

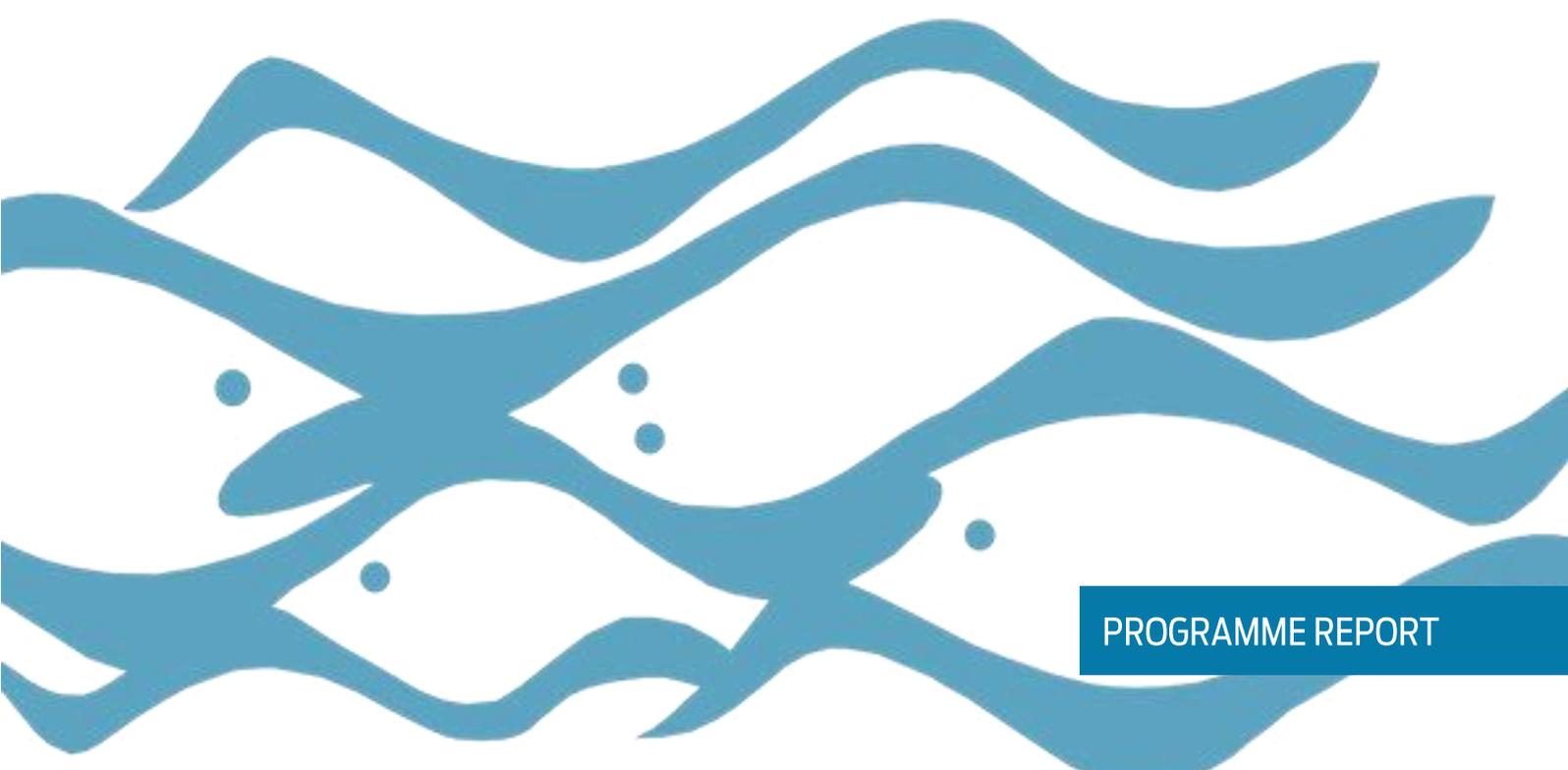


Food and Agriculture  
Organization of the  
United Nations

# Legal report on the ecosystem approach to fisheries in Thailand

An analysis of the ecosystem approach to fisheries in selected  
national policies and legislation of Thailand

FAO EAF-Nansen Programme Report No. 45  
EAF-N/PR/45 (En)

A decorative graphic at the bottom of the page consisting of several thick, wavy blue lines that resemble ocean waves. Interspersed among these waves are several small, solid blue circles, which represent fish or bubbles. The overall style is minimalist and modern.

PROGRAMME REPORT

## THE EAF-NANSEN PROGRAMME

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

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

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

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

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By Julia N. Nakamura and Teresa Amador

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## Abstract

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

The present legal report on the EAF used the diagnostic tool to assess the alignment of selected policy and legal instruments of Thailand with the EAF. This assessment analysed the extent to which 82 EAF legal requirements, which are considered the minimum standards in legislating for the EAF, are reflected in Thailand's policies and legislation relevant to the fisheries sector of the country and other relevant sectors (such as environment, wildlife, ecosystems, and maritime affairs). Based on this preliminary diagnosis, gaps were identified in the assessed instruments, and recommendations were made for improving the implementation of the EAF.

This report was elaborated following a participatory approach with the involvement of the national competent authorities of Thailand. Drafted in July 2021, the report was submitted to the national authorities of Thailand in October 2021 and endorsed in March 2022.



# Contents

- Acknowledgements .....vii**
- Abbreviations and acronyms..... viii**
- 1. Introduction: legislating for the ecosystem approach to fisheries ..... 1**
  - 1.1 A diagnostic tool for implementing the ecosystem approach to fisheries through national policy and legal frameworks..... 1
  - 1.2 International legally binding instruments and non-legally-binding instruments relevant to the ecosystem approach to fisheries..... 1
- 2. Legal report on the ecosystem approach to fisheries: assessing a country’s policy and legal framework ..... 3**
  - 2.1 Methodology and scope ..... 3
    - 2.1.1 Selection and collection of national policy and legal instruments of Thailand..... 3
    - 2.1.2 Desk-based stepwise assessment of selected national policy and legal instruments ..... 4
    - 2.1.3 Filling in the Ecosystem Approach to Fisheries Legal Checklist of Thailand..... 5
    - 2.1.4 Additional observations ..... 6
    - 2.1.5 EAF Legal Questionnaire of Thailand ..... 6
  - 2.2 Overview and main findings ..... 6
    - 2.2.1 Fisheries policy..... 6
    - 2.2.2 Fisheries primary legislation ..... 8
    - 2.2.3 Fisheries secondary legislation ..... 10
    - 2.2.4 Other sectors primary legislation ..... 13
    - 2.2.5 Other sectors secondary legislation ..... 16
    - 2.2.6 Additional relevant information from the National EAF-Focal Point ..... 17
- 3. Conclusion .....19**
  - 3.1 Main gaps in the assessed policy and legal instruments..... 19
  - 3.2 Level of alignment of the assessed policy and legal instruments with the ecosystem approach to fisheries ..... 20
  - 3.3 Final considerations and proposed way forward ..... 20
- 4. References.....22**
- Appendix A. List of national policy and legal instruments assessed in this report .....23**
- Appendix B. Ecosystem Approach to Fisheries Legal Checklist applied against selected national policy and legal instruments .....25**

## Tables

<b>Table 1.</b>	Status of Thailand in selected international legally binding instruments relevant to the EAF .....	2
<b>Table 2.</b>	Summary of the stepwise assessment .....	4
<b>Table 3.</b>	Meaning of the symbols used in the Ecosystem Approach to Fisheries Legal Checklist.....	5
<b>Table 4.</b>	Criteria for determining the level of alignment of assessed instruments with an EAF .....	20

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

This EAF Legal Report also benefitted from the important contributions of the Legal Affairs Division, the Marine Fisheries Research and Development Division, the Fisheries Resources Management and Measures Determination Division and the Fisheries Foreign Affairs Division, all under the Department of Fisheries of Thailand, which provided substantive additional information valuable to this report. We are also grateful to the delegates of Thailand for their participation in the *Second Online regional workshop on the use of the Diagnostic Tool on Implementing an EAF through policy and legal frameworks* (9–12 November 2020). The Legal Division of the Department of Fisheries has also conducted its own assessment, applying the EAF Legal Checklist against selected policies and legislation of Thailand. The findings of this country assessment were incorporated into the present EAF Legal Report, improving the overall information reported.

## Abbreviations and acronyms

DMCR	Department of Marine and Coastal Resources
DOF	Department of Fisheries
EAF	ecosystem approach to fisheries
EIA	environmental impact assessment
FAO	Food and Agriculture Organization of the United Nations
FMP	fishery management plan
IMO	International Maritime Organization
IUU	illegal, unreported and unregulated (fishing)
MCSE	monitoring, control, surveillance and enforcement
MPA	marine protected area
NGO	non-governmental organization
RFMO/A	regional fisheries management organization and/or arrangement
TAC	total allowable catch
Thai-MECC	Thailand Maritime Enforcement Coordinating Centre
VMS	vessel monitoring system

# 1. Introduction: legislating for the ecosystem approach to fisheries

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

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

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

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

The Appendix C of the EAF Legal Diagnostic Tool provides the EAF Legal Checklist for Assessment and Implementation of the EAF Policy and Legal Frameworks (hereafter referred to as "EAF Legal Checklist"), based on which the level of alignment of a country's policy and/or legal frameworks with an EAF and the 17 EAF Components can be assessed (FAO, 2016).

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

There are several international legally binding and non-legally-binding instruments that provide for the EAF. The Appendix A of the EAF Legal Diagnostic Tool highlights, in a non-exhaustive list, selected provisions of international instruments or decisions relevant for the EAF. Other legally binding instruments in support of the EAF are the applicable

conservation and management measures of regional fisheries management organizations/arrangements (RFMO/As) which should also be taken into account, on a country-by-country basis, in the assessment of a given country’s EAF commitments.

It should further be noted that provisions of international non-legally-binding instruments that reflect principles of international law are also legally binding and therefore relevant in the analysis of the national policy and legal frameworks.

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

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

Table 1. Status of Thailand in selected international legally binding instruments relevant to the EAF	
Instrument	Status <sup>1</sup>
1971 Ramsar Convention on Wetlands of International Importance	Party
1973 Convention on International Trade in Endangered Species of Wild Fauna and Flora	Party
1979 Convention on the Conservation of Migratory Species of Wild Animals	Party
1982 United Nations Convention on the Law of the Sea	Party
1992 Convention on Biological Diversity	Party
1993 Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas (Compliance Agreement)	Not a Party
1995 United Nations Agreement for the Implementation of the Provisions of the LOSC relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks	Party
2009 Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing	Party

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

With regard to the 1993 Compliance Agreement that Thailand is **not yet a Party**, the Legal Affairs Division of the Department of Fisheries (DOF) of Thailand informed that the accession process is under preparation.

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<sup>1</sup> In accordance with the information provided in the secretariats of the international conventions and agreements as of May 2022.

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

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

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

### 2.1 Methodology and scope

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

During the elaboration of this EAF Legal Report, the DOF and its Legal Division, the Marine Fisheries Research and Development Division, the Fisheries Resources Management and Measures Determination Division and the Fisheries Foreign Affairs Division (hereinafter referred to as “National EAF-Focal Point”) were contacted and provided additional information concerning the implementation of the EAF at national level. The Legal Division conducted its own assessment, applying the EAF Legal Checklist against selected policies and legislation of Thailand. The information provided and the results of the country self-assessment have been incorporated in this report.

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

#### 2.1.1 Selection and collection of national policy and legal instruments of Thailand

The main source for the selection and collection of national policies and legal instruments was FAOLEX (FAO, n.d-b) which, besides the Constitutions of countries, provides a vast electronic repository of national policy and legal instruments on fisheries and other sectors relevant for an EAF, including on environment, sea, water, and wild species and ecosystems.<sup>2</sup>

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<sup>2</sup> Notwithstanding the importance of certain cross-sectoral issues such as gender and climate change, these were not considered in this report.

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

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

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

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

The Legal Division of DOF conducted its own assessment, applying the EAF Legal Checklist against selected policies and legislation of Thailand. The information provided and the results of the country self-assessment have been incorporated in this report.

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

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

Symbol	Perceived level of alignment with the EAF legal requirement	
✓	Full or sufficient	Part(s) in the assessed fisheries policy or provision(s) in the assessed legislation <u>totally incorporates</u> the EAF legal requirement.
∅	Partial or insufficient	Part(s) in the assessed policy or provision(s) in the assessed legislation <u>partially incorporates</u> the EAF legal requirement. <sup>3</sup>
X	None or inexistent	No part in the assessed policy nor provision in the assessed legislation was found that incorporates the EAF legal requirement.
●	Not considered	No assessment was carried out since the EAF legal requirement was fully or sufficiently found in the <b>primary</b> fisheries policy/legislation, or in the <b>primary</b> legislation of other sector.
N/A	Not applicable	The EAF legal requirement is exclusively relevant to fisheries (that is the case of all the EAF legal requirements under Fisheries Management, Monitoring, Control, Surveillance and Enforcement (MCSE) and almost all of those under enforcement processes and sanctions scheme) and therefore not applicable to other sector's legislation.
*	Optional	The EAF legal requirement is considered to have a non-mandatory nature and therefore is not expected to be found in the assessed policy or legal instrument.

The last two columns of the EAF Legal Checklist indicate: **(i)** the parts of the policy instruments and legal provisions where the EAF legal requirement was found; and **(ii)** additional relevant comments and explanatory notes that clarify, where appropriate, nuances in assessing the policy and legal instruments and the rational for the assessment of partial or insufficient coverage of the EAF legal requirements. It should be noted that these additional comments and explanatory notes will benefit from a more in-depth analysis during the comprehensive review at country level.

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

<sup>3</sup> A more in-depth analysis will be required to understand how EAF legal requirements filled in with the ∅ symbol could be fully incorporated in legal and policy instruments or reflect potential contradictions between one legal and/or policy instrument and another. Such analysis goes beyond the scope of this desk-based preliminary assessment.

### **2.1.4 Additional observations**

While filling in Appendix B, some parts of the policy framework and some provisions of the legal framework which in some cases are anchored in the Thailand Constitution of 2017, were considered particularly relevant in incorporating the EAF legal requirements. These parts and legal provisions which, without prejudice to others that may also be relevant, were considered good examples of addressing an EAF (in the case of a policy instrument) or legislating for an EAF (in the case of a legal instrument), have been highlighted in the main findings under subsection 2.2 below as good practice in legislating for an EAF.

### **2.1.5 EAF Legal Questionnaire of Thailand**

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

## **2.2 Overview and main findings**

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

### **2.2.1 Fisheries policy**

The assessed four fisheries policies correspond to A1 to A4 in Appendix A. They cover **37** of the 82 EAF legal requirements.

The main fisheries policy is the *Marine Fisheries Management Plan of Thailand of 2020–2022* (hereinafter referred to as “Fisheries Policy”),<sup>4</sup> which is based on *inter alia* the key principles of sustainable development, EAF, good governance, participation and transparency, adoption of international best practice and regional cooperation, science-based decision-making, adaptive management and precautionary approach (Page 32). This policy covers all pelagic species, demersal species, highly migratory tuna and tuna-like species, as well as other non-target, associated or dependent species such as endangered and threatened species (Page 33). It sets out the following five goals: illegal, unreported and unregulated (IUU)-free fishery; healthy habitats and environment; improved livelihoods of artisanal fishers and fishing communities; effective fisheries management capacity; and restoration of fisheries resources and expansion of sustainable fisheries. Each goal has specific objectives, targets and management measures that are relevant for an EAF (Page 34).

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<sup>4</sup> Another relevant policy instrument is the DOF’s Action Plan of 2020-2022 but since it is only available in Thai it is not covered in this report.

The Fisheries Policy provides a table with the detailed management measures, key performance indicators, timeframe, responsible and supporting agencies. The management measures include: allocation of the number of allowable fishing days to each fishing vessel, and total allowable catch (TAC) and implementation of a licence combination scheme (Page 42); restrictions on vessels to standard fishing gears and introduction of area-based management to some fisheries (Page 43); increasing collaboration and cooperation with RFMOs (Page 46); continuing to strengthen coordination across Ministries and government institutions (Page 47); strengthening MCS through the full implementation of the National Plan of Control and Inspection (Page 47); furthering the development of observer program for fishing vessels and transshipment vessels (Page 50); initiating an EAF management program for coastal communities (Page 53); strengthening Provincial Fisheries Committees to resolve conflicts and establishing demarcation areas for different gears based on participatory consultations (Page 55).

The *National Security Policy and Plan of 2019–2022* is founded on seven frameworks, two of which are relevant for an EAF: framework 5, which promotes state-civil cooperation, among agencies, private sector, civil society, local communities and academia in security promotion and protection as well as in strengthening of security through community security plans (Chapter 3(3.1.5)); and framework 7, which seeks to create balance and creative roles of Thailand in bilateral, sub-regional, regional and global cooperation towards advancing development together (Chapter 3(3.1.7)). Among the 16 policies outlined there is the policy on maintaining natural resource and environmental security to create stable, sustainable and balanced management of natural resources, environment, energy and food security (Chapter 3(3.6.11)). The strategies under this policy include strengthening awareness raising on sustainable resource management (Page 28) and promoting global bilateral and multilateral cooperation for the conservation, monitoring and restoration of natural resources and the environment (Page 29). Maintaining maritime security is one of its 19 national-level security (Chapter 3 (3.7.13)) which among its strategies include strengthening and developing effective and efficient maritime surveillance and monitoring systems, developing legislations on the protection of people’s rights to utilize the maritime resources of Thailand and strengthening international cooperation (Page 24).

The *Master Plan for Integrated Biodiversity Management of 2015–2021* is based on EAF principles, including the principle of ecosystem approach to management and ecosystem services, sustainable development on the basis of green economy, conservation and sustainable use of biodiversity, good governance comprising participation and decentralization (Pages 19–20). Its mission is to efficiently integrate the management for protection, restoration and utilization of biodiversity to halt biodiversity loss through participation, as well as to increase policy and management importance, raise social awareness on the importance of biodiversity to sustainable development, green economy and livelihoods (Page 21). This Plan provides for three main strategies, under which several measures are outlined. For instance, under the first strategy on integrating biodiversity values and management with participation at all levels, measures include raise awareness and knowledge on the importance of biodiversity, promoting international cooperation for biodiversity management (Page 22), developing mechanisms for coordinating implementation

of biodiversity-related instruments and promoting and developing capacity of urban and local communities in formulating plans on biodiversity based on their needs (Page 24). This Plan also delineates the roles and responsibilities of agencies, which include: the Office of Natural Resources and Environmental Policy and Planning in charge of developing policies and integrated plans as well as to coordinate actions; the Department of Marine and Coastal Resources responsible for conserving, restoring and managing marine and coastal resources (Page 45); the Community Development Department responsible for promoting the learning processes and people's participation, developing community-based economy, and providing training and development for personnel relevant to community development (Page 50); the Provincial Offices for Natural Environment in charge of, *inter alia*, formulating provincial environmental plans and coordinating formulation of action plans (Page 51). The Plan is subject to monitoring and evaluation and sets guidelines for that purpose (Pages 34 and 35).

### **2.2.2 Fisheries primary legislation**

The assessed three fisheries primary legislation correspond to B1 and B3 in Appendix A. They cover **43** of the 82 EAF legal requirements.

The main primary fisheries legislation is the *Fisheries Royal Ordinance of 2015*, as amended in 2017 (hereinafter referred to as "Fisheries Ordinance"). Its objectives are based on, *inter alia*: sustainable development; preventing IUU fishing; protecting special interests of artisanal fisheries and local fisheries communities; fulfilment of Thailand's international obligations with regard to the conservation and management of aquatic resources; using best scientific evidence to achieve long-term economic, social and environmental sustainability, in line with an EAF and the precautionary approach; preventing and eliminating overfishing and overcapacity, ensuring that the level of fishing effort does not undermine the sustainability of fisheries resources (Section 4). The Minister of Agriculture and Cooperatives (MAC) is empowered to issue Ministerial Regulations for the execution of this Fisheries Ordinance, including fixing the rates of duties and fees (Section 6) whilst the DOF's Director-General has the duty to collaborate with officers of other states or of international organizations in undertaking sanction proceedings against relevant offenders (Section 8).

The Fisheries Ordinance establishes the National Fisheries Committee, composed by Ministries of different sectors as well as ten experts, including association representative of coastal fisheries, two persons with knowledge or operational experience in the field of natural resources and the environment, and two fisheries academics (Sections 13 and 14). The Committee is in charge of determining fisheries policies and supervising fisheries management and its functions include developing policies for fishing in Thai waters in line with the country's fishing capacity based primarily on reference points, determining policies for the promotion, development and resolution of problems relating to fisheries outside Thai waters, and determining the TAC for fishing operations within national waters (Section 19(1)(2)(6)). Such measures are to achieve objectives such as conserving, protecting and preventing the extinction of aquatic animals and enabling their exploitation in a sustainable manner for a balanced ecological system and biodiversity, preventing fishing operations that disturb or obstruct natural processes whereby sufficient time for reproduction and restoration of

reproductive capacity is attained to achieve sustainable exploitation, and ensuring that persons engaged in fishing and fishing related activities are involved in the conservation and protection of fishery resources (Section 21(1)(5)(7)).

The Fisheries Ordinance requires the DOF to develop the fishery management plan (FMP) and submit it to the Council of Ministers for approval and further implementation by the agencies concerned (Section 23). It also provides the operational approach of the FMPs (Section 24), but does not establish minimum requirements on content. The DOF is required to promote participation by local fishing communities in the development of the fisheries policy in line with aquatic animal resources stocks and the country's fishing capability based primarily on the points of reference (Sections 19(1) and 25(1)). The Provincial Fisheries Committee established therein is representative including of lower-level authorities with the participation of thirteen experts representing, among others, local fishing community organisations registered as deemed appropriate and after due consideration of the fair and comprehensive distribution of the stakeholders (Sections 26 and 27(1)).

The Fisheries Ordinance provides for a licensing scheme for freshwater fishing and artisanal fishing, which are presently not being issued by DOF, as well as for commercial fishing and high seas fishing (Sections 31, 32, 36, 40–45, 48–50). Of particular relevance to an EAF is the provision that empowers the Minister, in specified conditions where evidence based on a point of reference shows that the maximum aquatic animal reproductive capacity is not adequate for the attainment of sustainable fishing operations, to issue a notification suspending the issuance of fishing licences temporarily (Section 45). With regard to the fishing licenses already issued DOF is required to meet with the concerned agencies to deliberate upon appropriate TAC reduction and, if no conclusion is reached, the Minister may reduce the TAC as deemed fit, or may propose the appropriate maximum number of fishing vessels and operational measure for the handling of fishing vessels in excess of the number prescribed (Section 45). For Thai licensed high seas fishing vessels, it is mandatory to have an observer on board, with the duties of, among others, compiling and recording biological information and collecting specimen of aquatic animals caught and any other useful data for traceability purposes (Sections 50–51).

The Fisheries Ordinance prohibits the use of poisoning, toxic substances and electrical devices for fishing (Sections 58 and 60) and details other fishing gear restrictions such as prohibition on the use of trawl net with the size of meshes round the bottom part (Sections 67–69). Details on spatial controls are also provided through the prohibition of fishing in any area and during the time period in which aquatic animals produce or lay eggs and raise their offspring (Section 70). Another important provision is that which empowers the Minister or the Provincial Fisheries Committee to issue notifications regarding *inter alia* fishing related prohibitions in certain fishing grounds or the requirements on bycatch (Section 71(1), (2)). In the event of overlapping areas in two or more provinces due to geographical components or the natural ecosystem in that specific area, or for the purpose of achieving a systematic aquatic animal resource management system, the Minister has the power, under the proposal of the provincial fisheries committee, to determine any such matter and notify the provincial fisheries concerned thereof (Section 72).

With respect to MCSE, the Fisheries Ordinance provides that Thai registered fishing vessels must, *inter alia*, have installed on board and maintain at all times a vessel monitoring system (VMS), prepare a fishing logbook and report the data to the DOF, and affix a marking on the fishing vessel (Section 81(1)(2)(4)). Transshipping is only allowed to registered transshipping fishing vessels and landing of animal or aquatic products are allowed as long as the relevant fishing vessels is registered in the port of landing (Sections 84–86). The powers of competent officials to perform MCSE duties are outlined and the Director-General is empowered to appoint a member of a registered local fishing community organisation to assist in the performance of such duties (Sections 102–109). The Fisheries Ordinance provides for administrative measures (Sections 110–120, 170) as details the offences and respective sanctions (Sections 121–169).

The *Act Organizing the Right to Fish in Thai Waters of 1939* seems to have been replaced by the Fisheries Ordinance, although there is no express revocation by the latter in this respect. This Act provides, in much less detail, for a fishing licensing scheme (Sections 1–8), establishes the powers of competent officials to inspect and search any fishing vessels used or reasonably suspected of having been used in violation of the Act (Sections 9–10), as well as the applicable offences and penalties (Sections 11–12) and administrative procedure that follows (Section 13).

The *Thai Vessel Act of 1938*, which applies to fishing vessels and aquatic animals transshipment vessels, as amended in 2018, provides for issuance of licences to Thai vessels and their registration in the Vessel Registrar, including fishing vessels of the size of steamship and those other than steamship, whose size exceed six gross ton (Sections 6–8). It details the application procedure (Sections 10–13), and the particulars to be included in the registration form such as name of the vessel, port where it is registered and name of vessel controller, category of vessel, list of vessels inspections, among others (Section 14). Once registered, the Vessel Registrar, appointed by the Minister, issues a certification of registration (Section 16). This Act also requires a registered Thai vessel to, while using the vessel, maintain a list of documents at all times, including the certificate of registration and a logbook (Section 49). It provides restrictions on the vessel controller or owner of Thai vessel with respect to disposal of or leaving any hazardous substance out of the vessel into the sea (Section 53). When it is necessary to control the number of vessels used for fishing in the interest of preventing or suppressing unlawful fishing under the Fisheries Ordinance or where a notification has been received from the DOF that issuance of fishing licences is discontinued or where the number of vessels used for fishing exceeds what is prescribed by the National Fishery Policy Commission, the Minister is granted with the power to issue a Notification for discontinuing registration of fishing vessels *pro tempore* for each period not exceeding two years (Section 54(4)).

### **2.2.3 Fisheries secondary legislation**

The fisheries secondary legislation selected in this assessment are limited to those that were found in English. Unfortunately, due to the language barrier, it was not possible to assess several secondary legislation, which are only available in Thai.

The assessed seventeen fisheries secondary legislation corresponds to C1 to C17. They cover **12** of the 82 EAF legal requirements.

The *MAC Notification on Transshipment Vessels of 2019* details the requirement of all sized fishery transshipment vessels and subjects the owner to the following obligations: implement the Marine Catch Transshipping Document, which must be certified and reported to the DOF in accordance with time and procedure notified by the Director-General (Clause 2); install a VMS above the GT determined under Clause 3; have a transshipment plan (Clause 4); and deploy an observer when operating outside Thai waters according to the requirements of the coastal state and relevant RFMOs (Clause 5).

The *MAC Notification on Determining the size(s) of fishing vessels to be controlled and monitored of 2019* provides requirements concerning fishing logbook, catch reporting and marking and identification of fishing vessels applicable to the owners of transshipment fishing vessels of all sizes (Clause 2); registered and commercial fishing licensed vessels with capacity of 10 to 30 gross tonnage (Clause 3); and registered and commercial fishing licensed vessels with capacity above 30 gross tonnage (Clause 4). The later are also subject to the obligation of installing a VMS and maintaining it functional at all times.

The *DOF Notification on Rules and Procedures of Marking and Identification of Fishing Vessels of 2018* requires authorised licensed fishing vessels to be marked by the owner and provides further specifications on the identification markings, which must be visible and in accordance with the standards as contained in the fishing licence issued by the DOF.

The *DOF Notification on Determining Areas and Periods in Spawning, Breeding Seasons, Nursery House for Larvae in the Part of Fishing Grounds of Prachuab Kirikhan, Chumporn and Surat Thani Provinces of 2018* is founded on research and data for improving fisheries management in certain areas. It details the periods of closed season and closed areas, specifying the fishing gears and methods that are authorised under certain conditions.

The *DOF Notification for VMS Installation and Maintenance of 2017* details the rules and procedures for VMS installation and maintenance in monitoring commercial fishing vessels to function at all times. In addition to requiring the installation of VMS for transshipping vessels, it provides the procedure of reporting to the Fisheries Monitoring Centre and maintenance of the VMS equipment (Paras 1–6).

The *DOF Notification on Fishing Logbook and Electronic Reporting of 2017* requires all overseas licensed fishing vessels operators to fill in the logbook and electronically report every day, keep it in the vessel at all times for inspection by the competent officer (Clause 2).

The *DOF Notification on Advance Request for Port Entry and Designated Ports for Non-Thai fishing vessels wishing to enter the Kingdom of 2021* requires any person wishing to bring a non-Thai Fishing vessel to report data in the form of the request for port entry (Advanced Request for Port Entry, attached at the Notification) and submit documents required by the competent officers (Clause 3). Different submission time are established for fishing vessels

flying the flags of Cambodia and Malaysia and those flying the flags of Myanmar or the flags of Indonesia or the flags of India (Clause 3 (1–4)) and those flying any other flag (Clause 3 (5)). It requested authorised fishing vessels to enter the designated ports, for inspection, attached to the Notification (Clause 5).

The *MAC Notification determining the Provincial Fisheries Committees Area of Responsibility in the Coastal Sea Areas of 2016* specifies the geographical coordinates and boundaries of Provincial Fisheries Committees Areas of Responsibility in various sea areas.

The *DOF Order No. 585/2562 of 2019* establishes the Office of Coordination on Prevention and Combatting IUU Fishing, whose responsibilities include integration and coordinating with concerned agencies-with a view to collecting and assessing all relevant data and information on prevention and combating IUU fishing, providing reports on the results of operations on prevention and combating IUU fishing, and coordinating with relevant government agencies within the DOF and other national and foreign agencies (paragraphs (1)–(4)).

The *DOF Notification on Standards for Pollution or Contamination to Human Being or Aquatic Animal in Fishing Ground of 2016* specifies the limits over which the concentration of pollution or contamination involving toxic or other matters potentially harmful to humans or aquatic animals in fishing ground cannot be exceeded.

The *Ministerial Regulation of 2016* determines the aquaculture enterprises under control, including culturing of marine prawns, cage aquaculture, and culturing of marine shells.

The *MAC Notification on the Determination of Sanctuary area for aquatic animals Areas of 2016* clarifies that all sanctuary areas for aquatic animals notified by the Ministry or the Governor under the Fisheries Ordinance before 14 November 2015 are specified as sanctuary areas for aquatic animals, pursuant to Section 56 of the Fisheries Ordinance.

The *DOF Directive concerning the Operational Guideline on Course of Action pertaining to Factories/Plants of 2015* stipulates the procedures for inspection and enforcement in a factory/plant operating a business related to an aquatic animal.

The *DOF Directives on the Approaches to the Detection of Infringement by Fishing Vessels through VMS of 2015* details the procedures and administrative measures to be undertaken in the event of detection through VMS that any fishing vessel: turns off its VMS, or when it is disrupted (Clause 4.1); has entered a prohibited area to fish, or has exhibited any irregular behaviours that may be related to IUU fishing (Clause 4.2); operates in any area located in another coastal state, or in high seas without a licence (Clause 4.3); having been granted with a license to operate outside Thai waters fails to comply with the laws, criteria, and measures of the coastal state or the relevant RFMO (Clause 4.4)

The *DOF Directives concerning Catch Certificates or Processing Statements of 2019* provide the application procedures to be follow by persons operating a fisheries establishment included

on the list approved by the DOF, wishing to request a catch certificate or processing statement.

The *DOF Regulation on the Application and Permission for Aquaculture in Public Fishing Grounds of 1990* provides the application procedures for granting permission to aquaculture conducted in cages or pens.

The *DOF Regulation on the Application for Overseas Fisheries Licenses of 1989* details the licensing procedures for overseas fishing, including the pre-requisites of the applicant, the evidence to be presented in the application and the procedures to be followed by the competent authority.

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

The other sectors primary legislation corresponds to D1 to D10 in Appendix A.

The rights of a community to sue a government agency, State agency, State enterprises, local government organization, or other State agencies which are juristic persons, to perform the duties as provided by this provision shall be protected.

Operationalizing several provisions of the Constitution of Thailand of 2017 – which, *inter alia*, affirms the rights of a person to manage, maintain and sustainably utilise natural resources, the environment and biodiversity in a balanced and sustainable manner; and the duty to cooperate and support the conservation and protection of the environment, natural resources and biodiversity (Sections 43(2) and 50(8)) and the duty of the State to, among others, conserve, protect, maintain, restore, manage and use or arrange for the sustainable utilisation of natural resources, environment and biodiversity (Section 57) –, the *Enhancement and Conservation of National Environmental Quality Act of 1992*, as last amended in 2018 (hereinafter referred to as ‘Environment Act’) details the rights and duties of public participation. These include the right to be informed and obtain data and information from the government service in matters concerning the enhancement and conservation of environment quality, and the duty to cooperate and assist government officials in the performance of their related duties (Section 6). It is established the National Environment Board (NEB), an inter-disciplinary body composed by members representatives of both the public and private sectors, whose functions include developing the policy for enhancement and conservation of environment quality and prescribing environmental quality standards (Sections 12–13). It is also established the Environmental Fund, whose disbursements can be made to activities concerning the enhancement and conservation of environment quality (Sections 23–24).

The Environment Act requires the Minister of the Ministry of Natural Resources and Environment (MNRE), with the approval of the NEB, to formulate the National Environmental Quality Management Plan addressing various matters, including pollution control and the scheme for monitoring, inspecting and assessing environmental quality (Sections 35–36), which shall be published and implemented at sub-national levels (Section 37). The

establishment of protection and management areas within the limits of national parks and wildlife reserves must be in accordance with such Plan (Section 42). The Minister, with the advice of the NEB, is empowered to designate an area, which is characterised as watershed area or by unique natural ecosystems or naturally composed of fragile ecosystems, as a conservation area (Section 43). Environmental impact assessments (EIAs) may be required prior to the approval of projects or activities likely to have an environmental impact, as determined by the competent Ministers (Section 46). The EIA's rules, procedures and conditions are prescribed by Notification of the Ministers published in the Government Gazette, with the NEB's approval, and must contain at least the subject matter of detail of the project, current environmental situation, public participation in the EIA, among others, and may include assessment of health impact and public hearing (Section 48).

The *Wildlife Animal Conservation and Protection Act of 2019* is executed and controlled by the Minister of Natural Resources and Environment (Section 5). It establishes a list of conserved wild animals, which include fish species of Whale Sharks as well as marine mammals and leatherback sea turtles (Section 6 and Annex). This list can be modified either with the deletion or inclusion of protected wild animals, the latter to be made by Ministerial Regulation with the approval of the Wild Animal Conservation and Protection Commission (WACPC) (Sections 5–7). It is prohibited to hunt conserved or protected wild animals (Section 12). This WACPC is composed by various stakeholders, including qualified persons appointed by the Council of Ministers, with knowledge, expertise or experience in areas of wildlife, traditions and customs, cultures, community as a way of life and others (Section 39). The Department of National Parks, Wildlife and Plant Conservation is in charge of, with the approval of the WACPC, submit proposals of protected area entitled 'wild animal varieties preservation zone' to the Council of Ministers for consideration and approval (Section 47); the designation of any area as such must be preceded by public hearing and participation of interested persons, communities concerned and members of the public (Section 48).

The *National Parks Act of 2019* empowers the Department of National Parks, Wildlife and Plant Conservation to submit the proposal of designation of an area as a national park to the Council of Ministers for consideration and approval (Section 6), taking into account the hearings of opinions and participation of interested persons, communities concerned and members of the public who are also consulted for the expansion or revocation of a national park (Section 8). It establishes the National Parks Commission, whose membership includes qualified persons appointed by the Council of Ministers from those with knowledge, expertise or experience in the areas of national parks, the preservation of natural resources and the environment, tourism and recreation, among others (Section 10). Each national park must have a management plan for its conservation, maintenance, care and preservation and this Act provides various prohibited activities in the parks including collecting or endangering wood, soil, rocks, gravels, sand, minerals, or other natural resources or carrying out any other activities affecting the ecosystem, biological diversity, natural resources and the environment; luring or taking wild animals away or injuring wild animals (Sections 18–19).

The *Minerals Act of 2017* affirms the State's duty to undertake mineral management with a view to achieving optimal benefits of the nation and the people in a sustainable manner,

having regard to the equilibrium in economic and social development as well as impacts on the environmental quality and public health in all aspects, including fair allocation of benefits amongst the State, operators and local communities in areas in which the mining is undertaken and neighbouring areas affected thereby (Section 7). It establishes a multi-stakeholder National Mineral Management Policy Commission, whose functions include to promote communal participation in the mineral management and prepare a mineral management master plan (Sections 8–17). Mining projects that require an EIA are classified as mining in Class 1 or Class 2 (Section 53) and the application for concession certificate to underground mining must be accompanied by an EIA (Section 81(2)).

The *Act on the Promotion of Marine and Coastal Resources Management of 2015* establishes a National Policy and Plan Committee on Marine and Coastal Resources Management, with multi-sector membership, including qualified members with knowledge and expertise on, *inter alia*, marine and coastal resources management, environment, mineral resources, fisheries, etc., being at least half of the qualified members representatives from coastal communities (Section 5). This Committee is in charge of, *inter alia*, proposing the national policy and plan on marine and coastal resources management to the Council of Ministers for approval, giving due account to other policies, including the fisheries development policy; public consultation with population, business entrepreneurs, private organisations and relevant State agencies in the formulation of such policy and plan; and review the national policy and plan at least every three years (Section 9). Assistance and support to coastal communities by the Department of Marine and Coastal Resources are outlined and cover support to the participation of such communities and local administration organisation in the expression of opinions for the formulation of national and provincial policies and plans on marine and coastal management and to disseminate knowledge or information regarding the management, planting, maintenance, conservation, revival and exploitation of marine and coastal resources (Section 16). The Minister is empowered to, with the approval of the Committee, designate an area with specified characteristics, such as an area with significance for marine ecosystem which merits conservation, to become a marine and coastal resources protected areas (Section 20).

The *Animal Feed Quality Control Act of 2015* establishes the Animal Feed Quality Control Committee, whose membership include public institutions as well as representatives from cooperative organizations, agriculture groups and business operators in the animal feed industry, (Section 9). It provides for a licensing scheme for producing or importing for sale especially controlled animal feed (Sections 15–34, 46–51) and its registration (Sections 35-41). It also provides prohibitions on the production or import for sale, or selling adulterated animal feed, deteriorated animal feed, among others (Section 56).

The *National Reserved Forests Act of 1964*, as amended in 2016, empowers the government to, where appropriate, issue a Ministerial Regulation determining any forest to be national reserved forest so as to conserve forest condition, timber, forest product or other natural resources (Section 6) and determines that the extension or cancellation of boundaries of national reserve forest shall be made by Ministerial Regulation (Section 7). In any Province where there are such reserves, it is established a Provincial Committee on National Reserved

Forests Control and Maintenance, composed by several stakeholders, including a representative of the Municipality (Section 10). This Act also establishes the Committee considering Exploitation within Boundaries of National Reserved Forests, whose functions include prescribing rules, procedures and conditions for the use by a Government agency or a State agency of areas within the boundary of a national reserved forest, the application for and the granting of permission for the exploitation or habitation within the boundary of a national reserved forest and the maintenance of forests or cultivation of forest gardens or perennial plants within boundaries of degraded forests (Section 13/2).

The *Act Organizing the Activities of the Fish Market of 1953* establishes a Fish Marketing Organization (FMO), whose functions include promoting the welfare or the occupation of fishers and improving fishing villages as well as promoting fishing co-operatives societies or associations (Section 5(3)(4)). One fourth of the amount of the services charges collected by this FMO must be allocated to the promotion of fisheries as provided under those functions of the FMC (Section 20). The policy and the activities of this FMO are respectively lay down and controlled by a Committee of the FMC established under Section 11 (Sections 14–16).

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

The other sectors secondary legislation corresponds to E1 to E4 in Appendix A.

The *MNRE Notification on the EIA Rules and Procedures of 2018* specifies the sizes of projects, undertakings or operations carried out by the State or subject to approval by the State, which require the prior elaboration of an EIA (Specification 3 and Annexes 3 and 4). It details the EIA procedures, which include the applicant's provision of an initial environmental impact report and an EIA report (Specification 6), lists the minimum contents of each of such reports (Specifications 7 and 8) and takes into account public consultations with people and relevant agencies in these assessments (Specifications 7(3) and 8(1)(c)).

The *Ministry of Industry Notification on the List of Hazardous Substances of 2016* describes the hazardous substances whose production, import, export or processing are regulated.

The *Ministerial Regulation on Labour Protection in Sea Fishery Work of 2014*, as amended in 2018, provides labour rules applicable to the fisheries sector. For instance, it prohibits the employment of a person under 18 years old to work in a fishing boat (Clause 4); requires the employer to provide a minimum rest period of 10 hours in any 24-hour period and a minimum rest period of 77 hours in any 7-day period for an employee (Clause 5); requires the employer to pay wage and holiday correctly pursuant to prescribed conditions (Clause 10) and to provide annual holidays of minimum 30 days with pay per year (Clause 12). Employers who fish overseas are required to have a satellite communication system in the fishing vessel for communication with officials, government agencies and families at the expenses of the employer (Clause 16/1). Employers are also required to provide knowledge on working conditions, tool usage, health and hygiene, living conditions on fishing boat and safety equipment for an employee before any work performances (Clause 17).

The *Rule of the Prime Minister's Office on Public Consultation of 2005* requires a State's agency to, prior the commencement of the State's project, disseminate information to the public and empowers it to conduct one or more public consultation (Clause 5). This Rule details the information to be disseminated, which include potential impacts on people living or working within the project's area and its vicinity and on the general public as well as measures to prevent, revise or remedy injury or damage which may be cause by such impacts (Clause 7(7)). As for the public consultation, the Rule provides the methods which can be used, including giving the public opportunity to obtain information from, and express opinion to the State agency in charge of the project, and carrying out public hearings (Clause 9(1)(c)(2)(a)).

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

The fisheries sector interacts with the following institutions: in the first rank, maritime and law enforcement agencies, sectors concerning IUU fishing; the natural resources and environment sector concerning marine resources including aquaculture and pollution.

Inter-sectoral activities include:

1. Aquaculture activity: subcommittee on aquaculture and downstream Industry development under the National Fisheries Policy Committee, with the Coastal Aquaculture Research and Development Division as secretary. This Subcommittee integrates freshwater and coastal fishery supply chain from upstream to downstream industries.
2. Responsible agencies for MCS: Thailand's marine fisheries are managed by the DOF of the Ministry of Agriculture and Cooperatives (MOAC) who also have overall responsibility for MCS. The Marine Department is responsible for new vessel registration, vessel permit renewal, change of vessel lists, seaman book and issue the mechanic and captain certificates. Management of the marine environment is the responsibility the Department of Marine and Coastal Resources (DMCR) under the MNRE. The Thailand Maritime Enforcement Coordinating Centre (Thai-MECC), headed by the Royal Thai Navy, handles security issues and protection of the marine resources. The Thai-MECC also carries out the inspection on maritime transport safety and identify zones. Within Thailand DOF, DMCR, Thai-MECC and the Marine Department collaborate and integrate efforts on the following key areas: MCS operation; port sampling activities; compliance and enforcement activities; and data collection and management activities. The national observer programme is only under DOF.
3. Activity on deployment of artificial reefs in coastal area: the four main agencies that have authority to inspect any maritime activities collaborate in considering the appropriate areas for implementing artificial reefs' projects are (i) Royal Thai Navy, which has authority to inspect all activities in Thai water that might affect to country in aspects of protection national right and sovereignty including national maritime benefit; (ii) Marine Department, which issues permission for constructing building or other structure encroaching over, in or underwater of any river, canal, marsh, reservoir, lake using as a communication path or for a common use of the public, or of the sea within Thai waters or on the beach of such sea; (iii) DMCR, which has established guidelines for consideration of artificial reef creation areas, not affected by the environment and marine conservation areas; (iv) and the DOF,

which has enacted regulation “Order on the Permission of modifying and changing status of common fishing ground B.E. 2559 (2016).

There are various inter-sectorial specific mechanisms to facilitate coordination of activities, monitoring and review, as established by policies and legislations, such as the National Policy and Plan Committee on Marine and Coastal Resources Management under the Act on Promotion of Marine and Coastal Resources Management B.E.2558; the Petroleum Committee under the Petroleum Act B.E. 2514; the Wildlife Conservation and Protection Committee under the Wildlife Conservation and Protection Act B.E.2562; and the National Maritime Interests Protection Policy under the National Maritime Interests Protection Act B.E. 2562.

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

1. Under the UNEP-GEF funded Project on Establishment and Operations of a Regional System of Fisheries Refugia in the South China Sea and Gulf of Thailand during 2016–2020 (SCS–Fisheries Refugia) which is a part of the Strategic Action Program for implementation in the South China Sea: Fisheries Component, the DOF introduce a fisheries refugia concept – a tool for Integrated Fisheries and Habitat Management - to protect the life cycle of the blue swimming crab and its habitat and, ensure sustainable fisheries including a strong stakeholders participation process and good practices in information/data collection and sharing for effective science-based management. Integration between fisheries and environment management are key to sound fisheries refugia. It is hard to meet the goal if the fisheries and environment management sectors work independently especially given that the BSC rely on healthy habitats throughout their life cycle.
2. The Project of Career Development and Strengthening of Local Fishery Communities caused by the catastrophic storm of Tropical Storm Pabuk between 3 and 5 January 2019 in Nakhon Si Thammarat, Songkhla, and Pattani.
3. The project to strengthening agricultural production established by DOF to allow local coastal fishermen to form and registered groups as local fishery communities/ organizations with DOF. Fishermen shall participate in the rehabilitation of aquatic animal resources. Encouraged local coastal fishery communities to be self-reliant, currently, there are 144 communities registered as local fishery communities/ organizations with the DOF in 22 coastal provinces before 1 October 2019. Duration: March–September 2020.
4. Enhancing participation of fishery communities in fisheries resources conservation and management projects: seven communities in fishery management and 43 communities in strengthening people participation as surveillance network on fishery conservation.

## 3. Conclusion

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

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

Of the 82 EAF legal requirements, **69** EAF legal requirements were found in Thailand's policy and legal frameworks assessed in this EAF Legal Report. It should be noted that the 82 EAF legal requirements are considered the minimum standards in legislating for an EAF which may be further elaborated and improved in advancing the implementation of an EAF. Based on the present preliminary assessment, **13** EAF legal requirements remain to be incorporated in the policy and legal frameworks of Thailand. It should also be noted that the findings in this report are based on the official English version of the policy and legal instruments listed in Appendix A and therefore these conclusions do not include additional information available only in Thai.

The results obtained in this Report indicate a substantive level alignment of the policy and legal frameworks of Thailand with an EAF. Some key EAF legal requirements have, however, not been found in the assessed instruments.

The assessed policy and legal instruments did not provide for conflict management review process, as required under EAF Component 7. There was also lack of references and provisions on TAC processes, coordination for shared stocks and highly migratory species with international and regional management measures and monitoring the catch in real time as well as with regard to additional catch limits and detailed requirements, as provided under EAF Component 9. There are also improvements to be made with regard to FMPs' minimum contents, particularly bycatch references, as provided under EAF Component 10.

In respect of MCSE, which is of particular relevance to the fisheries sector, the assessed policy and legal instruments do not provide details on the observers scheme, namely the extent of observer's access to the fishing vessels and their equipment, and only apply to waters beyond national jurisdiction, and no details were found of the information to be included in the register of fishing vessels as required under the EAF Component 11. Another gap was found with respect to research on EAF, required under EAF Component 13 and the need to ensure that research programme's objectives are based on EAF principles. Regulation of activities potentially harmful to the aquatic ecosystems, particularly the prior authorization to the introduction of species and ghost fishing requirements was also not found in the assessed policy and legal instruments, which indicate a gap related to EAF Component 15.

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

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

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

The policy and legal instruments of Thailand, assessed in this Report, incorporate **69** out of the 82 EAF legal requirements, therefore indicating a **medium-high** level of alignment with an EAF.

### 3.3 Final considerations and proposed way forward

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

The incorporation in the national policy and legal frameworks of all the EAF relevant provisions from international legally binding instruments<sup>5</sup> to which Thailand is a Party, as identified under subsection 1.2 above, should be a priority in the improvement of the EAF implementation at the national level. The relevant EAF provisions from the international non-binding instruments that reflect principles of international law should also be incorporated in the national policy and legal frameworks.

With respect to the assessed policy and legal instruments, some gaps have been identified which should be addressed to ensure full implementation of an EAF in the country. The following subjects could benefit from a detailed review and update in the relevant policy and legal instruments: “institutional arrangements” (especially conflict management), “control on fishing operations” (especially TACs), “fisheries management” (particularly minimum contents of FMPs with respect to bycatch), “research” on EAF, and “MCSE” (especially the detailed provision on the observer scheme and recording information and registration process).

<sup>5</sup> See Appendix A of the EAF Legal Diagnostic Tool.

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

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

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

## 4. References

### Reports and other international instruments

- FAO.** 2021a. *A diagnostic tool for implementing an ecosystem approach to fisheries through policy and legal frameworks*. Rome. <https://doi.org/10.4060/cb2945en>
- FAO.** 2021b. *Un outil de diagnostic pour la mise en œuvre d'une approche écosystémique des pêches à partir des cadres politiques et juridiques*. Rome. <https://doi.org/10.4060/cb2945fr>
- FAO.** 2021c. *Uma ferramenta de diagnóstico para a implementação de uma abordagem ecossistêmica às pescas através de quadros políticos e jurídicos*. Roma.
- FAO.** 2021d. *Legislating for an ecosystem approach to fisheries – Revisited – An update of the 2011 legal study on the ecosystem approach to fisheries*. FAO EAF-Nansen Programme Report No. 36. Rome. <https://doi.org/10.4060/cb6750en>
- FAO.** 2021e. *Ecosystem Approach to Fisheries – Policy and Legal Implementation*. In: FAO elearning Academy. Rome, FAO. Cited 8 April 2022. <https://elearning.fao.org/course/view.php?id=753>
- FAO.** 2019. *Progress in the Implementation of the Code of Conduct for Responsible Fisheries and related instruments*. In: Report of the Thirty-third Session of the Committee on Fisheries, Rome, Italy 9–13 July 2018. FAO Fisheries and Aquaculture. Report No. 1249. Rome. [www.fao.org/3/ca5184en/ca5184en.pdf](http://www.fao.org/3/ca5184en/ca5184en.pdf)
- FAO.** 2016. *A How-to Guide on legislating for an ecosystem approach to fisheries*. In FAO EAF-Nansen project report No. 27, Rome, FAO.
- Skonhoft, A.** 2011. *Legislating for an ecosystem approach to fisheries. A review of trends and options in Africa (English)*. In FAO EAF-Nansen project report No. 10, Rome, FAO, 2011. 159 p.

### Internet sources

- FAO.** n.d-a. EAF Nansen-Programme, available at <http://www.fao.org/in-action/eaf-nansen/background/history-of-the-nansen-programme/en/> (Accessed on 8 April 2020).
- FAO.** n.d.-b. *The EAF IMT tool: monitoring progress and achievements of effective fisheries management*, available at <http://www.fao.org/in-action/eaf-nansen/news/detail-events/en/c/1268177/>.
- FAO.** n.d-c. FAOLEX Database, Country Profiles, available at <http://www.fao.org/faolex/country-profiles/en/>.

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

Identification	Instruments of THAILAND
<b>A</b>	<b>Fisheries Policies</b>
<b>A1</b>	2020-2022 Marine Fisheries Management Plan of Thailand
<b>A2</b>	2019-2022 National Security Policy and Plan
<b>A3</b>	2015-2021 Master Plan for Integrated Biodiversity Management
<b>B</b>	<b>Fisheries Primary Legislation</b>
<b>B1</b>	2015 Royal Ordinance B.E. 2558 on Fisheries, as amended in 2017
<b>B2</b>	1939 Act Organizing the Right to Fish in Thai Waters B.E. 2482
<b>B3</b>	1938 Thai Vessel Act B.E. 2481, as amended by the 2018 Thai Emergency Decree B.E. 2561
<b>C</b>	<b>Fisheries Secondary Legislation</b>
<b>c1</b>	2019 Notification of Ministry of Agriculture and Cooperatives on Determination of Size of Fishery Transshipment Vessel to be Controlled and Monitored B.E. 2562
<b>c2</b>	2019 Notification of Ministry of Agriculture and Cooperatives on Determining the size(s) of fishing vessels to be controlled and monitored B.E. 2562
<b>c3</b>	2018 Notification of the Department of Fisheries on Determination of the Rules and Procedures of Marking and Identification of Commercial Fishing Vessels in Thai Waters B.E. 2561
<b>c4</b>	2018 Notification of the Department of Fisheries on Determining Areas and Periods in Spawning, Breeding Seasons, Nursery House for Larvae in the Part of Fishing Grounds of Prachuab Kirikhan, Chumporn and Surat Thani Provinces
<b>c5</b>	2017 Notification of the Department of Fisheries Rules and Procedures for VMS Installation and Maintenance in Monitoring Commercial Fishing to Function at All Time B.E. (No.11) 2560, as amended.
<b>c6</b>	2017 Notification of the Department of Fisheries determining the forms of fishing logbook, period of time and electronic reporting for oversea fishing vessel B.E. 2560
<b>c7</b>	2021 Notification of the Ministry of Agriculture and Cooperatives on advance data reporting, and determining ports for non-Thai fishing vessels wishing to enter the Kingdom B.E. 2564
<b>c8</b>	2016 Notification of the Ministry of Agriculture and Cooperatives determining the Provincial Fisheries Committees Area of Responsibility in the Coastal Sea Areas
<b>c9</b>	2019 Order of the Department of Fisheries on setting up of the Prevention and Combatting IUU fishery Division No. 585/2562
<b>c10</b>	2016 Notification of the Department of Fisheries on the Degree Exceeding Standard on Pollution or Contamination involving Toxic or Other Matters Potentially Harmful to Human Being or to Aquatic Animal in Fishing Ground B.E. 2559
<b>c11</b>	2016 Ministerial Regulation on the Determination of Aquaculture Enterprises as Aquaculture Enterprises under Control B.E. 2559
<b>c12</b>	2016 Notification of the Ministry of Agriculture and Cooperatives on the Determination of Sanctuary area for aquatic animals Areas B.E. 2559
<b>c13</b>	2015 Directive of the Department of Fisheries on the Determination of an Operational Guideline on Courses of Action pertaining to Factories/Plants operating Businesses related to Aquatic Animals
<b>c14</b>	2015 Directive of the Department of Fisheries on the approaches to the Detection of Infringement by Fishing Vessels through VMS B.E. 2558
<b>c15</b>	2019 Directive of the Department of Fisheries on the Determination of Formats and Methods for Requesting Catch Certificates or Processing Statements for Aquatic Animal Products or Aquatic Animal Processing B.E. 2562

Identification	Instruments of THAILAND
c16	1990 Regulation of the Department of Fisheries on the application and permission for aquaculture in public fishing grounds B.E. 2533
c17	1989 Regulation of the Department of Fisheries on the application for a license for oversea fisheries B.E. 2532
<b>D</b>	<b>Other Sector's Primary Legislation</b>
d1	2019 Wild Animal Conservation and Protection Act B.E. 2562
d2	2019 National Parks Act B.E. 2562
d3	2017 Minerals Act B.E. 2560
d4	2015 Act on Promotion of Marine and Coastal Resources Management B.E. 2558
d5	2015 Animal Feed Quality Control Act B.E. 2558
d6	1992 Hazardous Substance Act B.E. 2535, as amended by 2019 No. 4
d7	1992 Enhancement and Conservation of National Environmental Quality Act B.E. 2535, as amended by 2018 Act No. 2
d8	1971 Petroleum Act B.E. 2541, as amended in 2017
d9	1964 National Reserves Forests Act B.E. 2507, as amended in 2016
d10	1953 Act Organizing the Activities of the Fish Market B.E. 2496
<b>E</b>	<b>Other Sector's Secondary Legislation</b>
e1	2018 Notification of Natural Resources and Environment Ministry (regulating the types and specification of projects or businesses that require an EIA) B.E. 2561
e2	2016 Notification of the Ministry of Agriculture and Cooperatives prescribing the list of Hazardous Substances prohibition to Release Pour Dispose Discharge or Causing Harmful to the Fishing Grounds B.E. 2559
e3	2014 Marine Regulation concerning Labour Protection in Sea Fishery Work B.E. 2557, as amended in 2018
e4	2005 Rule of the Office of the Prime Minister on Public Consultation B.E. 2548

Perceived level of alignment with the EAF legal requirement

✓ full	∅ partial	X none	● not assessed	N/A not applicable	* optional
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## Appendix B. Ecosystem Approach to Fisheries Legal Checklist applied against selected national policy and legal instruments

EAF components	EAF legal requirement		Fish. policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
				1ary	2ary	1ary	2ary		
	<b>Scope and definitions</b>								
General guidelines	1.	– Clearly outline the geographic and substantive scope of the application.	✓	X	X	X	X	(A1) Pages 32–33	
	<b>Principles and objectives</b>								
C.1 EAF concepts	2.	– Clearly define and apply the precautionary approach.	✓	∅	X*	X	X	(A1) Pages 15 and 32 (B1) Sections 4(5), 12, 21(4), 55	(B1) does not define the precautionary approach.
C.3 Precautionary approach	3.	– Broaden stakeholder participation with integration of lower level authorities and bodies.						(A1) Page 32 (A2) Pages 14, 28 (A3) Pages 20–21, 24	
C.4 Stakeholder participation			✓	✓	●*	✓	X	(B1) Sections 21(7), 25(1) (D3) Sections 12(5), 86–88 (D5) Section 16 (D8) Sections 7–9	
C.6 Integration of lower level authorities									
C.7 Conflict management and C.11, C.13, C.14 and C.17	4.	– Ensure the right of access to fair and transparent information.	✓	∅	X*	✓	∅	(A1) Page 40 (A2) Page 46 (B1) Sections 19(9), 25(4) (D8) Section 6(1) (E4) Clauses 5 and 7	Reference in (A2) concerns the dissemination of environmental information. Provision in (B1) addresses information

Perceived level of alignment with the EAF legal requirement

✓ full    ∅ partial    X none    ● not assessed    N/A not applicable    \* optional

EAF components	EAF legal requirement	Fish. policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
			1ary	2ary	1ary	2ary		
								dissemination to promote participation by local fishing communities.  Provisions in (E1) concern information dissemination prior to commencement of State's project.
5.	– Promote institutional coordination, cooperation and integration.	✓	✓	✓*	✓	X	(A1) Pages 25, 47 (A2) Chapter 3(3.1.5) (A3) Pages 24, 32–34 (B1) Sections 13 and 26 (C9) Clause 3(e) (D8) Section 9	
6.	– Maintain ecological relationships among harvested, dependent and associated species.	✓	✓	●*	X	X	(A1) Page 33 (B1) Sections 55–72	
7.	– Promote sustainable development and avoid overexploitation of marine living resources.	✓	✓	●*	✓	X	(A1) Pages 15 and 32 (A2) Chapter 3(3.6.11) (A3) Page 20 (B1) Sections 4(6), 12, 21(1), 22(1)(3) (D4) Section 16	
8.	– Preserve marine habitat, conserve and restore marine living resources and biodiversity.	✓	✓	●*	X	X	(A1) Pages 39, 54 (A3) Pages 20–21, 24–25	

Perceived level of alignment with the EAF legal requirement

✓ full    ∅ partial    X none    ● not assessed    N/A not applicable    \* optional

EAF components	EAF legal requirement	Fish. policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
			1ary	2ary	1ary	2ary		
							(b1) Section 21(1)(5)	
9.	– Promote ecosystem well-being, including the human biotic and abiotic components.	✓	✓	●*	✓*	●*	(A1) Page 31 (A3) Pages 19, 21 (b1) Sections 4(5), 55 (D4) Sections 20–22	
10.	– Promote adaptive management measures, including their regular monitoring and review.	✓	∅	✓*	✓*	●*	(A1) Page 32 (b1) Section 71 (c9) Clause 3(h)(i) (D4) Section 9 (D8) Section 34	Provision in (b1) does not address monitoring and review.
11.	– Harmonize management measures, including those for shared resources.	✓	✓	●*	●*	●*	(A1) Pages 38, 51–52 (b1) Section 21(4)	
12.	– Reduce and manage conflict between users and stakeholders over fisheries resources and ecosystems.	✓	✓	●*	✓*	●*	(A1) Pages 40, 55, 69, 75 (b1) Section 24(5) (D4) Section 13(4)(5)	
13.	– Consider socioeconomic contexts (e.g. employment, livelihoods, equity, poverty, gender) when designing and implementing management measures.	✓	✓	●*	✓*	✓*	(A1) Pages 26, 29 (A2) Pages 19–21 (b1) Sections 4(2)(4)(5)(9), 22(2) (D3) Section 7 (E3) Entire Notification	
14.	– Promote management measures, designate the authority and outline the timeline and process for their monitoring and review.	✓	X	X*	X*	X*	(A1) Pages 42–59 (A2) Pages 36–37, 51	References in (A2) do not address the process for review.

Perceived level of alignment with the EAF legal requirement

✓ full    ∅ partial    X none    ● not assessed    N/A not applicable    \* optional

EAF components	EAF legal requirement	Fish. policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
			1ary	2ary	1ary	2ary		
15.	– Provide for the establishment of MCSE measures.	✓	✓	✓*	✓*	●*	(A1) Pages 37–38 (A2) Page 24 (B1) Section 4(10)–(12) (C9) Entire Order (D6) Sections 80–87	
16.	– Promote ecosystem-based research plans/priorities, designate the authority and outline the timeline and process for their monitoring and review.	∅	X	X*	X*	X*	(A1) Pages 44 and 46 (A3) Pages 27–28, 46–47	References in (A1) concern research on fish meal and use of research vessels to diversity fishing gear and methods. References in (A3) concern research on biodiversity. Provision in (B1) does not address monitoring and review.
17.	– Promote the right of access to education and awareness raising on EAF.	∅	∅	X*	∅*	X*	(A1) Pages 27, 41, 46–48 (A2) Page 28 (A3) Page 22 (B1) Section 25(4) (D4) Section 16(3)	References in (A1), (A2) and (A3) do not specifically refer to awareness raising on EAF. Provision in (B1) addresses knowledge dissemination on management, maintenance, conservation,

Perceived level of alignment with the EAF legal requirement

✓ full    ∅ partial    X none    ● not assessed    N/A not applicable    \* optional

EAF components	EAF legal requirement		Fish. policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
				1ary	2ary	1ary	2ary		
									restoration and utilization of aquatic resources. Provision in (d4) does not address access to education.
		<b>Institutional arrangements</b>							
C.2 Management boundaries and measures	18.	– Ensure new management boundaries, measures and plans are: (a) ecologically meaningful considering resource ranges, habitats and other ecological factors.	✓	✓	X	✓*	●*	(A1) Page 39 (A3) Pages 24 and 37 (B1) Sections 71(3) and 72 (D1) Sections 47–51 (D2) Sections 6–9 (D4) Sections 18–23 (D7) Sections 33–42 (D8) Sections 42–45 (D10) Sections 6–13	
C.4 Stakeholder participation		(b) overlapped closely and are harmonized with well-established management boundaries and governance structures.	∅	✓	∅	✓*	●*	(A1) Page 39 (A3) Pages 24 and 37 (B1) Sections 71(3) and 72 (C8) Entire Notification (D1) Sections 47–51 (D2) Sections 6–9 (D4) Sections 18–23 (D7) Sections 33–42 (D8) Sections 42–45	References in (A1) and (A3) do not address harmonization with existing boundaries.  (C8) provides the geographical coordinates and boundaries of Provincial Fisheries Committees Area.
C.5 Coordination, cooperation and integration									
C.7 Conflict management									
C.8 Integrated management of aquatic ecosystems									

Perceived level of alignment with the EAF legal requirement

✓ full    ∅ partial    X none    ● not assessed    N/A not applicable    \* optional

EAF components	EAF legal requirement	Fish. policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
			1ary	2ary	1ary	2ary		
							(p10) Sections 6–13	
19.	– Promote states cooperation on the harmonization of management measures and plans (bilaterally, regionally and internationally).	✓	✓	X	●*	●*	(A1) Pages 32 and 38 (A2) Chapter 3(3.1.7) and Page 26 (A3) Pages 22 and 24 (B1) Sections 4(8), 21(4), 22(5)	
20.	– Establish transparent and accessible mechanisms, bodies (including lower level authorities) or processes to:						(A1) Pages 55–56 (B1) Section 72 (D1) Sections 47–51 (D2) Sections 6–9 (D4) Sections 18–23 (D7) Sections 33–42 (D8) Sections 42–45 (D10) Sections 6–13	
	(a) support well-established management boundaries and governance structures on the basis of ecosystem considerations.	✓	✓	X	✓*	●*		
	(b) outline conservation and management measures, including FMPs, at local and national levels.	✓	✓	✓	✓*	●*	(A1) Pages 42–59 (B1) Section 19(1)(3)–(8) (D1) Section 45(2)–(4) (D2) Sections 18-25 (C9) Clause 4(4.2)	
	(c) facilitate coordination, cooperation and integration of management decisions, regulatory action, environmental policies, plans and programs.	✓	X	X	✓*	●*	(A3) Pages 45–46, 51 (D1) Sections 52–57 (D8) Sections 9–11, 13, 35–36, 53	

Perceived level of alignment with the EAF legal requirement

✓ full    ∅ partial    X none    ● not assessed    N/A not applicable    \* optional

EAF components	EAF legal requirement	Fish. policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
			1ary	2ary	1ary	2ary		
	(d) monitor, assess and align the various environmental policies and plans.	✓	X	X	✓*	●*	(A3) Pages 46, 51 (D8) Sections 13, 36, 53	
	(e) manage conflict over fisheries, relevant resource and ecosystem, including parameters for decision-making and resolving the conflict.	✓	∅	X	∅*	X*	(A1) Pages 40, 55, 69, 75 (B1) Sections 24(5), 28 and 30 (D4) Section 13(4)(5)	Provisions in (B1) and (D4) do not address the parameters for decision-making and resolving the conflict.
	(f) ensure integrated management of aquatic ecosystems (e.g. integrated coastal zone) based on ecosystem delimitations.	✓	X	X	✓*	●*	(A1) Pages 39, 56 (D4) Section 9(4)	
	(g) ensure periodic reviews of managed aquatic ecosystems that assess the state of aquatic resources, levels of pollution, habitat degradation and other factors.	✓	X	X	X*	X*	(A1) Page 72	
	(h) ensure periodic reviews of integrated management plans to assess objectives and indicators and to determine any potential needs for adjustment or revision.	X	X	X	✓*	●*	(D4) Section 9	
	(i) ensure periodic reviews of conflict management processes.	X	X	X	X*	X*		
21.	– Clearly outline powers, roles and responsibilities of all bodies, designated authorities, their relationships and processes, avoiding overlapping and conflicting mandates.	✓	✓	✓	✓*	●*	(A1) Pages 42–59 (A3) Pages 45–52 (B1) Sections 6, 19, 23, 28 (C9) Clauses 3, 4 (D1) Sections 5, 45 (D2) Sections 5, 16 (D3) Section 12	

Perceived level of alignment with the EAF legal requirement

✓ full    ∅ partial    X none    • not assessed    N/A not applicable    \* optional

EAF components	EAF legal requirement	Fish. policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
			1ary	2ary	1ary	2ary		
							(p4) Sections 9, 13 (p8) Sections 11, 13, 21, 25	
	22. – Outline mandates for the government institutions to: (a) coordinate efforts, cooperate and integrate approaches, from the local to the national levels.	✓	✓	✓	✓	X	(A1) Pages 42 and 47 (A3) Pages 45, 46, 51–52 (B1) Sections 13, 26 and 28 (c9) Clause 4 (p4) Sections 5, 9, 12–13 (p8) Sections 37–41 (p10) Sections 10–11	
	(b) coordinate, cooperate and integrate the regional and international processes and arrangements.	✓	✓	✓	X	X	(A1) Page 47 (A3) Pages 49–50 (B1) Sections 8 and 21(4) (c9) Clause 4(4.2(f))	
	(c) allocate financial, human and material resources to ensure the integration of lower level authorities	✓	✓	X	✓	X	(A1) Pages 40–41, 58–59 (A3) Page 50 (B1) Section 25(3) (p4) Sections 16 and 20 (p11) Section 5(3)(4)	
	<b>Stakeholder participation, coordination, cooperation and integration</b>							
C.4 Stakeholder participation  C.5 Coordination, cooperation	23. – Ensure bodies established are broadly representative (from industry, the artisanal sector, academia, civil society and local communities) and processes allow for stakeholder and institutional participation and coordination, engaging and integrating lower level authorities or bodies when resources are affected at local level.	X	✓	X	✓	X	(B1) Sections 13–14, 26–27 (p1) Section 39 (p2) Section 10 (p3) Sections 8, 23 and 28 (p4) Sections 5, 12 (p5) Section 9	

Perceived level of alignment with the EAF legal requirement

✓ full    ∅ partial    X none    • not assessed    N/A not applicable    \* optional

EAF components	EAF legal requirement		Fish. policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
				1ary	2ary	1ary	2ary		
and integration								(D7) Section 9 (D8) Sections 12, 24, 52 (D9) Section 10	
C.6 Integration of lower level authorities, bodies and stakeholders	24.	– Establish and properly publicize public meetings or hearings.	✓	X	X	✓	✓	(A1) Pages 55–56 (D1) Section 48 (D2) Section 8 (D3) Sections 56, 82–87 (D8) Sections 48–51 (E1) Specifications 7(3) and 8(1)(c) (E4) Entire Rule	
C.8 Integrated management of aquatic ecosystems	25.	– Allow for sufficient and reasonable time for comments on proposed management decisions or actions (e.g. in meetings and in writing).	X	X	X	✓	✓	(D3) Sections 56, 82–87 (D8) Sections 48–51 (E1) Specifications 7(3) and 8(1)(c) (E4) Clause 9	
	26.	– Promote international cooperation for effective integrated management of aquatic ecosystems.	✓	∅	X	X	X	(A2) Page 29 (A3) Page 22 (B1) Sections 4(8), 21(4), 22(5)	Provision in (B1) do not refer to integrated management of aquatic ecosystems.
		<b>Fisheries management</b> <b>Catch/output controls</b>							
C.9 Controls on fishing operations	27.	– Establish limits on the amount of fish that may be removed from a fishery in a given period of time (e.g. TAC), restrict the number of fish that may be landed in a day (e.g. bag limit) or place limits on the amount of acceptable bycatch and/or	✓	✓	X	N/A	N/A	(A1) Page 42 (B1) Sections 12 and 45	

Perceived level of alignment with the EAF legal requirement

✓ full    ∅ partial    X none    ● not assessed    N/A not applicable    \* optional

EAF components	EAF legal requirement		Fish. policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
				1ary	2ary	1ary	2ary		
C.10 Fishery management plans  C.17 Monitoring and review		discards from a fishery – all based on scientific data and maximum sustainable yield and the precautionary principle.							
	28.	– Ensure authority to institute TACs and to allocate individual quotas is representative, including representatives from lower levels of government.	✓	✓	●*	N/A	N/A	(A1) Page 42 (B1) Sections 12, 19(6) and 28	
	29.	– Ensure procedure for TACs outlines the category of vessels to which the TAC applies; period of time for which the TAC is declared; process for sub-dividing the TAC into individual quotas; timeline, authority and participatory process for periodic monitoring and review.	X	X	X	N/A	N/A		
	30.	– Coordinate the TACs for shared stocks or highly migratory species with international or regional management measures.	X	X	X*	N/A	N/A		
	31.	– Monitor the catch in real-time and close a fishery when the TAC is reached.	X	X	X*	N/A	N/A		
	32.	– Attach catch controls to licenses and access agreements, including authority responsible for allocating, issuing and regulating quotas, and the procedure to be followed.	X	✓	X*	N/A	N/A	(B1) Section 36	
	33.	– Outline the ability to institute additional catch controls (e.g. bag limits for recreational fishing), including the authority responsible for allocating, issuing and regulating quotas, and the procedure to be followed.	X	X	X*	N/A	N/A		
	<b>Effort/input controls</b>								
C.9 Controls on fishing operations C.10	34.	– Define a broad fishing license scheme to regulate access to fisheries and fishing vessels with timeline, authority and process for renewing the license, monitoring and compliance, and permit suspension and revocation of the license for non-compliance.	✓	✓	∅*	N/A	N/A	(A1) Pages 42 and 46 (B1) Sections 6, 31, 32, 36, 40–45, 48–50 (C17) Entire Regulation	(C17) is limited to overseas fishing licenses.

Perceived level of alignment with the EAF legal requirement

✓ full    ∅ partial    X none    ● not assessed    N/A not applicable    \* optional

EAF components	EAF legal requirement		Fish. policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
				1ary	2ary	1ary	2ary		
Fishery management plans C.17 Monitoring and review	35.	– Designate authority responsible for allocating, issuing and regulating licenses, specified license duration, requirement of a fee and conditions that may be attached to licenses.	∅	✓	●*	N/A	N/A	(A1) Pages 42–43 (B1) Sections 6, 31, 32, 36, 40–45,48–50	References in (A1) empower authorities to implement the licensing scheme, without further details.
	36.	– Outline process for establishing provisions for effort controls (e.g. limitation on vessel capacity, on expansion of fishing fleet, on allowable days spent at sea).	X	✓	●*	N/A	N/A	(B1) Sections 19(1) and 45 (B3) Section 54/4	
	37.	– Outline specific details of fishing license scheme (e.g. number of licenses to be allocated, permit conditions for each fishery).	X*	✓*	X	N/A	N/A	(B1) Sections 34, 38, 39	
	38.	– Empower the designated authority to establish additional regulations for licensing.	X*	✓	●*	N/A	N/A	(B1) Sections 6–7	
	39.	– Empower authority to regulate effort controls and respective parameters.	✓*	∅	X*	N/A	N/A	(A1) Pages 36, 42 (B1) Section 6	Provision in (B1) empowers the Minister of Agriculture and Cooperatives to issue Ministerial Regulations determining matters for the execution of the Fisheries Ordinance.

Perceived level of alignment with the EAF legal requirement

✓ full    ∅ partial    X none    ● not assessed    N/A not applicable    \* optional

EAF components	EAF legal requirement		Fish. policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
				1ary	2ary	1ary	2ary		
	<b><i>Fishing gear and method controls</i></b>								
C.9 Controls on fishing operations C.10 Fishery management plans C.17 Monitoring and review	40.	– Establish requirements on fishing gear and methods that are permitted for use within a given fishery or area, including related technical specifications (e.g. general prohibitions on types of gear, methods, specifications on gear design, minimum mesh sizes).	✓	✓	✓	N/A	N/A	(A1) Page 43 (B1) Sections 35, 67–69, 71 (C4) Clauses 2 and 4	
	41.	– Outline prohibitions on highly destructive gear and fishing methods (e.g. fishing by toxic substance, explosives, electricity, fishing with the use of light).	X	✓	●*	N/A	N/A	(B1) Sections 58, 60	
	42.	– Outline requirements aimed at reducing negative impacts of fishing methods and gear (e.g. prohibition of trawling in areas with sensitive seabed habitat, require use of biodegradable nets, restrict the use of FADs or require use of bycatch reduction devices).	✓	✓	X	N/A	N/A	(A1) Page 36 (B1) Sections 67–69, 71(2)	
	<b><i>Spatial and temporal controls</i></b>								
C.9 Controls on fishing operations c.10 Fishery management plans c.17 Monitoring and review	43.	– Regulate area and time in which fishing operations may or may not take place (e.g. closed areas/seasons), closed or restricted-use areas, which prohibit or limit fishing operations (e.g. protection of artisanal fishing).	✓	✓	✓*	N/A	N/A	(A1) Pages 44, 55–56 (B1) Section 70 (C4) Clauses 1 and 3	
	44.	– Empower authority to define spatial and temporal controls and the procedure.	∅	✓	●*	N/A	N/A	(A1) Page 43 (B1) Sections 6, 70 and 71	Reference in (A1) empowers authorities to introduce area-based management to some fisheries, without further details.

Perceived level of alignment with the EAF legal requirement

✓ full    ∅ partial    X none    ● not assessed    N/A not applicable    \* optional

EAF components	EAF legal requirement		Fish. policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
				1ary	2ary	1ary	2ary		
	45.	– Ensure stakeholder and institutional consultation, both at national and lower levels, in the process of defining spatial and temporal controls.	✓	✓	●*	N/A	N/A	(A1) Pages 55–56 (B1) Section 25	
	46.	– Establish technical details and specifics on spatial controls.	X*	✓*	✓	N/A	N/A	(B1) Section 70 (C4) Entire Notification	
		<b><i>Fishery management plans</i></b>							
C.9 Controls on fishing operations  C.10 Fishery management plans  C.17 Monitoring and review	47.	– Designate authority with power and responsibility to develop, approve, adopt and publicize a FMP, clearly outlining the roles and responsibilities.	✓	∅	X*	N/A	N/A	(A1) Page 58 (B1) Sections 19 and 23	Provisions in (B1) do not require the publication of the FMP.
	48.	– Ensure FMPs and measures comply with established integrated management plans for aquatic ecosystems involving e.g. protected areas or critical habitat.	✓	X	X	✓*	●*	(A1) Pages 39, 49, 56 (D2) Section 9	
	49.	– Establish process for approval, adoption and publication of FMP with its periodic review.	✓	∅	X*	N/A	N/A	(A1) Pages 11–12, 33, 58, 72–76 (B1) Section 23	Provision in (B1) does not require the publication nor review of the FMP.
	50.	– Detail process of drafting FMP, including multi-level and multi-sector collaboration and consultation with stakeholders, and a participatory transparent process for monitoring and reviewing the FMP at a minimum within five years of their development.	✓	∅	X*	N/A	N/A	(A1) Pages 11–12, 33, 58, 72–76 (B1) Section 23	Provision in (B1) requires the DOF to develop the FMP.
	51.	– List the minimum requirements in the FMPs: (a) management objectives that take into account EAF;	✓	∅	X*	N/A	N/A	(A1) Pages 31–32, 35–41 (B1) Section 24(1)–(8)	Provisions in (B1) lack reference to ecosystems and EAF.
		(b) biological description of fishery and ecosystem in which it takes place;	✓	X	X*	N/A	N/A	(A1) Pages 16–24	

Perceived level of alignment with the EAF legal requirement

✓ full    ∅ partial    X none    ● not assessed    N/A not applicable    \* optional

EAF components	EAF legal requirement	Fish. policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
			1ary	2ary	1ary	2ary		
	(c) social, economic and institutional aspects of the fishery;	✓	X	X*	N/A	N/A	(A1) Pages 6–11	
	(d) species composition and levels of bycatch, both retained and discarded;	X	X	X*	N/A	N/A		
	(e) ecological relationships between harvested, dependent and associated species;	✓	X	X*	N/A	N/A	(A1) Page 33	
	(f) impact of other anthropogenic activities on the ecosystem; and	✓	X	X*	N/A	N/A	(A1) Pages 26, 39	
	(g) a review of the relationship with other coastal or marine resource management plans.	✓	X	X*	N/A	N/A	(A1) Pages 14–15	
	<b>Conservation measures</b>							
C.14 Habitat and biodiversity conservation and restoration	52. – Incorporate the consideration of habitat and biodiversity in the processes for establishing management measures (e.g. outline habitats and species related to the fishery and take measures to limit the negative impacts of fishing on them) or gear regulations.	✓	✓	●*	✓*	●	(A3) Pages 24–25 (B1) Sections 21(1), 56–72 (D1) Sections 12–31, 71 (D2) Sections 19, 34 (D4) Sections 18–23 (D7) Sections 16–22	
	53. – Ensure special protection for marine mammals, sea turtles and other particularly vulnerable marine life (e.g. set prohibitions or limitations), in coordination with other national designations or protections and regional and international conservation and management measures.	X	✓	●*	✓*	●	(B1) Sections 56 and 66 (D1) Sections 6 and Annex	
	54. – Ensure coordination between the various authorities involved in marine environment protection.	✓	X	X*	✓*	●	(A1) Pages 25, 47 (A3) Pages 45, 50–51 (D4) Sections 5, 9, 12 and 17	
	55. – Establish mechanisms and designation of authority responsible for establishing:	∅	∅	X*	✓*	X	(A3) Page 25 (B1) Section 66	Reference in (A3) promotes the conservation and

Perceived level of alignment with the EAF legal requirement

✓ full    ∅ partial    X none    ● not assessed    N/A not applicable    \* optional

EAF components	EAF legal requirement	Fish. policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
			1ary	2ary	1ary	2ary		
	(a) designation and protection of threatened and endangered species, ensuring cooperation among the authorities throughout the listing process, definition and qualifying factors of each designation, process for listing, including steps for consultation and the special protections associated with the designations.						(p1) Sections 5–11, Annex (p7) Sections 16–22	protection of animals. Provision in (b1) determines that the Minister prescribes prohibition on rare or threatened aquatic animals.
	(b) protected areas, ensuring the outline of the type of protected areas, description of their levels of protection (e.g. marine reserve, parks, sanctuaries or MPAs), the process for nominating, establishing and managing a protected area, including stakeholder participation particularly of local communities, consultation and coordination with various authorities, both at national and local levels.	∅	✓	∅*	✓*	X	(A1) Page 39 (A3) Pages 24 and 37 (b1) Section 56 (c12) Entire Notification (p1) Sections 47–51 (p2) Sections 6–9 (p4) Sections 18–23 (p7) Sections 33–42 (p8) Sections 42–45 (p9) Sections 6-13	Reference in (A1) calls for the maintenance and control of MPAs. References in (A3) promote efficiency in the management of protected area networks. (c12) does not include stakeholder participation in the establishing of sanctuaries for aquatic animals.
	(c) the restoration of damaged habitat and ecosystems, ensuring the process through which it is decided when, where and how a damaged habitat/ecosystem shall be restored, and the establishment of funds that may be used to engage in restoration activities.	∅	✓	●*	✓*	X	(A1) Page 39 (A3) Pages 24, 45, 51, 52, 57 (b1) Sections 21(5) and 59 (p4) Section 17 (p8) Section 19	Reference in (A1) do not provide the restoration process and references in (A3) do not establish funds for restoration activities. .

Perceived level of alignment with the EAF legal requirement

✓ full    ∅ partial    X none    ● not assessed    N/A not applicable    \* optional

EAF components	EAF legal requirement	Fish. policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
			1ary	2ary	1ary	2ary		
	56. – Ensure educational and awareness-raising activities for promoting habitat and biodiversity conservation and restoration with the establishment of special funds to support such activities.	✓	✓	●*	∅*	X	(A3) Pages 45, 47 (B1) Section 25(4) (D4) Section 16(3) (D8) Section 8(2)	Provisions in (D4) and (D8) do not refer to biodiversity conservation and restoration.
C.15 Regulation of activities potentially harmful to aquatic ecosystems	57. – Adopt measures to:  (a) regulate and reduce pollution of the aquatic ecosystems which should apply to all activities that might have an impact (including fishing, mining, shipping, etc.) and cover all types of pollution including bycatch, discharge of waste, vessel emissions, coastal runoff.	✓	✓	X	✓	✓	(A2) Page 28 (A3) Page 46 (B1) Sections 58, 59, 64 (B3) Section 53 (C10) Entire Notification (D8) Sections 55–79 (E1) Entire Notification	
	(b) promote energy efficiency and reduce emissions that are applicable to fishing vessels, merchant shipping vessels and extractive industries, including through fuel efficiency standards, vessel size limitations and equipment restrictions for fishing vessels.	X*	X*	X*	X	X		
	(c) prevent and eliminate ghost fishing with the prohibition of the abandonment of fishing gear, notification of authorities when fishing gear is lost, regulation of materials used in the manufacture of gear.	X	X	X	X	X		
	58. – Require authorization prior to the planned introduction of any species, including species meant for aquaculture or fish stocking, taking into account the precautionary approach, and establish measures to prevent the escape of exotic species into the wild.	X	∅	X	X	X	(B1) Section 65	Provision in (B1) concerns prohibition on transiting aquatic animals for the purpose of preventing danger caused by endemic disease.

Perceived level of alignment with the EAF legal requirement

✓ full    ∅ partial    X none    • not assessed    N/A not applicable    \* optional

EAF components	EAF legal requirement		Fish. policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
				1ary	2ary	1ary	2ary		
C.16 EIS or EIA	59.	– Regulate marine extractive activities (e.g. marine mining for minerals or petroleum, harvesting of marine plants) and other potentially harmful activities, including the construction of installations for use by industry, laying of underwater cables, military exercises, shipping.	X	✓	X	✓	X	(b1) Section 63 (b3) Section 53(1) (p3) Entire Act (p9) Section 16(2)	
	60.	– Require EIS or EIAs for activities that have the potential to affect ecosystems that support fisheries (e.g. fishing, aquaculture, mining, petroleum extraction, coastal development).	X	X	X	✓	✓	(p3) Sections 53 and 81(2) (p8) Section 46 (e1) Specification 3, Annexes 3 and 4	Provision in (p8) cross-refer to the Notification by the competent Ministers which specify the activities and projects, the approval of which require the elaboration of an EIA.
	61.	– Detail components of EIS or EIA, which should at least discuss the purpose/need for the activity, the ecosystem that may be affected, potential impacts of the proposed activity and potential alternatives or mitigation and rehabilitation measures.	X	X*	X*	✓	✓	(p8) Section 48 (e1) Specifications 7 and 8	
	62.	– Establish process for submission, review and decision-making on the EIS or EIA, with designation of authority responsible for receiving, reviewing and deciding upon the EIS or EIA (e.g. the minister responsible for environment), opportunity for public participation (e.g. comment periods and hearings), consultation with other relevant government institutions or localities, and determination of adequate mitigation measures.	X	X*	X*	✓	✓	(p8) Sections 46–51 (e1) Specifications 6–14	

Perceived level of alignment with the EAF legal requirement

✓ full    ∅ partial    X none    ● not assessed    N/A not applicable    \* optional

EAF components	EAF legal requirement		Fish. policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
				1ary	2ary	1ary	2ary		
	<b>Fishery monitoring and research</b>								
C.13 EAF research	63.	– Establish research programme for furthering the knowledge and understanding of EAF.	∅	X	X*	X	X*	(A1) Page 44 (A3) Pages 27–28	Reference in (A1) concerns research on fish meal and use of research vessels to diversity fishing gear and methods.  References in (A3) concern research on biodiversity.
	64.	– Designate authority for conducting and involving stakeholders in the research programme.	✓	X	X*	✓	●*	(A3) Pages 46–47 (D8) Section 8(4)	
	65.	– Ensure the research programme’s objectives are based on EAF principles, which may include research on inter-species interactions, the impact of fishing on target and non-target stocks, the identification of spawning and nursery areas, areas of critical habitat, rates of bycatch and discards per fishery, the incidence and effect of pollution on fisheries, the status of ecosystem biodiversity, the social and economic dimensions (such as employment, food security), income distribution and other considerations.	X	X	X*	X	X*		
	66.	– Consider the findings of the EAF research in the adoption of conservation and management measures.	✓	X	✓*	X	X*	(A1) Page 44 (A3) Page 28 (C4) Entire Notification	
	<b>MCSE</b>								
C.11 MCSE	67.	– Outline an observer scheme with details on the categories of vessels/fisheries that it applies to and the role that observers	✓	∅	∅	N/A	N/A	(A1) Page 50 (B1) Sections 50–51	Provisions in (B1) are limited to

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

✓ full    ∅ partial    X none    • not assessed    N/A not applicable    \* optional

EAF components	EAF legal requirement		Fish. policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
				1ary	2ary	1ary	2ary		
		play (which may be tailored to the category of vessel or the type of fishery and may be limited to the collection of catch/effort data and the collection of scientific samples, or may include the authority to register and/or report violation of management measures).						(C1) Clause 6	observers on board licensed Thai fishing vessels in the high seas and in (C1) to the deployment of observers on fishery transshipment vessels outside Thai waters.
	68.	– Ensure observers have full access to all parts of the vessel and its equipment and to any place in the country where fish that have been caught in national waters are uploaded, processed, stored or transshipped.	X	∅	X	N/A	N/A	(B1) Sections 50–51	Provisions in (B1) are limited to observers on board licensed Thai fishing vessels in the high seas.
	69.	– Design the scheme in line with regional or international requirements, taking into account relevant regional observer programs.	X	✓	X	N/A	N/A	(B1) Section 50	
	70.	– Ensure VMS is required for vessels licensed to fish in national waters and ABNJ, detailing specific categories of fishing vessels and/or fisheries to which it applies.	∅	✓	✓	N/A	N/A	(A1) Pages 37, 52 and 56 (B1) Sections 81(1) and 88(1) (C1) Clause 3 (C2) Clause 4 (C5) Paras 1–6 (C9) Clause 4.3	Reference in (A1) concerns the development of VMS warning system. Provisions in (C1) are limited to fishery transshipment vessels outside Thai waters and in (C2) cross refer to rules and procedures prescribed in the Notification issued

Perceived level of alignment with the EAF legal requirement

✓ full    ∅ partial    X none    • not assessed    N/A not applicable    \* optional

EAF components	EAF legal requirement	Fish. policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
			1ary	2ary	1ary	2ary		
								by the Director-General.
71.	– Ensure reporting of catch and effort data, clearly identifying the vessels that are expected to report (at least all commercial fishing vessels that fish within national waters and all nationally-flagged vessels authorized to fish within waters under national jurisdiction and in ABNJ), to whom they are required to report (the designated authority), the frequency and timing of their reports, and the method or format in which they are required to report (e.g. weight of fish caught, including percentage of bycatch, species, dates of fishing, fishing zones, gear/methods employed, type of vessel, time of departure from national waters and catch status at that time).	∅	✓	✓	N/A	N/A	(A1) Pages 37 and 49 (B1) Sections 9 and 81(2) (C2) Clauses 2–4 (C5) Electronic Reporting System (C6) Entire Notification (C7) Clause 2	Reference in (A1) concerns the development of electronic reporting system.
72.	– Ensure the establishment and maintenance of a record of fishing vessels licensed to fish in waters under national jurisdiction and nationally flagged vessels authorised to fish in ABNJ with the designation of the authority responsible for its maintenance and information to be recorded for each category of vessel.	✓	✓	X	N/A	N/A	(A1) Page 48 (B3) Sections 6–13 and 54	
73.	– Ensure the records of industrial fishing vessels include the name of the vessel, the flag state and any previous flag states, the radio call sign, the International Maritime Organization (IMO) number, the automatic identification system (AIS) and the VMS, if relevant the vessel length and tonnage, if relevant the fishing methods and gear used, the name and nationality of operator and beneficial owners of the vessel, and any transgressions of fisheries legislation associated with the vessel.	X	∅	X	N/A	N/A	(B3) Sections 14 and 54	Provisions in (B3) do not require all the information of this requirement to be recorded.
74.	– Broadly detail the registration process and ensure registration of all fishing vessels with the relevant fisheries or maritime	X	∅	X	N/A	N/A	(B1) Section 7 and 9 (B3) Sections 14 and 54	Provisions in (B1) do not require all the

Perceived level of alignment with the EAF legal requirement

✓ full    ∅ partial    X none    • not assessed    N/A not applicable    \* optional

EAF components	EAF legal requirement	Fish. policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
			1ary	2ary	1ary	2ary		
	authority, including information on the name of vessel, the flag state and any previous flag states, the radio call sign, if relevant the IMO number, the AIS and VMS, if relevant the vessel length and tonnage, the name and nationality of the beneficial owners of the vessel, and any transgressions of fisheries legislation associated with the vessel.							information of this requirement to be recorded.
75.	– Detail the specifications for marking vessels and fishing gear in accordance with internationally approved standards.	X	∅	∅	N/A	N/A	(b1) Sections 81(4) and 88(7) (c2) Clauses 2-4 (c3) Entire Notification	Provisions in (b1) cross-refer to the rules and procedures prescribed by Director-General, which provide details on specifications of marking of fishing vessel.  Provisions in (c2) and (c3) do not provide for the marking if fishing gear.
76.	– Ensure cooperation and coordination between fisheries and maritime authorities throughout the registration process.	X	✓	X	N/A	N/A	(b3) Sections 11–12, 16–29, 40–43	
77.	– Ensure authorized officers have enforcement powers, allowing them to board and search vessels (at sea and in port) and other premises related with fishing, to examine logbooks, records, gear and catch, to investigate and collect evidence, to seize fish, gear and vessels, and to interrogate, detain and arrest persons associated with reasonably suspected violations.	X	✓	∅	N/A	N/A	(b1) Sections 102-109 (b2) Sections 9–10 (b3) Sections 55–59 (c7) Clause 2 and 3 (c13) Entire Directive	Provision in (c7) concern the powers of authorised officers with regard to non-Thai fishing vessel wishing to enter Thailand.

Perceived level of alignment with the EAF legal requirement

✓ full    ∅ partial    X none    • not assessed    N/A not applicable    \* optional

EAF components	EAF legal requirement	Fish. policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
			1ary	2ary	1ary	2ary		
								(c13) concerns inspection in factory/plant operating a business related to aquatic animals.
	78. – Ensure the controls placed on landing and transshipping of fish, both at sea and in port, and by national and foreign vessels, is in accordance with regional and international instruments.	X	✓	∅	N/A	N/A	(b1) Sections 84-89 (c1) Entire Notification (c2) Clause 2 (c5) Para 5 and 6 (c6) Entire Notification.	(c1), (c2) and (c5) establish the requirements for fishery transshipment vessels. Provisions in (c6) are limited to VMS requirement for overseas fishing vessels.
	79. – Provide additional VMS specifications and specific details on the registration process.	X*	∅	✓	N/A	N/A	(b1) Sections 81(1) and 88(1) (c5) Entire Notification (c14) Entire Directive	Provisions in (b1) do not provide VMS specifications.
	<b>Enforcement processes and sanctions scheme</b>							
C.12 Offences, penalties and administrative and judicial processes	80. – Detail the fisheries-related offences (civil or criminal) and corresponding penalties, weighted depending on the level of severity of the offence but outlined in a way that maintains their strength over time (e.g. utilize formulas such as a percentage of the total market value of the sale of the illegal catch, or penalty units).	X	✓	X	✓	X	(b1) Sections 121–169 (b2) Sections 11–12 (b3) Sections 62bis–68 (d1) Sections 85–106 (d2) Sections 40–52 (d4) Sections 27–30 (d7) Sections 47–56 (d8) Sections 90–93, 96–111	

Perceived level of alignment with the EAF legal requirement

✓ full    ∅ partial    X none    • not assessed    N/A not applicable    \* optional

EAF components	EAF legal requirement		Fish. policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
				1ary	2ary	1ary	2ary		
81.	– Establish transparent and equitable administrative processes for determining and confirming offences, applying relevant penalties, with provision for compounding of offences/out-of-court settlement.		X	✓	∅	✓	X	(b1) Sections 110–120, 170 (b2) Section 13 (b3) Sections 60–61 (c14) Entire regulation (d7) Sections 57–58	Provisions in (c14) determine the procedures in case of detection of infringements through the VMS
82.	– Establish judicial processes used for determining and confirming offences and applying relevant penalties to the offending parties, allowing for a right of appeal.		X	∅	X	✓	X	(b1) Sections 115 and 170 (d1) Sections 107–110 (d2) Sections 53–56 (d7) Section 59–60	Provisions in (b1) do not detail the judicial processes.



The ecosystem approach to fisheries (EAF) is a risk-based management process for the planning, management, development, regulation and monitoring of fishing and fishing-related activities. EAF addresses ecological consequences of fishing as well as social, economic and institutional aspects of fisheries sustainability. Adequate legislation and regulatory frameworks are key to successful implementation of the EAF. The continuous review and update of information on legislation and regulatory instruments require the analysis of existing legal frameworks at all levels of governance, to assess whether they remain in force, valid and aligned with international fisheries law standards, including the EAF. The present work was prepared with a view to assess the level of alignment of national policy and legal frameworks of Thailand. Based on this preliminary assessment, policy-makers, legal practitioners and fisheries managers can take the necessary steps for improving the EAF implementation in their country. These steps could involve the amendment of existing legislation and/or enactment of new legislation and development of new policies to bring fully in line with an EAF.

**For more information:**

**The EAF-Nansen Programme**

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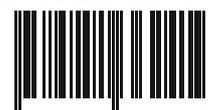
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