularly relevant the following:

- (1) Conditions and terms of licences cited in this Law.
- (2) Establish fees for these licences and define their categories, method of payment and cases of exemption therefrom.
- (3) Establish rules that fishing vessels display Identification numbers and signs.
- (4) Specify the form, viability and size of the fishing vessel, safety conditions and other specifications.
- (5) Specify the equipment and gear that could be used and others that should be prohibited.
- (6) Prohibit materials noxious to the growth, reproduction and migration of fish and other living marine resources.
- (7) Specify the minimum size allowed in the catch of fish and other living marine resources.
- (8) Determine the size of meshes of the nets used for fishing.
- (9) Prohibit the fishing of certain species of fish and other living marine resources definitely or indefinitely, and in all or part of the territorial waters.
- (10) Prohibit causing any damage to marine weeds and plants.
- (11) Prohibit categorically any fishing or use of specific means definitely or indefinitely in all or part of territorial waters.
- (12) Specify the quantities of fish and other living marine resources to be caught at certain seasons.
- (13) Specify the hygienic conditions to be observed for the preservation of fish and other living marine resources and prevent their deterioration
- (14) Regulate books and papers that the fishing professionals should keep and specify the information that they should furnish the competent administrative department.
- (15) Regulate the service of fishing professionals.

Article 9. - When necessary the competent minister may form a consultative committee under the chairmanship and membership of governmental and non-governmental bodies concerned with aquatic resources to express their view on the policy aiming at the conservation of those resources and regulating

KWT 5

fishing matters, coordination between government bodies and others operating in this field and proposing pertinent legislations and examining other matters raised by the competent minister.

Article 10. - In cooperation with departments concerned the competent minister shall delegate officials to check the enforcement of the present Law, and ascertain violations to its provisions and regulations. They may board vessels and inspect fisheries, stores and sites containing living marine resources and fishing gear. They shall have the right to inspect licences, books and pertinent documents, and seize vessels, marine resources and equipment banned by the Law and its regulations. They may submit their reports on the violations to competent investigating authorities and seek the assistance of the police.

With the permission of competent authorities they may sell perishable fish and marine resources and deposit the proceeds in the court pending the final determination of the case.

Article 11. - Any vessel practicing fishing without a valid licence shall be seized together with its catch and fishing gear under Articles 2 and 4 of the present Law.

Order to release a seized vessel may be made upon payment of a cash bond to be determined by the investigating authority, and deposited in court pending the final determination of the case.

Article 12. - Without prejudice to any other stronger penalty, any violation of Articles 2, 4, 5 and 8 of this Law shall be punishable by a fine to the amount of 500 Dinars and not less than 50 Dinars. In addition to this fine the offender's vessel, seized properties or the cash bond may be confiscated, according to circumstances, and the licence shall be withdrawn definitely or for a definite period until the offence is removed.

Likewise, the offender may be ordered to pay double the licence fee. A confiscated vessel shall not be released except after having paid the fine and fees.

Article 13. - Any violation to the provisions of Articles 6 and 7 of this Law shall be punishable by a fine to the amount of 50 Dinars. To this fine may be added the confiscation of seized fishing gear and living aquatic resources.

The offender may also have to pay double licence fee.

Article 14. - The competent minister shall issue the necessary decisions to implement this Law.

Article 15. - All the Ministers - within their power - shall implement this Law, which shall come into force on the date of its publication in the Official Gazette.

3. REGULATIONS

(a) Decree N° 17 of 1980 on Licences for Kuwaiti Fishing Vessels

Article 1. - Owners of Kuwaiti fishing vessels should obtain a fishing licence for their vessels from the Directorate of Fisheries Resources at the Ministry of Public Works in accordance with relevant forms. The owners should keep this licence on their vessel.

Article 2. - The following annual fees shall be collected for the said fishing licences:

- (a) K.D. 5 for vessels with engines up to 100 H.P.
- (b) K.D. 10 for vessels with engines bigger than 100 H.P.

These fees shall be paid annually to the account of the Ministry of Public Works.

Article 3. - A six-months-grace shall be granted to Kuwaiti fishing vessels from the date of this Decree to obtain licences for their vessels under its provisions.

Article 4. - No vessel shall be allowed to fish in Kuwaiti territorial waters without a valid fishing licence.

Article 5. - Anyone violating the provisions of this Decree shall be subject to the penalties prescribed by law.

Article 6. - The competent authorities shall enforce this Decree which shall be effective on the date of its publication in the official Gazette.

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(b) Decree N° 18 of 1980 on Licences for Kuwaiti Fishing Vessels\* Crew.

Article 1. - All the crew on Kuwaiti fishing vessels should get a professional licence from the Directorate of Fisheries Resources at the Ministry of Public Works in accordance with relevant forms.

Article 2. - An annual fee of one Dinar shall be collected for each licence.

Article 3. - No worker shall be engaged on Kuwaiti fishing vessels without a valid licence.

Article 4. - Anyone violating the provisions of this Decree shall be subject to the penalties established by law.

Article 5. - The competent authorities shall enforce this Decree which shall be effective on the date of its publication in the Official Gazette.

(c) Decree N° 19 of 1980 on Foreign Fishing Vessels.

Article 1. - No foreign fishing vessels shall be allowed to fish in the Kuwaiti territorial waters without a licence issued by the Directorate of Fisheries Resources of the Ministry of Public Works.

Article 2. - Anyone violating the provisions of this Decree shall be subject to the penalties as established by law.

Article 3. - The competent authorities shall enforce this Decree which shall be effective on the date of its publication in the Official Gazette.

(d) Decree N° 20 of 1980 on Licences for Fish Barriers.

Article 1. - Owners of fish barriers should obtain a licence for installing a fishing net from the Directorate of Fisheries Resources in conformity with relevant forms.

Article 2. - A fee of ten Dinars shall be paid to the account of the Ministry of Public Works for each fish barrier.

Article 3. - A grace of six months shall be granted to the owners of the existing barriers, from the date of this Decree, to obtain licences under the provision of this Decree.

Article 4. - Any barrier without a licence, as under the provision of this Decree, shall be removed.

Article 5. - Anyone violating the provisions of this Decree shall be subject to the penalties established by law.

Article 6. - The competent authorities shall enforce this Decree which shall be effective on the date of its publication in the Official Gazette.

- (e) Decree N° 21 of 1980 on New Fishing Techniques and the Farming of Fish and Living Aquatic Organisms.

Article 1. - It shall be unlawful to carry out the following operations in the Kuwaiti territorial waters without a licence issued by the Directorate of Fisheries Resources:

1. utilization or experimenting new fishing techniques and equipment not used before in the country;
2. use of new methods for the breeding of fish and other marine living resources breeding.

Article 2. - Anyone violating the provisions of this Decree shall be subject to the penalties established by law.

Article 3. - The competent authorities shall enforce this Decree which shall be effective on the date of its publication in the Official Gazette.



(g) Decree N° 23 of 1980 on Minimum measurements of Meshes of Shrimp Fishing Nets

Article 1. - Owners of shrimp fishing vessels operating in Kuwaiti territorial waters should adhere to the following minimum measurements of the meshes of shrimp fishing nets:

<u>Fishing gear used</u>	<u>Legal measurements of meshes</u>
--------------------------	-------------------------------------

1. Traditional shrimp fishing net (Al-Kufa) employed by Kuwaiti fishing vessels 30 mm and above
2. Shrimp gill-nets used by vessels of the Kuwaiti United Fisheries Co. 40 mm and above

Article 2. - A period of grace shall be granted up to the end of January 1981 to let the present nets be worn out and be replaced by the nets with meshes as mentioned above.

Article 3. - Anyone violating the provisions of this Decree shall be subject to the penalties established by law.

Article 4. - The competent authorities shall enforce this Decree which shall be effective on the date of its publication in the Official Gazette.

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(h) Decree N 24 of 1980 to authorize certain Officials of the Ministry of Public Works to enforce Law N° 46 of 1980

Article 1. - The officials, whose names and job titles are mentioned hereinbelow, shall be authorized to check the execution of Law N 46/1980, inspect and ascertain violations to the provisions and regulations of the Law. They shall have the right to go aboard vessels and enter fisheries, stores and locations containing living marine resources and fishing gear. They may inspect licences, books and relative documents. Likewise, they shall have the right to seize vessels, marine resources and gear and implements involved in the violation of this Law and its regulations. They may write reports and submit them to competent investigating authorities and seek the assistance of the police.

They may, with the permission of the competent departments, sell the perishable catch of fish and living marine resources and deposit the proceeds in the court pending the final determination of the case.

<u>Name of the officials</u>	<u>Title</u>
1. Mahmoud Hussein Asousi	Controller/Fisheries Resources
2. Nabil Mustafa Abou Shuleib	Asst. "
3. Adnan Ghanim Sakar Ghanim	Head/Fishing Gear & Techniques Division
4. Abdullah Saleh Al-Huda	Aquatic Organisms Researcher
5. Mohammad Hassan Baker	“ “ “
6. Adnan Khalifa Arashoud	Head Fisheries Statistics Division
7. Adan Khalifa Arashoud	Head Fisheries Statistics Division
8. Mohammad Jawad Abbs Kalli	Skipper of the vessel “Sabbah”

Article 2. - The Under-Secretary shall enforce this Decree which shall be effective on the date of its publication in the Official Gazette.

- (j) Decree N 7 of 1983 on the Minimum measurements of meshes to be used in fishing by fishing vessels in the territorial waters of Kuwait

Article 1. - All fishing vessels operating in the territorial waters of Kuwait shall use the minimum measurements of meshes as explained below:

No	Fishing gear used	The Minimum measurement of the mesh by millimeter
1.	Crawling Net (Al Rufa)	50 millimeter
2.	Non-movable Net (Alshurkh)	90 “
3.	Movable Net (A1 Leskh) to Alzeibeidi fish	100 “
4.	Movable Net (A1 Leeks) to alsabour fish	80 “
5.	Movable Net (A1 Leekh) to Almeed fish	40 “

Article 2. - A grace period of 3 months shall be given to the owners of fishing vessels operating in the territorial waters of Kuwait before using the nets specified in this Decree.

Article 3. - Anyone violating this decree shall be subject to the penalties provided for in the Law N° 46 of 1980.

(k) Decree N° 8 of 1983 on Prohibition of fishing by Fish Traps

Article 1. - It shall be absolutely prohibited to use the surrounding nets -which is known locally as "Habla method" - in fishing in the territorial waters of Kuwait.

Article 2. - Any one violating this Decree shall be subject to the penalties provided for in the Law N° 46 of 1980.

Article 3. - This Decree is valid from the date of its publication in the Gazette.

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- (1) Decree N° 9 of 1983 on The Minimum Sizes of Fishes to be caught in the territorial waters of Kuwait and to be marketed in Kuwait

Article 1. - Fishing vessels operating in the territorial waters of Kuwait are prohibited from catching fish with sizes below those set out below. The marketing and storage of such fish is also prohibited in Kuwait.

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N°	Local name of the fish	Minimum length in centimetres
1.	Meed	14
2.	Zubaidy	20
3.	Noeby	27
4.	Chaam	30
5.	Khopat	35
6.	Nagror	40
7.	Hamour	45

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Article 2. - Anyone violating this Decree shall be subject to the penalties provided for in the law.

Article 3. - This Decree is valid from the date of its signature in the Gazette.

- (m) Decree N° 11 of 1983 on Prohibition on fishing within 3 miles from the Coasts of Kuwait

Article 1. - It is absolutely prohibited for Kuwaiti fishing vessels to practice fishing on all the coasts of Kuwait and its islands and for a distance of 3 miles therefrom.

Article 1. - Any one violating this Decree shall be subject to the penalties provided for in the law N° 46 of 1980.

- (n) Decree N° 13 of 1983 on Prohibition of fishing in certain areas in the territorial waters of Kuwait

Article 1. - No fishing vessel shall fish in the area located between the line starting from Vielka Island to Raas Alard in the east and from Vielka Island to Raas Albrsha in the north including Khor Alspiea; the prohibited area shall include all of John Elkiwail.

Article 2. - Any one who violates this Decree shall be subject to the penalties provided for in the Law N° 46 of 1980.

Article 3. - This Decree shall be published in the Gazette.

(u) Decree N° 23 of 19 September 1985 concerning the conditions for the retirement and replacement of unseviceable fishing vessels

Article 1. - The retirement and replacement of unseviceable Kuwaiti fishing vessels shall be carried out in accordance with the following conditions and measures:

1. The owner of the vessel who wishes to retire and replace the vessel, must be a member of the Kuwaiti association of fishing vessel owners.

2. The vessel must hold a valid fishing licence issued in the name of the owner, and this must not have been the object of a transfer of property within the two years preceding the date of presentation of the application.

3. The owner of the vessel shall present to the Public Corporation for Agriculture and Fish Resources an application indicating his wish to retire and replace a vessel and demonstrating that the state of the vessel does not allow for it to be used for fishing operations in Kuwaiti waters.

4. The application shall be submitted to a technical committee appointed by the Director General of the Corporation. The Committee shall inspect the vessel and pronounce on its serviceability for fishing operations in Kuwaiti waters.

5. The licence shall be replaced if the owner proves that his vessel has sunk, burnt or has been involved in an accident that is so serious as to make it unseviceable for fishing operations in Kuwaiti waters.

6. The licence issued to a vessel which the owner wishes to retire and replace, shall be cancelled if it is shown that the vessel is unseviceable. A new licence will be issued to the replacement vessel in accordance with the conditions currently stipulated by the Corporation.

7. The ownership of a new vessel shall not be transferred for at least one year and then only with the authorization of the Public Corporation for Agriculture and Fish Resources.

8. It is prohibited to use for any purpose in Kuwaiti waters a vessel that has been retired.

9. Any person who contravenes the provisions of this Decree shall be liable to the penalties prescribed by Decree Law No 46 of 1980 on the conservation of Fisheries Resources. All previous orders whose provisions are inconsistent with the present order are repealed.

Article 2. - This Decree applies to all concerned persons; it shall be published in the Official Journal and shall enter into force on the date of its publication.

(w) Decree N° 26 of 19 October 1985 concerning suspension of the issuing of new licences to fishing vessels

Article 1. - The issuing of all new licences in respect of fishing vessels (fibre glass) operating in the Kuwaiti territorial sea is suspended.

Article 2. - The issuing of all new licences in respect of other types of fishing vessel operating in the Kuwaiti territorial sea is suspended, except in cases of extreme urgency as decreed by the Council of Administration of the Corporation.

Article 3. - This Decree applies to all concerned persons; it shall be published in the Official Journal and shall enter into force on the date of its publication.

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- (x) Decree N° 34 of 22 December 1985 establishing the specifications for markings and identification numbers for fishing vessels

Article 1. - All fishing vessels and high-sea trawlers are required to bear identification plates indicating their names and registration numbers in accordance with the forms and specifications defined below:

I. Vessels constructed in wood and provided with a cabin

The names and registration numbers of vessels belonging to this category are to be inscribed on four plates in metal, wood or plastic:

- (a) two of these shall be 50 x 30 cm. surface area, shall be painted in white and shall bear the inscriptions in indelible black characters at least 25 mm. in width; the plates shall be affixed on each of the vessel forward of the cabin, the inscriptions to be freshly painted each time that they are affixed;
- (b) the two other plates shall be 125 x 30 cm. surface area, shall be painted in white and shall bear the inscriptions in indelible black characters at least 40 mm. in width; each of these plates shall be affixed on each side of the bows of the ship directly above the waterline, and the inscriptions shall be repainted each time that they are affixed.

II. Vessels constructed in wood and not provided with a cabin

The names and registration numbers of vessels belonging to this category shall be inscribed on two plates in metal, wood or plastic of 60 x 30 cm. surface area, shall be painted in white and shall bear the inscriptions in indelible black characters at least 25 mm. in width; each of these plates shall be affixed on each of the two sides at the bows of the vessel, directly above the waterline, and the inscriptions shall be repainted each time that they are affixed.

III. Vessels constructed in metal

The names and registration numbers of the vessels belonging to this category shall be inscribed:

- (a) on two plates in metal, wood or plastic of 50 x 30 cm. surface area, shall be painted in white and shall bear the inscriptions in indelible black characters at least 25 mm. in width; the plates shall be affixed on each of the vessel forward of the cabin, directly behind the navigation lights;

- (b) the name and registration number of the vessel shall also be painted on both sides of the bow just above the waterline in a colour which contrasts with that of the hull in characters at least 40 mm. in width and in such a way that the surface area is not less than 125 x 20 cm.

IV. Highseas trawlers

The name and registration number of a high seas trawler shall be in a colour which contrasts with that of the hull and shall be painted on both sides of the bow just above the waterline using a surface area of 60 x 40 mm. and characters of at least 25 mm. in indelible colour; the inscriptions shall be repainted each time that they are affixed.

Article 2. - This Decree applies to all concerned persons; it shall be published in the Official Journal and shall enter into force on the date of its publication.

(z) Decree N° 28 of 1986 concerning assistance to fishermen.

Article 1. - There shall be granted, to all fishermen who hold fishing licences issued by the Corporation's Department of Fish Resources, financial assistance according to the type of vessel and in accordance with the table set out below:

Type of Vessel	Amount of Assistance to be granted
1 In fibre glass	500 Dinars
2 In aluminium	500 Dinars
3. In wood	700 Dinars

Article 2. - The amounts of the assistance shall be debited to the account 5/2/1, General Expenses and Transfers, and shall be entered under the heading "Grants" in Chapter 5 of the budget of the Corporation for the financial year 1986/87.

Article 3. - The granting of assistance is subject to the following conditions;

1. that the owner of the vessel shall be, before the promulgation of the present order, the holder of a valid fishing licence issued by the Corporation's Department of Fish Resources;
2. that the assistance shall not be granted in respect of more than 5 vessels per owner, whatever the type of vessel;
3. that the vessel shall continue to be used for fishing operations; the Department of Fish Resources shall verify this fact by checking on the log books and on the account books and by such other means of checking as it deems appropriate;
4. that the owner of the vessel has not been charged with any contravention of the provisions of Decree Law No. 46 of 1980 on the Conservation of Fisheries Resources;
5. that the owner, before receiving the assistance, shall have liquidated all outstanding obligations towards the Corporation's Department of Fish Resources.

Article 4. - The assistance granted to a fisherman under the conditions set out in Article 3 of this Decree, can only be granted once. Applications for assistance shall be made to the Corporation's Department of Fish Resources; the latter shall consider the applications, make sure that they fulfill the conditions for the granting of the assistance and issue a certificate for the payment of assistance by the Corporation.

Article 5. - This Decree applies to all concerned persons; it shall be published in the Official Journal and shall enter into force on the date of its publication.